

## Chapter 58

### ZONING\*

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**ARTICLE I. IN GENERAL****Sec. 58-1. Authority.**

This chapter is adopted under the authority granted by Wis. Stats. §§ 62.23(7) and 87.30 and amendments thereto.

(Code 1988, § 10-1-1)

**Sec. 58-2. 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.

(Code 1988, § 10-1-3)

**Sec. 58-3. General 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:

- (1) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (2) Divide the village into zones or districts restricting and regulating the location, erection, construction, alteration and use of buildings, structures and land for residential, business manufacturing and other specified uses;
- (3) 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;
- (4) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures to prevent overcrowding and provide adequate sunlight, air, sanitation and drainage;
- (5) Regulate population density and distribution to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (6) Regulate parking, loading and access to lessen congestion in and promote the safety and efficiency of streets and highways;
- (7) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (8) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the village;
- (9) Preserve and protect the beauty of the village;
- (10) Prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;

- (11) Provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development within each district;
  - (12) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
  - (13) Further the maintenance of safe and healthful water conditions;
  - (14) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
  - (15) Provide for and protect a variety of suitable commercial and industrial sites;
  - (16) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
  - (17) Implement the municipal, county, watershed and regional comprehensive plans, or components of such plans, adopted by the Village of Spring Valley;
  - (18) Provide for the administration and enforcement of this chapter, and provide penalties for the violation of this chapter.
- (Code 1988, § 10-1-4)

**Sec. 58-4. 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 the law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Code 1988, § 10-1-5)

**Sec. 58-5. 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.

(Code 1988, § 10-1-6)

**Sec. 58-6. Severability and nonliability.**

(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 such judgment.

(c) The village does not guarantee, warrant or represent that only the areas designated as floodlands



will be subject to periodic inundation and asserts that there is no liability on the part of the village board, its agencies or employees for any flood damage, sanitation problem or structural damage that may occur as a result of reliance upon and conformance with this chapter.

(Code 1988, § 10-1-7)

### **Sec. 58-7. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future; the singular number includes a plural number; and the plural number includes the singular number. The word “shall” is mandatory and not permissive.

*Abutting* means having a common property line or district line.

*Accessory use or structure* means a use or detached structure subordinate to the principal use of a structure, parcel of land or water, and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure.

*Acre, net* means the actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 feet.

*Alley* means a public way not more than 21 feet wide, which affords only a secondary means of access to abutting property.

*Apartment* means a room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

*Arterial street* means a public street or highway used, or intended to be used, primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways, as well as arterial streets, highways and parkways.

A *zone* means areas of potential flooding shown on the village’s flood insurance rate map, which would be inundated by the regional flood, as defined in this section. Such zones may be unnumbered or numbered as A0, A1-A99. The A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

*Basement* means the portion of any structure located partly below the average adjoining lot grade, which is not designed or used primarily for yearround living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.

*Block* means a tract of land bounded by streets, or a combination of streets, and public parks or other recognized lines of demarcation.

*Boardinghouse* means a building, other than a hotel or restaurant, where meals or lodging are regularly furnished by prearrangement for compensation for three or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

*Buildable lot area* means the portion of a lot remaining after required yards have been provided.

*Building* means any structure having a roof supported by columns or walls and which is used, or intended to be used, for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed as a separate building.

*Building, detached* means a building surrounded by open space on the same lot.

*Building, height of* means the vertical distance from the average curb level in front of the lot or finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.

*Building, principal* means a building in which the principal use of the lot on which it is located is conducted.

*Building setback line* means a line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set forth in this chapter.

*Business* means an occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold or services are offered.

*Channel* means the floodlands normally occupied by a stream of water under average annual high water flow conditions while confined within generally well established banks.

*Community living arrangement* means the following facilities licensed, operated or permitted under the authority of statute: child welfare agencies under Wis. Stats. § 48.60, group foster homes for children under Wis. Stats. § 48.02(7m) and community-based residential facilities under Wis. Stats. § 50.01, but not including day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable statutes, including Wis. Stats. § 46.03(22), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.

*Conditional use* means a use of a special nature so as to make impractical its predetermination as a principal use in a district.

*Controlled access arterial street* means the condition in which the right of owners or occupants of abutting land or other persons to access light, air or view in connection with an arterial street is fully or partially controlled by public authority.

*Corner lot* means a parcel of property abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees. The setback on a corner lot shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal to 75 percent of the setback required on residences fronting on the side street, but the side yard setback shall in no case restrict the buildable width to less than 30 feet.

*Conservation standards* means guidelines and specifications for soil and water conservation practices

and management enumerated in the technical guide prepared by the USDA Soil Conservation Service, adopted by the county soil and water conservation district supervisors, and containing suitable alternatives for the use and treatment of land, based upon its capabilities, from which the landowner selects the alternative which best meets his needs in developing his soil and water conservation.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, construction of, or additions or substantial improvements to, buildings, other structures or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.

*District, basic* means a part of the village for which the regulations of this chapter governing the use and location of land and buildings are uniform.

*District, overlay*, also referred to as “regulatory areas,” means areas which provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

*Dwelling* means a building designed or used exclusively as a residence or sleeping place, but does not include boarding houses, lodgings, motels, hotels, tents, cabins or mobile homes.

*Dwelling, efficiency* means a dwelling unit consisting of one principal room, with no separate sleeping rooms.

*Dwelling, multiple-family* means a residential building designed for, or occupied by, three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

*Dwelling, single-family* means a detached building designed for, or occupied by, one family.

*Dwelling, two-family* means a detached building containing two separate dwelling or living units, designed for occupancy by not more than two families.

*Dwelling unit* means a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family.

*Equal degree of hydraulic encroachment* means the computation of the effect of any encroachment into the floodway by assuming an equal degree of hydraulic encroachment on the opposite side of a river or stream for a significant hydraulic reach, in order to compute the effect of the encroachment upon hydraulic conveyance. Such computation assures that the property owners up, down or across the river will have the same rights of hydraulic encroachment.

*Essential services* means services provided by public and private utilities, which are necessary for the exercise of the principal use or service of the principal structure. Such services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage and communications systems, and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catchbasins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

*Family* means one or more persons immediately related by blood, marriage or adoption and living as a single housekeeping unit in one dwelling unit. In addition, a family may include two, but not more than two, persons not related by blood, marriage or adoption. For the purposes of this chapter, a person shall be considered to be related if he is dwelling for the purpose of adoption or for a foster care program.

*Exceptions:* Under the definition of “family,” nothing in this chapter shall prohibit priests, laybrothers, nurses or such other collective body of persons living together in one house under the same management and care, subsisting in common, and directing their attention to a common object or the promotion of their mutual interest and social happiness as set forth by the state supreme court in *Missionaries of Our Lady of LaSalette vs. Village of Whitefish Bay Board of Zoning Appeals*, 267 Wis. 609, which is incorporated by reference.

*Farmstead* means a single-family residential structure located on a parcel of land, the primary use of which is associated with agriculture.

*Flood* means a temporary rise in stream flow or a stage in lake level that results in water overtopping the banks and inundating the areas adjacent to the stream channel or lake bed.

*Flood insurance study* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mud flow) and/or flood-related erosion hazards. Such studies shall result in the publication of a flood insurance rate map showing the intensity of flood hazards in either numbered or unnumbered A zones.

*Floodlands* means all lands contained in the regional flood or 100-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the floodway district, the floodplain conservancy district and the floodplain fringe overlay district.

*Floodplain fringe* means the floodlands outside of the floodway, subject to inundation by the 100-year recurrence interval flood. For the purpose of this chapter, the floodplain fringe includes the floodplain conservancy district and the floodplain fringe overlay district.

*Flood profile* means a graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and manmade features along a stream.

*Floodproofing* means measures designed to prevent and reduce flood damage for the uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials, to operation and management safeguards, such as reinforcing basement walls; underpinning floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of sump pumps; placement of automatic swing check valves; installation of seal-tight windows and doors; installation of wire-reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevating or removing all electric equipment; avoidance of the use of flood-vulnerable areas; temporary removal or waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valve; placement of plugs and flood drain pipes; placement of moveable watertight bulkheads; erection

of sand bag levees; and the shoring of weak walls or structures. Floodproofing of structures shall be extended at least to a point two feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

*Flood protection elevation* means a point two feet above the water surface elevation of the 100-year recurrence interval flood. Such safety factor, also called “freeboard,” is intended to compensate for the many unknown factors that contribute to flood heights greater than the flood heights computed. Such unknown factors may include ice jams, debris accumulations, wave action and obstructions of bridge openings.

*Flood stage* means the elevation of the floodwater surface above and officially established datum plane, which is mean sea level, 1929 adjustment, on the supplementary floodland zoning map.

*Floodway* means a designated portion of the 100-year flood area that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in the state to 0.1 foot, unless special legal measures are provided. The floodway, which includes the channel, is the portion of the floodplain not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

*Floor area (business and manufacturing buildings)* means for the purpose of determining off-street parking and loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. Such areas shall include accessory storage areas located within selling or working spaces occupied by counters, racks or closets, and any basement floor area devoted retailing activities, to the production or processing of goods or to business or professional offices. However, for the purpose of determining off-street parking spaces, such terms shall not include floor area devoted primarily to storage purposes, except as otherwise noted in this chapter.

*Foster family home* means the primary domicile of a foster parent in which are four or fewer foster children, and which is licensed under Wis. Stats. § 48.62, and amendments thereto.

*Frontage* means all of the property abutting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

*Garage, private* means a detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.

*Garage, public* means any building, or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.

*Group foster home* means any facility operated by a person and required to be licensed by the state under Wis. Stats. § 48.62 for the care and maintenance of five to eight foster children.

*Home occupation* means any business or profession carried on only by a member of the immediate

family residing on the premises, carried on wholly within the principal building or accessory building thereto, in connection with which there are no signs or exterior displays or storage, other than a sign permitted by this chapter, and no activity that will indicate from the exterior that the building is being used, in whole or in part, for any purpose other than that of a dwelling. The use is to be clearly incidental to the use of the dwelling unit for residential purposes and shall not endanger the public health or safety. No articles shall be sold or offered for sale on the premises, except articles produced by the occupation on the premises, and no mechanical or electrical equipment shall be installed or maintained, other than that customarily incidental to domestic use. Persons operating a home occupation shall employ no more than one nonresident employee. No business, such as a shop, store or child nursery, shall be conducted upon the premises. No material or equipment shall be stored outside the confines of the home. No mechanical equipment may be used which creates a disturbance, such as noise, dust, odor or electrical disturbance. The home may not be altered to attract business. No motors shall be utilized which exceed one horsepower each, and not exceeding five horsepower in total, and such activity shall be deemed a public nuisance. Repairing of motor bicycles, motorcycles and motor-driven cycles, other than those licensed and owned by the occupants of a home in a residential area, is strictly prohibited and is deemed a public nuisance. For the purpose of this definition, such vehicles shall be as set forth in Wis. Stats. Ch. 340, and it is immaterial whether or not such repairing is done for remuneration.

*Hotel* means a building in which lodging, with or without meals, is offered to transient guests for compensation, and in which there are more than five sleeping rooms, with no cooking facilities, in any individual room or apartment.

*Light industry* means the assembly or manufacturing of goods from component parts, which shall not include basic industrial or heavy industrial processes, such as metal foundries; metal plating; blending or formulation of fuels or other hazardous substances; extensive painting or coating of products which would require a spray booth, waterwall, drying oven or apparatus; or any process or activity which involves hazardous materials, produces hazardous waste, produces pretreatment, special treatment or pollution control devices, odors in the ambient outdoor air, or which causes any other condition or nuisance which impairs the full use of neighboring properties.

*Loading area* means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

*Lodginghouse* means a building where lodging only is provided for compensation for not more than three persons who are not members of the family.

*Lot* means a parcel of land having frontage on a public street, or other officially approved means of access, occupied, in intended to be occupied, by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this chapter as pertains to the district in which it is located.

*Lot, corner* means a lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less, when measured on the lot side.

*Lot coverage (except residential)* means the area of a lot occupied by the principal building and accessory buildings, including any driveways, parking areas, loading areas, storage areas and walkways.

*Lot line* means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

*Lot lines and area* means the peripheral boundaries of a parcel of land and the total area lying within such boundaries.

*Lot, substandard* means a parcel of land held in separate ownership, having frontage on a public street, or other officially approved means of access, occupied, in intended to be occupied, by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this chapter as pertains to the district in which it is located.

*Lot, through* means a lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed as front lot lines.

*Lot width* means the horizontal distance between the side lot lines when measured at the building setback line.

*Minor structure* means any small, movable accessory erection or construction, such as birdhouses, toolhouses, pethouses, play equipment, arbors, walls and fences under four feet in height.

*Mobile home* means a manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, eight feet or more in width, not including the overhang of the roof, built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

*Mobile home lot* means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

*Mobile home park* means a parcel of land which has been developed for the placement of mobile homes and is owned by and individual, firm, trust, partnership, public or private association or corporation. Individual lots within a mobile home park are rented to individual mobile home users.

*Mobile home subdivision* means a land subdivision, as defined by Wis. Stats. Ch. 236 and this chapter, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.

*Modular unit* means a factory-fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

*Nonconforming* means any structure, use of land, use of land and structure in combination or characteristics of use, such as yard requirement or lot size, which was existing at the time of the effective date of the ordinance from which this chapter is derived, or amendments thereto, and which is not in conformance with this chapter. Any such structure conforming in respect to use, but not to

frontage, width, height, area, yard, parking, loading or distance requirements, shall not be considered as a nonconforming use, but shall be considered nonconforming with respects to such characteristics.

*Official letter of map amendment* means the official notification from the Federal Emergency Management Agency (FEMA) that a flood hazard boundary map or flood insurance rate map has been amended.

*Parking lot* means a structure or premises containing five or more parking spaces which are open to the public.

*Parking spaces* means a graded and surfaced area of not less than 180 square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

*Parties of interest* include all abutting property owners, all property owners within 100 feet and all property owners of opposite frontages.

*Professional office* means the office of a doctor, practitioner, dentist, minister, architect, landscape architect, engineer, lawyer, author, musician or other recognized trade. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25 percent of the floor area of one story of a dwelling unit shall be occupied by such office and only one unlighted nameplate, not exceeding one square foot in area, containing the name and profession of the occupant of the premises shall be exhibited.

*Public airport* means any airport which complies with the definition contained in Wis. Stats. § 114.002(18m), or any airport which serves, or offers to serve, common carriers engaged in air transport.

*Rear yard* means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. Such yard shall be opposite the street yard or one of the street yards on a corner lot.

*Regional flood* means a flood determined to be representative of large floods known to have generally occurred in the state and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once every 100 years, which means that, in any given year, there is a one percent chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence.

*Retail* means the sale of goods or merchandise to the consumer in small quantities.

*Setback* means the minimum horizontal distance between the front lot line and the nearest point of the foundation of the portion of the building to be enclosed. The overhang cornices shall not exceed 24 inches. Any overhang of the cornices in excess of 24 inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over 24 inches. Uncovered steps shall not be included in measuring the setback.

*Side yard* means a yard extending from the street yard to the rear yard of the lot, the width which shall



be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

*Sign* means any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, by which anything is made known and which is used to advertise or promote and individual, firm, association, corporation, profession, business, commodity or product, and which is visible from any public street or highway.

*Story* means the portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet, or fraction thereof. A basement having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.

*Story, half* means the portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4 ½ feet above the finished floor of such story. In the case of one-family, two-family and multifamily dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purposes of this chapter.

*Street* means property, other than an alley or private thoroughfare or travelway, which is subject to a public easement or right-of-way for use as a thoroughfare, and which is 21 feet or more in width.

*Street yard* means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two street yards.

*Structural alteration* means any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

*Structure* means anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

*Temporary structure* means a movable structure which is not designed for human occupancy, nor for the protection of goods or chattels, and not forming an enclosure, such as billboards.

*Use* means the purpose or activity for which land or a building is designed, arranged or intended, or for which it is occupied or maintained.

*Use, accessory* means a subordinate building or use which is located on the same lot on which the principal building or use is situated, and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use when permitted by district regulations.

*Use, principal* means the main use of land or a building as distinguished from a subordinate or accessory use.

*Utilities* means public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph

exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.

*Vision clearance* means an unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

*Yard* means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for the vegetation. The street and rear yards extend the full width of the yard.

*Zero lot line* means the concept whereby two respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between such units.

*Zoning permit* means a permit issued by the zoning administrator to certify that the use of land, structures, air and water subject to this chapter are, or shall be, used in accordance with the provisions of this chapter.

(Code 1988, § 10-1-200; Ord. of 10-6-1993B, § II)

**Cross reference** – Definitions generally, § 1-2.

#### **Sec. 58-8. Jurisdiction and general provisions.**

(a) *Jurisdiction.* The jurisdiction of this chapter shall apply to all structures, land, water and air within the corporate limits of the village.

(b) *Compliance with chapter and other regulations.* No new structure, new use of land, water or air or change in the use of land, water or air shall be permitted after the effective date of the ordinance from which this chapter is derived, and no structure, or part thereof, shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered after the effective date of the ordinance from which this chapter is derived without a zoning permit and without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.

(c) *Compliance with district regulations.* Except as otherwise provided, the use and height of buildings erected, converted, moved, enlarged or structurally altered and the use of any land after the effective date of the ordinance from which this chapter is derived shall be in compliance with the regulations established in this chapter for the district in which such building or land is located.

(d) *Yard reduction and 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, building 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 chapter shall be included as a part of a yard or other open space required for another building.

(e) *One main building permitted per lot.* Every building erected, converted, enlarged or structurally altered after the effective date of the ordinance from which this chapter is derived shall be located on a lot, and in no case shall there be more than one main building on one 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 districts which abut the district boundary line.

(Code 1988, § 10-1-10)

### **Sec. 58-9. Use regulations.**

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

- (1) *Permitted uses.* Permitted uses (principal uses) specified for a district.
- (2) *Accessory uses.* Accessory uses and structures as specified are permitted in any district, but not until the principal structure is present or under construction.
- (3) *Conditional uses.*
  - a. *Denominations.* Conditional uses may be either denominated as regular or limited.
  - b. *Generally.* The following general provisions shall be applicable to conditional uses:
    1. 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 sections 58-56 – 58-67, except such uses existent at the time of the adoption of the ordinance from which this chapter is derived.
    2. The existing uses which are classified as conditional uses for the districts in which they are located at the time of the adoption of the ordinance from which this chapter is derived require no action by the village board for them to continue as valid conditional uses, and they shall be deemed to be regular conditional uses.
    3. Proposed change from a permitted use in a district to a conditional use shall require review, public hearing and approval by the village board in accordance with sections 58-56 – 58-67.
    4. When replaced by permitted use, conditional uses shall terminate. In such cases, the reestablishment of any previous conditional uses or establishment of new conditional uses shall require review, public hearing and approval by the village board in accordance with sections 58-56 – 58-67.
    5. Provisions in this chapter relating generally to conditional uses, 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.

- c. *Specific regular conditional use provisions.* The following provisions are applicable specifically to regular conditional uses:
1. Regular conditional uses, either allowed by action of the village board or existent at the time of adoption of the ordinance from which this chapter is derived, shall be nonlapsing, shall survive vacancies and change of ownership of the properties where they are located and shall be subject to substitution with other conditional uses of the same or a similar type without village board approval. Change to a conditional use of other than the same or a similar type shall require procedures and approval in accordance with sections 58-56 – 58-67.
  2. See subsection (3)b.1 of this section as to conditional uses existent at the time of adoption of the ordinance from which this chapter is derived which are deemed to be regular conditional uses.
- d. *Specific limited conditional use provisions.* The following provisions are applicable specifically to limited conditional uses:
1. 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 such uses shall terminate.
  2. Limited conditional uses authorized by village board resolution shall not be subject to substitution with other conditional uses, either regular or limited, whether of a similar type or not, without village board approval and the procedures required in sections 58-56 – 58-67.
- (4) *Uses nor specified in this chapter.*
- a. Uses not specified in this chapter, which are found by the plan commission to be sufficiently similar to specified permitted uses for a district, shall be allowed by the zoning administrator.
  - b. Uses not specified in this chapter, which are found by the plan commission to be sufficiently similar to specified conditional uses for a district, may be permitted by the village board after consideration and recommendation by the plan commission, public hearing and approval in accordance with sections 58-56 – 58-67.

(Code 1988, § 10-1-11)

**Sec. 58-10. Site regulations.**

(a) *Suitability.* No land shall be used, or structure erected, where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography or low bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the village.

(b) *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 25 feet; however, to be buildable, the lot shall

comply with the frontage requirements of the zoning district in which it is located.

(c) *Principal structures.* All principal structures shall be located on a lot. Only one principal structure shall be located, erected or moved onto a lot. The village board may permit as a conditional use more than one principal structure per lot in any district where more than one such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the village board may impose additional yard, landscaping or parking requirements, or require a minimum separation distance between principal structures.

(d) *Dedicated streets.* 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 the side thereof from which the required dedication has not been secured.

(e) *Lots abutting more restrictive districts.* 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 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.

(f) *Determination of unsuitability by village board.* No land shall be used, or structure erected, where the land is held unsuitable by the village board for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography or 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 the village. In applying the provisions of this subsection, the village board 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.

(g) *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 the 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 1 ½ horizontal to one vertical, within a distance of 20 feet from the property line, except with the written consent of the owner of the abutting property and the approval of the village board, or which would alter the existing drainage or topography in any way so 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.

(h) *Decks and porches.* For the purpose of this chapter, decks and porches shall be considered a part of the building or structure. Decks must have railing three feet in height and slats no farther than four inches apart. Steps must have a rise no higher than eight inches and a nine-inch tread. If the deck is attached to the dwelling, footings are required. Requirements for setbacks are the same as they are for the structure.

(Code 1988, § 10-1-12; Ord. of 8-10-2005(12))

**Sec. 58-11. Height and are exceptions.**

The regulations contained in this chapter relating to the height of buildings and the side yards and other open spaces shall be subject to the following exceptions:

(1) Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet, nor five 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 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.

(2) Chimneys, cooling towers, elevator bulkheads, fire towers, momentums, 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 excepted from the height regulations of this chapter and may be erected in accordance with other regulations or codes of the village.

(3) Residences in the residential district may be increased in height by not more than then feet when all yards and other required open spaces are increased by one foot for each foot such building exceeds the height limit of the district in which is located.

(4) Where a lot abuts upon two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.

(5) Buildings on through lots and extending from street to street may have the requirements for a rear yard waived 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 shall be complied with.

(6) 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 on record as such at the time of passage of the ordinance in which this chapter is derived, such lot may be occupied by one family.

(7) 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, beltcourses, cornices and ornamental features projecting not more than 12 inches.

(8) Open or enclosed fire escapes and fire towers may project not more than five feet into a required yard, and not more than 3 ½ feet into a required court, provided, they are located to not obstruct light and ventilation.

(Code 1988, § 10-1-13)

**Sec. 58-12. Reduction or joint use.**

(a) 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.

(b) 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.  
(Code 1988, § 10-1-14)

**Secs. 58-13 – 58-40. Reserved.**

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT\***

### **Sec. 58-41. General administrative system.**

This chapter contemplates an administrative and enforcement officer entitled the “zoning administrator” to administer and enforce this chapter. Certain considerations, particularly with regards to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and the zoning map, and amendment to the text of this chapter require review and recommendation by the plan commission and ultimate action by the village board. A zoning board of appeals is provided to assure proper administration of this chapter and to avoid arbitrariness.  
(Code 1988, § 10-1-170)

### **Sec. 58-42. Zoning administrator.**

The village board shall designate a village official to serve as the zoning administrator and as the administrative enforcement officer of 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:

- (1) Maintain records of all permits issued, inspections made, work approved and other official actions.
- (2) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland district.
- (3) Establish that all necessary permits have been secured that are required for floodland uses by state and federal law.
- (4) Inspect all structures, land and water as often as necessary to assure compliance with this chapter.
- (5) Investigate all complaints made relating to the location of structures and the use of structures, land and water; 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.
- (6) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.

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\*Cross reference- Administration, ch.2.

- (7) Request assistance and cooperation from the police department and village attorney, as deemed necessary.

(Code 1988, § 10-1-171)

**Cross reference-**Officers and employees, § 2-101 et seq.

**Sec. 58-43. Role of specific village officials in zoning administration.**

(a) *Village board.* Subject to the holding of public hearings by the village board, the village board has the ultimate authority to grant permitted conditional uses and planned unit development conditional uses; to make changes and amendments in zoning districts, the zoning map and the 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 the enforcement of this chapter.

(Code 1988, § 10-1-172)

**Sec. 58-44. Zoning permit.**

(a) *Required.* No new structure, new use of land, water or air or change in the use of land, water or air shall be permitted, and no structure, or part thereof, shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered after the effective date of the ordinance from which this chapter is derived without a zoning permit.

(b) *Application.* Application 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 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 a survey prepared by a land surveyor registered in the state, or other map drawn to scale and showing the location, boundaries, dimensions, uses and size of any of the following, which may be required by the zoning administrator:
  - a. Subject site;
  - b. Existing and proposed structures;
  - c. Existing and proposed easements, streets and other public ways;
  - d. Public utilities;
  - e. Off-street parking and loading areas, and driveways;



- f. Existing highway access restrictions;
  - g. High water;
  - h. Channel, floodway and floodplain boundaries; and
  - i. Existing and proposed streets, and side and rear yards.
- (4) Additional information as may be required by the zoning administrator or village board, if involved.
- (c) *Action.*
- (1) A zoning permit shall be granted or denied by the zoning administrator in writing within 30 days of the application, and the applicant shall post such permit in a conspicuous place at the site.
  - (2) The permit shall expire within six months unless substantial work has commenced, or within 18 months after the issuance of the permit if the structure for which the permit is issued is not substantially completed, in which case, the applicant 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.  
(Code 1988, § 10-1-173)

**Sec. 58-45. Certificate of compliance.**

(a) *Required.* No vacant land developed; no building erected, relocated, moved, reconstructed or structurally altered; and no floodlands filled, excavated or developed after the effective date of the ordinance from which this chapter is derived 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.* Application for a certificate of compliance shall be made in the same manner as for a zoning permit pursuant to section 58-44, and coincidental with an application for a 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 therefore will fully comply with the floodland regulations set forth in this chapter, and before the certificate shall be issued, 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 the ordinance from which this chapter is derived, 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 the ordinance from which this chapter is derived shall be issued by the zoning administrator, and shall state that the use is a nonconforming use and does not conform with the provisions of this chapter. The zoning administrator shall notify the owners of the property being used as a nonconforming use.
- (Code 1988, § 10-1-174)

**Sec. 58-46. Site plan approval.**

(a) *Required; exceptions.* All applications for zoning permits for any construction, reconstruction, expansion or conversion, except for one-family and two-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 of 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 days. The village board shall review the application, and may refer the application and plans to any expert consultants to advise whether the application and plans meet all of the requirements applicable thereto in this chapter. Within 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, loading and unloading, and in such regard, shall 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 village, and the applicant shall design the construction or use 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 the 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 as not to impair the value of adjacent properties, nor the intent or purposes of this chapter.

(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 has entered into an agreement with the applicant regarding the development of such facilities.

(Code 1988, § 10-1-175)

### **Sec. 58-47. Appeals.**

(a) *Scope.* Appeals to the zoning board of appeals may be taken by any person aggrieved or any officer, department, board or bureau of the village affected by any decision of the administrative officer. Such appeal shall be taken within 30 days of the alleged grievance or judgment in question by filing a notice of appeal with the officer from the appeal is taken and the zoning board of appeals, specifying the grounds thereof, together with payment of a filing fee as may be established by the village board. The officer from the appeal is taken shall forthwith transmit to the zoning board of appeals all papers constituting the record of appeals upon which the action appealed from was taken.

(b) *Stay of proceedings.* An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from the appeal is taken certified to the zoning board of appeals that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such a case, proceedings shall not be stayed other than by a restraining order, which may be granted by the zoning board of appeals or a court of record, on application, on notice to the officer from the appeal is taken and on due cause shown.

(c) *Powers of zoning board of appeals.* The zoning board of appeals shall have the following powers, in addition to the powers enumerated elsewhere in this chapter:

- (1) *Errors.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by then zoning administrator or building inspector.
- (2) *Variances.* To hear and grant appeals for variances as will not be contrary to the public interest, owing to a 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.
- (3) *Interpretations.* To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the plan commission has made a review and recommendation.
- (4) *Substitutions.* To hear and grant applications for substitutions of more restrictive nonconforming uses for existing nonconforming uses, provided, no structural alterations are to be made. Whenever the zoning board of appeals permits such a substitution, the use may not be thereafter changed without an application.
- (5) *Unclassified uses.* To hear and grant applications for unclassified and unspecific uses, provided that such uses are similar in character to the principal use permitted in the district.

- (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. The permit shall be temporary, revocable, subject to any condition required by the zoning board of appeals and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- (7) *Reversals, affirmations, modifications, etc.* To reverse, affirm, wholly or partly, or modify the requirements appealed from and issue, or direct the issuance of, a permit.  
(Code 1988, § 10-1-190)

**Sec. 58-48. Hearing on appeals; notice.**

The zoning board of appeals shall fix a reasonable time for the hearing of an appeal, cause notice of such hearing to be published in the official newspaper not less than seven days prior to such hearing, and cause notice to be given to the appellant or applicant and the administrative officers appealed from by regular mail or personal service not less than five days prior to the date of hearing. In every case involving a variance, notice shall be mailed not less than five days prior to the hearing to the fee owner of record of all land within 100 feet of any part of the subject building or premises involved in the appeal.  
(Code 1988, § 10-1-191)

**Sec. 58-49. Decisions on appeals.**

- (a) *Timeframe.* The zoning board of appeals shall decide all appeals and applications within 30 days after the public hearing, and shall transmit a signed copy of their decision to the appellant or applicant and the zoning administrator.
- (b) *Conditions.* Conditions may be placed upon any zoning permit ordered or authorized by the zoning board of appeals.
- (c) *Validity.* Variances, substitutions or use permits granted by the zoning board of appeals shall expire within six months, unless substantial work has commenced pursuant to such grant.  
(Code 1988, § 10-1-192)

**Sec. 58-50. Variances.**

- (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 chapter 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 zoning board of appeals may authorize, upon appeal, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. No

variance shall have the effect of allowing use in any district which are 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 the standards required by law.

- (3) For the purposes of this section, the term “unnecessary hardship” means 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 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) *Applications.* The application for a variance shall be filed with the zoning administrator. Applications may be made by the owner or lessee of the structure, land or water affected. The application shall contain the following information:
  - (1) Name and address of the applicant and all abutting and opposite property owners of record.
  - (2) A statement that the owner 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 board, village engineer, zoning board of appeals or zoning administrator.
  - (6) A fee receipt in the amount as set by the village board from time to time.
- (c) *Public hearing of application.* The zoning board of appeals shall conduct at least one public hearing on the proposed variation. Notice of such hearing shall be given not more than 30 days, not less than ten days before the hearing in one 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 attorney. The zoning board of appeals shall thereafter reach its decision within 30 days after the final hearing, and shall transmit a written copy of its decision to the appellant or applicant, zoning administrator and village board.
- (d) *Action of the zoning board of appeals.* For the zoning board of appeals to grant a variance, it must find that:
  - (1) Denial of the variance may result in a 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 generally apply to other properties of uses in the same district and the granting of the variance would not be of such a general or recurrent nature as to suggest that this chapter should be changed.
  - (2) The conditions upon which a petition for a variance is based are unique to the property for which

a variance is being sought and that such a 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 this article.
- (e) *Conditions.* The zoning board of appeals 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.

(Code 1988, § 10-1-193)

#### **Sec. 58-51. Grievance petitions.**

Any person aggrieved by any decision of the zoning 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 30 days after the filing of the decision in the offices of the zoning board of appeals.

(Code 1988, § 10-1-194)

#### **Sec. 58-52. Continuations, changes and substitutions of existing nonconforming uses and structures restricted.**

(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 the ordinance from which this chapter is derived, may be continued although the use does not conform with the provisions of this chapter; however, only the portion of the land in actual use may be continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required by law or order 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 that all other regulations governing the new use are complied with.

(c) The substitution of new equipment may be permitted by the zoning board of appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(Code 1988, § 10-1-80)

**Sec. 58-53. Abolishment or replacement of nonconforming uses.**

(a) *Discontinuation or termination.* If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure or land shall conform to the provisions of this chapter.

(b) *Building destroyed by fire or calamity.* Where a building located in the district restricted against its use has been destroyed by fire or other calamity to the extent of not more than 50 percent of its fair market value, such building may be rebuilt, but where such a building is destroyed to the extent of more than 50 percent of its fair market value, a permit may be granted for its reconstruction within 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.

(Code 1988, § 10-1-81)

**Sec. 58-54. Extensions, etc., of existing nonconforming structures.**

A lawful nonconforming structure existing at the time of the adoption or amendment of the ordinance from which this chapter is derived 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 by law or order to comply with the provisions of this chapter.

(Code 1988, § 10-1-82)

**Sec. 58-55. Reversion of changes to a nonconforming use or structure.**

(a) Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

(b) Once the zoning board of 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 of the conditions required by the zoning board of appeals.

(Code 1988, § 10-1-83)

**Sec. 58-56. Purpose of conditional use.**

The development and execution of this section and sections 58-57 – 58-67 is based upon the division of the village into districts within which the uses of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district without consideration, in each case, of the impact of the uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, however, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to the location, development and operation of such uses. Such uses are classified as conditional uses.

(Code 1988, § 10-1-60)

**Sec. 58-57. Authority of village board to issue conditional use permits; requirements.**

(a) The village board, may, by resolution, authorize the zoning administrator to issue a conditional use permit for either regular or conditional use after review and public hearing, provided that such conditional use and involved structures are found to be in accordance with the purpose and intent of this chapter, and are further found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the village. In the instance of the granting of a limited conditional use, the village board, in its findings, shall further specify the delimiting reasons or factors which resulted in issuing a limited, rather than a regular, conditional use. The village board's resolution, and the resulting conditional use permit, when for a limited conditional use, shall specify the period of time for which it is effective, if specified, the name of the permittee and 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 prescribed in section 58-62 are being complied with.

(b) Any development within 500 feet of the existing or proposed right-of-ways of freeways and expressways and within one-half mile of their existing or proposed interchange or turning lane right-of-way, shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. Before taking final action, the village board shall request review and await the highway agency's recommendation for a period not to exceed 20 days.

(c) Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, traffic 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 findings that such conditions 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.

(Code 1988, § 10-1-61)

**Sec. 58-58. Initiation of conditional use.**

Any person having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual 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 or more of the conditional uses provided for in this article in the zoning district in which such land is located.

(Code 1988, § 10-1-62)

**Sec. 58-59. 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 lots involved and 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 58-62. 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, and 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 arrangement of operations.

(Code 1988, § 10-1-63)

**Sec. 58-60. Hearing on application for conditional use.**

Upon receipt of the application and statement referred to in section 58-59, the village board shall hold a public hearing on each application for 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 procedures as the village board shall, by rule, prescribe from time to time.

(Code 1988, § 10-1-64)

**Sec. 58-61. Notice of hearing on application for conditional use.**

A notice of the time, place and purpose of a hearing as set forth in section 58-60 shall be given by publication in the official village newspaper of a class 2 notice under statute. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, 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 the property, in whole or part, situated within 100 feet of the boundaries of the properties affected. Such notice shall be sent at least 10 days prior to the date of such public hearing.

(Code 1988, § 10-1-65)

**Sec. 58-62. Conditional use standards.**

No application for a conditional use shall be granted by the village board unless the village board shall find that all of the following conditions are present:

- (1) 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.
- (2) The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall not be in any 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.
- (3) 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.
- (4) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being approved.
- (5) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.

- (6) Except for yard requirements, the conditional use shall conform to all applicable regulations of the district in which it is located.
- (7) The proposed use does not violate floodplain regulations governing the site.
- (8) When applying the standards set forth in subsection (1) – (7) of this section to any new construction of a building or addition to an existing building, the village board shall bear in mind the statement of purpose for the zoning district so that the proposed building or addition at its location does not defeat the purposes and objectives of the zoning district.
- (9) In addition to passing upon a conditional use permit, the village board shall also evaluate the effect of the proposed use upon:
  - a. The maintenance of safe and healthful conditions;
  - b. The prevention and control of water pollution, including sedimentation;
  - c. Existing topographic and drainage features and vegetative cover on the site;
  - d. The location of the site with respect to floodplains and floodways of rivers and streams;
  - e. The erosion potential of the site based upon the degree and direction of slope, soil type and vegetative cover;
  - f. The location of the site with respect to existing or future access roads;
  - g. The need of the proposed use for a shoreland location;
  - h. The compatibility of the proposed use with uses on adjacent land;
  - i. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(Code 1988, § 10-1-66)

**Sec. 58-63. Denial of conditional use application.**

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

(Code 1988, § 10-1-67)

**Sec. 58-64. Conditions of conditional use.**

The following conditions shall apply to all conditional uses:

- (1) *Specifications.* 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 health, safety and general welfare of the village, and to secure compliance with the standards and requirements specified in section 58-62. In all cases in which conditional uses are granted, the village 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, but not limited to, the following:

- a. Landscaping;
- b. Type of construction;
- c. Construction commencement and completion dates;
- d. Sureties;
- e. Lighting;
- f. Fencing;
- g. Operational control;
- h. Hours of operation;
- i. Traffic circulation;
- j. Deed restrictions;
- k. Access restrictions;
- l. Setbacks and yards;
- m. Type of shore cover;
- n. Specified sewage disposal and water supply systems;
- o. Planting screens;
- p. Piers and docks;
- q. Increased parking;
- r. The date of permit review is one year from the date of issuance. The date of expiration of the permit is two years from the date of issuance; or
- s. Any other requirements necessary to fulfill the purpose and intent of this chapter.

(2) *Site review.* The village board shall evaluate each application and may request assistance from

any source which can provide technical assistance. The village board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

- (3) *Alterations.* No alteration of a conditional use shall be permitted unless it is approved by the village board.
  - (4) *Architectural treatment.* Proposed architectural treatment will be in general harmony with surrounding uses and the landscape; therefore, the village board may require the use of certain general types of exterior construction materials and/or architectural treatments.
  - (5) *Sloped sites; unsuitable soil.* Where slopes exceed six percent and/or 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 construction techniques may include, but shall not be limited to, terracing, retaining walls, oversized foundations and footings, drain tiles, etc.
  - (6) *Compliance 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.
- (Code 1988, § 10-1-68; Ord. of 10-6-1993A)

#### **Sec. 58-65. 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 12 months of the date of the village 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 months of the date of issuance of the permit, and which shall not be renewed, unless construction has commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the zoning administrator shall notify the permit holder of such revocation by verified mail. The village board may extend such permit for a period of 90 days for justifiable cause, if application is made to the village board at least 30 days before the expiration of the permit.

(Code 1988, § 10-1-69)

#### **Sec. 58-66. Complaints against previously approved 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 such complaint indicates a reasonable probability that the subject conditional use is in violation of one or more of the standards set forth in section 58-62, a condition of approval or

other requirement imposed under this article. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in section 58-61. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. In order to bring the subject conditional use into compliance with the standards set forth in section 58-62 or conditions previously imposed by the village board, the village board may modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. If no reasonable modification of such conditional use can be made in order to assure that the standards set forth in section 58-62(1) and (2) will be met, the village board may revoke the conditional approval and direct the zoning administrator and village attorney to seek elimination of such use. Following any such hearing, the decision of the village board shall be furnished in writing to the current owner of the conditional use stating the reasons therefor.

(Code 1988, § 10-1-70)

#### **Sec. 58-67. Bed and breakfast establishments.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Bed and breakfast establishment* means any place of lodging that provides four or fewer for rent for more than ten nights in a 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.

(b) *Consideration as a conditional use.* Bed and breakfast establishments shall be considered conditional uses and may be permitted in residential districts pursuant to this chapter.

(c) *Compliance with state standards required.* Bed and breakfast establishments shall comply with the standards of the Wisconsin Administrative Code.

(Code 1988, § 10-1-71)

#### **Sec. 58-68. Authority to make changes and amendments.**

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 and/or the supplementary floodland zoning map incorporated in this chapter, or amend, change or supplement the text of the regulations established by this chapter, or amendments thereto.

(Code 1988, § 10-1-180)

#### **Sec. 58-69. Initiation of changes or amendments.**

The village board, zoning board of appeals, other government bodies and any private petitioners may apply for an amendment to the text of this chapter establishing the district boundaries or by amendments in the accompanying zoning map made a part of this section and/ or the supplementary floodland zoning map to be made a part of this section by reference.

(Code 1988, § 10-1-181)

#### **Sec. 58-70. Procedure for changes or amendments.**

(a) *Filing; contents.* Petitions for any change to the district boundaries and maps or amendments to the text regulations shall be addressed to the village board and shall be filed with the zoning administrator. Such petitions shall describe the premises to be rezoned or the portions of text of such regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and, if the petition is for a change of district boundaries, it shall have the following attached:

- (1) Plot plan, drawn to scale of one inch equals 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 300 feet of the area proposed to be rezoned.
- (2) Names and addresses of the owners of all properties lying within 100 feet of the area proposed to be rezoned.
- (3) Any additional information as may be required by the village board.

(b) *Hearings.* The village board shall hold a public hearing upon each proposed change or amendment, and notice of the time, place and the change or amendment proposed shall be given by publication of a class 2 notice as set forth under Wis. Stats. Ch. 985. At least ten days' prior written notice shall also be given to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

(c) *Vote.* Following such hearing, the village board shall vote on the proposed ordinance affecting the proposed change or amendment.

(Code 1988, § 10-1-182)

#### **Sec. 58-71. Protest against amendments.**

(a) In the event of a protest against an amendment to the zoning map, duly signed and acknowledged by the owners of 20 percent or more of the areas of the land included in such proposed change, the owners of 20 percent or more of the land immediately adjacent thereto and extending 100 feet therefrom, or the owners of 20 percent or more of the land directly opposite thereto and extending 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 of the full village board membership.

(b) In the event of a protest against an amendment to the text of the regulations of this chapter, duly signed and acknowledged by 20 percent of the number of persons casting ballots in the last general election, a three-fourths (3/4) vote of the full village board membership shall be required to adopt such amendment.

(Code 1988, § 10-1-183)

#### **Sec. 58-72. Violations; penalties.**

(a) *Violations.* It shall be unlawful to use or improve any structure or land, or use any water or air, in violation of any of the provisions of this chapter. In case of any violation, the village board, zoning administrator or any property owner who would be specifically damaged by such violation may cause an 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 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 village attorney may institute appropriate legal action or proceedings.

(c) *Penalties.* Any person who fails to comply with the provisions of this chapter, or any order of the zoning administrator issued in accordance with this chapter, or resists enforcement shall, upon conviction, be subject to a forfeiture and such additional penalties as provided in section 1-27.  
(Code 1988, § 10-1-176)

**Sec. 58-73 – 58-100. Reserved.**

## ARTICLE III. DISTRICTS

### DIVISION 1. GENERALLY

#### **Sec. 58-101. Establishment.**

For the purposes of this chapter, provision is made for the division of the village into the following basic zoning districts:

- (1) A-1      Agricultural district
- (2) R-1      Residential district
- (3) R-2      Single-family residential district
- (4) RM-3    Multiple-family residential district of two to four units
- (5) R-4      Multiple-family residential district
- (6) B-1      Business/commercial district
- (7) I-1      Industrial district
- (8) G-1      Institutional district
- (9) C-1      Conservancy district
- (10) R-MH    Mobile home district
- (11) PUD     Planned unit development conditional use district

(Code 1988, § 10-1-20)

#### **Sec. 58-102. Vacation of public streets and alleys; annexations and consolidations.**

(a) *Vacation of public streets and alleys.* 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 or consolidations.* Annexations to or consolidations with the village subsequent to the effective date of the ordinance from which this chapter is derived shall be placed in the R-1 single-family residential district, unless the annexation ordinance places the land in another district.

(Code 1988, § 10-1-21)

**Sec. 58-103. Zoning map.**

(a) The village is divided into zoning districts as shown upon a map designated as the Official Zoning Map of the Village of Spring Valley, and is made a part of this section. The official zoning map, and all of the notations, references and other information shown on such map, are a part of this section, and shall have the same force and effect as if the matters and information set forth by such map were fully described in this section. 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.

(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 chapter. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section or 16<sup>th</sup> section lines; or the centerlines of streets, highways, railways or alleys.

(Code 1988, § 10-1-22)

**Sec. 58-104. Rules for interpretation of district boundaries.**

The following rules shall apply where uncertainty exists as to the boundaries of districts as shown on the zoning map:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following village boundaries shall be construed as following such village boundaries.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and, in the event of change in the shoreline; and boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1)-(5) of this section shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

(Code 1988, § 10-1-23)

**Secs. 58-105 – 58-130. Reserved.**



## DIVISION 2. A-1 AGRICULTURAL DISTRICT

**Sec. 58-131. Established.**

(a) *Purpose.* The A-1 agricultural district is intended to provide for the continuation of general farming and related uses in the areas of the village that are not yet committed to urban development. It is further intended for the A-1 district to protect lands contained in such district from urban development until their orderly transition into urban-oriented districts is required.

(b) *Permitted uses.* Permitted uses in the A-1 district include general farming, including agriculture, dairying, floriculture, forestry, grazing, hay, orchards, truck farming and viticulture (grape growing); provided, however, that farm buildings housing animals, barnyards and feedlots shall not be located in a floodland and shall be at least 100 feet from any navigable water or district boundary.

(c) *Permitted accessory uses.* Permitted accessory uses in the A-1 district include:

- (1) Attached or detached private garages and carports accessory to permitted uses or permitted accessory uses.
- (2) General farm buildings, including barns, silos, sheds, storage bins and including not more than one roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign and other provisions of this chapter.
- (3) One farm dwelling.

(d) *Conditional uses.* Permitted conditional uses in the A-1 district include:

- (1) Airports, airstrips and landing fields, provided that the site is not less than 20 acres.
- (2) Commercial feedlots, livestock sales facilities and fur farms.
- (3) Drive-in establishments selling fruits and vegetables.
- (4) Home occupations and professional offices.
- (5) Housing for farm laborers and seasonal or migratory farm workers.
- (6) Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
- (7) Utilities.
- (8) Veterinary clinics, provided that no such structure or animal enclosure shall be located closer than 100 feet to a property boundary.

(e) *Lot area and width.*

- (1) There shall be required for principal structures erected, moved or structurally altered within the A-1 district, after the effective date of the ordinance from which this chapter is derived, a provision of a contiguous area of not less than five acres, and no farm parcel shall be less than 300 feet in width.
- (2) Existing residential structures and farm dwellings remaining after the consolidation of existing farms shall be provided with a lot area of not less than 40,000 square feet and a lot width of not less than 120 feet.
- (f) *Building height.* No building, or part thereof, within the A-1 district shall exceed 60 feet in height.
- (g) *Yards.* Within the A-1 district, there shall be a:
  - (1) Minimum building setback of 50 feet from the street right-of-way.
  - (2) Side yard of not less than 25 feet in width on each side of the principal structure.
  - (3) Rear yard of not less than 50 feet.
 (Code 1988, § 10-1-24)

**Secs. 58-132 – 58-150. Reserved.**

DIVISION 3. R-1 RESIDENTIAL DISTRICT

**Sec. 58-151. Established.**

- (a) *Purpose.* The R-1 residential district is intended to provide residential development limited to single-family homes set individually on separate lots in older areas of the village.
- (b) *Requirements.* The following requirements shall apply in the R-1 residential district:
  - (1) *Lot size.*
    - a. Minimum lot area, 5,000 square feet.
    - b. Minimum lot width, 50 feet.
  - (2) *Setbacks.* There shall be a rear yard setback of 25 feet. There shall be a side yard on each side of the building of a minimum of five feet or ten feet of combined width. There shall be a front yard setback of 25 feet. An exception will be made to the front and back setbacks to allow for the replacement of existing steps the size of the minimum state code requirement.
  - (3) *Height.* The maximum permitted height shall be:
    - a. Principal structure, 35 feet;

- b. Accessory structure, 20 feet.
- (4) *Lot coverage by buildings.* The maximum lot coverage by a main building and all accessory buildings shall be 33 1/3 percent of the lot area.
- (5) *Minimum floor area.* The minimum required floor area shall be:
  - a. One-family dwelling, 680 square feet;
  - b. Two-story dwelling, 800 square feet per family.
- (c) *Permitted uses.* A building or premises in the R-1 district shall be used only for the following purposes:
  - (1) Home occupation.
  - (2) Public kindergarten, elementary and high school, or a private school having the same curriculum as ordinarily given in a public school, provided that any such building shall be located not less than 35 feet from any side lot line.
  - (3) Publicly owned or publicly operated park and playground, provided that any building shall be located not less than 35 feet from any side lot line.
  - (4) Single-family dwellings.
  - (5) Accessory building or use, including a private garage, carport and paved parking areas customarily incidental to the uses set forth in subsections (c)(1) – (4) of this section, but not involving the conduct of a business.
  - (6) Temporary buildings for construction purposes, not to exceed a one-year period.
- (d) *Conditional uses.* A building or premises in the R-1 district shall be used only for the purpose of a two-family dwelling, when approved as a conditional use.  
(Code 1988, § 10-1-26)

**Secs. 58-152 – 58-150. Reserved.**

#### DIVISION 4. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

**Sec. 58-171. Established.**

- (a) *Purpose.* The R-2 single-family residential district is intended to provide residential development limited to single-family homes set individually on separate lots.
- (b) *Requirements.* The following requirements shall apply in the R-2 district:
  - (1) *Lot size.*

- a. Minimum lot area, 10,000 square feet.
- b. Minimum lot width, 80 feet.

(2) *Setbacks.*

- a. Front yard, minimum of 25 feet;
- b. Side yard, minimum of eight feet, either side;
- c. Aggregate side yard, minimum of 20 feet;
- d. Rear yard, minimum of 35 feet.

(3) *Height.* The maximum permitted height shall be:

- a. Principal structure, 35 feet;
- b. Accessory structure, 20 feet.

(4) *Building size.* The minimum required floor area for the principal structure shall be:

- a. One-story, 900 square feet;
- b. Two-story, 1,200 square feet.

(c) *Permitted uses.* A building or premises in the R-2 district shall be used only for the following purposes:

- (1) Home occupation.
- (2) Public kindergarten, elementary and high school, or a private school having the same curriculum as ordinarily given in a public school, provided that any such building shall be located not less than 35 feet from any side lot line.
- (3) Publicly owned or publicly operated park and playground, provided than any building shall be located not less than 35 feet from any side lot line.
- (4) Single-family dwellings.
- (5) Accessory building or use, including a private garage, carport and paved parking areas customarily incidental to the uses set forth in subsections (c)(1) – (4) of this section, but not involving the conduct of a business.

(d) *Conditional uses.* No conditional uses shall be permitted in the R-2 district.  
(Code 1988, § 10-1-25)

**Secs. 58-172 – 58-190. Reserved.**

## DIVISION 5. RM-3 MULTIPLE-FAMILY DISTRICT OF TWO TO FOUR UNITS

**Sec. 58-191. Established.**

(a) *Purpose.* The RM-3 multiple-family district of two to four units is intended to provide for housing densities greater than the RM-1 and RM-2 districts. In such district, emphasis will be placed for the development of four or fewer units per structure, with required buffer areas adjacent to single-family residential districts.

(b) *Requirements.* The following requirements shall apply in the RM-3 district:

- (1) *Buffer area.* A buffer area 30 wide will be required on yards adjacent to single-family districts. No buildings or parking lots will be permitted in the required buffer areas.
- (2) *Lot size.* The minimum lot area shall be 12,000 square feet.
- (3) *Setbacks.*
  - a. Front yard, minimum of 30 feet;
  - b. Side yard, minimum of ten feet, except a side yard abutting a street shall be a minimum of 30 feet;
  - c. Aggregate side yard, minimum of 30 feet;
  - d. Rear yard, minimum of 35 feet, except accessory buildings shall not be closer than five feet.
- (4) *Allowable coverage.* The maximum allowable coverage shall be 50 percent.
- (5) *Height.* The maximum permitted height shall be:
  - a. Principal structure, 35 feet;
  - b. Accessory structure, 20 feet.
- (6) *Building size.* The minimum required floor area above grade shall be:
  - a. One-story, 720 square feet;
  - b. Two-story, 1,100 square feet.
- (7) *Parking.* Parking requirements shall be one garage space (minimum of 12 feet by 20 feet), plus enough driveway space for one additional vehicle, per dwelling unit.

(c) *Zero lot line.*

- (1) Zero lot lines in the RM-3 district are subject to the approval of subdivision by the village board.
- (2) Lots of record located in the RM-3 district which were created prior to January 1, 2000, may be subdivided to create zero lot lines for the development of two-family residences with minimum standards of 33 feet in width and 4,000 square feet in area. The smaller lot created may not be less than 41 percent of the total width of the initial lot proposed for subdivision.
- (3) Lots of record located in the RM-3 district which were created after January 1, 2000, may be subdivided to create zero lot lines for the development of two-family residences with minimum standards of 40 feet in width and 5,000 square feet in area. The smaller lot created may not be less than 41 percent of the total width of the initial lot proposed for subdivision.
- (d) *Permitted uses.* A building or premises in the RM-3 district shall be used only for the following purposes:
  - (1) Home occupation.
  - (2) Multiple-family dwellings of four units or less.
  - (3) Publicly owned or publicly operated park and playground, provided that any building shall be located not less than 35 feet from any side lot line.
  - (4) Single-family dwellings.
  - (5) Two-family dwellings for the development of single-family dwellings with a zero lot line.
  - (6) Accessory building or use, including a private garage, carport and paved parking areas customarily incidental to the uses set forth in subsections (d)(1) – (5) of this section, but not involving the conduct of a business. The maximum number of accessory buildings shall be two.
- (e) *Conditional uses.* No conditional uses shall be permitted in the RM-3 district.  
(Ord. of 4-5-2000)

**Secs. 58-192 – 58-210. Reserved.**

DIVISION 6. R-4 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

**Sec. 58-211. Established.**

- (a) *Purpose.* The R-4 multiple-family residential district is intended to provide for multiple-family apartments, including the following types: family or garden, elevator and walk-up, efficiency or studio and apartment conversions in existing single-family dwellings, condominiums and mobile home parks, subject to other provisions of this Code.
- (b) *Requirements.* The following requirements shall apply in the R-4 district:
  - (1) *Setbacks.*

- a. Front yard, minimum of 25 feet;
- b. Side yard, minimum of eight feet, either side;
- c. Aggregate side yard, minimum of 20 feet;
- d. Rear yard, minimum of 25 feet.

(2) *Height.* The maximum permitted height shall be:

- a. Principal structure, 45 feet; however, a building may be erected to a height of 75 feet if it is setback from all required yard lines a distance of one foot for each foot of additional height above 45 feet;
- b. Accessory structure, 25 feet.

(3) *Building size.* The principal building minimum required floor area, per dwelling unit, shall be:

- a. One-family, 720 square feet;
- b. Two-family, 600 square feet.

(c) *Permitted uses.* A building or premises in the R-4 district shall be used only for the following purposes:

- (1) Boardinghouses and lodginghouses.
- (2) Church or other place of worship or Sunday school, provided that any such building shall be located not less than 25 feet from any side lot line.
- (3) Home occupation and professional office.
- (4) Institution of a religious, educational, eleemosynary or philanthropic nature, but not a penal or mental institution.
- (5) Multiple-family dwellings.
- (6) Public kindergarten, elementary and high school, or a private school having the same curriculum as ordinarily given in a public school, provided that any such building shall be located not less than 25 feet from any side lot line.
- (7) Publicly owned or publicly operated park and playground, provided than any building shall be located not less than 25 feet from any side lot line.
- (8) Single-family dwellings.
- (9) Truck gardening, nursery and/or horticultural.

- (10) Two-family dwellings.
- (11) Accessory building or use, including a private garage, carport and paved parking areas customarily incidental to the uses set forth in subsections (c)(1) – (10) of this section, but not involving the conduct of a business.

Multiple ownership of a single residential structure is permitted under this section.

- (d) *Conditional uses.* A building or premises in the R-4 district shall be used only for the following purposes when approved as a conditional use:

- (1) Dental and medical clinics.
- (2) Funeral homes.
- (3) Nursing homes, rest homes and homes for the aged.
- (4) Private lodges and clubs.
- (5) Public utility offices and installations, including transmission lines and substations.

(Code 1988, § 10-1-27)

**Secs. 58-212 – 58-230. Reserved.**

DIVISION 7. B-1 BUSINESS/COMMERCIAL DISTRICT\*

**Sec. 58-231. Established.**

(a) The B-1 business/commercial district is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance and operation of which are compatible with the character of the surrounding area.

- (b) *Requirements.* The following requirements shall apply in the B-1 district:

- (1) *Height.* Any building erected or altered to exceed 50 feet in height or three stories after the effective date of the ordinance from which this division is derived shall, above such height, be set back on the front and rear building lines at a ratio of one foot for each two-foot rise above such specific height.
- (2) *Rear yard.* There shall be a rear yard of not less than ten feet.
- (3) *Side yard.* A side yard, if provided, shall not be less than three feet wide.
- (4) *Front yard.* There shall be a front yard setback of ten feet.

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\*Cross reference – Licenses, ch.22.



- (5) *Building area limitations and area per family.* No building, with its accessory buildings, to be used for commercial purposes, shall occupy more than 90 percent of the area of the lot. Buildings used wholly for residential purposes shall conform to the restrictions provided for such buildings in the R-1 residential district.
- (c) *Permitted uses.* No building or premises in the B-1 district shall be used, and no building shall be erected or altered after the effective date of the ordinance from which this division is derived, within any business district, unless otherwise provided in this chapter, except for the uses permitted in the R-1 residential district, and for the following uses:
- (1) Advertising signs.
  - (2) Amusement places.
  - (3) Automobile service stations.
  - (4) Bakeries, employing not more than ten persons.
  - (5) Banks.
  - (6) Barbershops.
  - (7) Billboards.
  - (8) Dressmaking establishments.
  - (9) Dyeing and cleaning works, employing not more than six persons.
  - (10) Electric repair shops.
  - (11) Employment agencies.
  - (12) Filling stations, subject to the specific approval of the zoning board of appeals as to both location and arrangement.
  - (13) Freight stations.
  - (14) Greenhouses.
  - (15) Hotels and motels.
  - (16) Laundries.
  - (17) Messenger or telegraph service stations.
  - (18) Millinery shops.
  - (19) Miniature golf courses.

- (20) Offices.
- (21) Painting and decorating shops.
- (22) Photograph galleries.
- (23) Plumbing shops.
- (24) Post offices.
- (25) Printing shops.
- (26) Privately operated tourist camps and cabins.
- (27) Public garages, subject to the specific approval of the zoning board of appeals as to both location and arrangement.
- (28) Recreation buildings and structures.
- (29) Restaurants.
- (30) Roofing and plastering shops.
- (31) Sales rooms or showrooms.
- (32) Shoe repair shops.
- (33) Stores and shops for the conduct of retail business.
- (34) Studios.
- (35) Taverns.
- (36) Tailor shops.
- (37) Tire repair shops.
- (38) Undertaking establishments.
- (39) Upholstering shops.

Any building used for the purposes set for the in subsections (1) – (39) of this section or similar uses may have not more than 40 percent of the floor area devoted to industry or storage purposes incidental to such primary use, provided that not more than 15 employees shall be engaged at any time on the premises in any such incidental use.

- (d) *Permitted accessory uses.* An accessory building or use in the B-1 district shall be used only for

the following purposes:

- (1) Garages for the storage of vehicles used in conjunction with the operation of the business.
  - (2) Off-street parking and loading areas, in the rear yard only.
  - (3) Any other structure or use normally accessory to the uses set forth in subsections (d)(1) – (2) of this section.
- (e) *Conditional uses.* A building or premises in the B-1 district shall be used only for the following purposes when approved as a conditional use:
- (1) Light industry.
  - (2) Rental apartments as a secondary use of a commercial building.  
(Code 1988, § 10-1-28; Ord. of 10-6-1993B; Ord. of 10-6-1993C )

**Secs. 58-222 – 58-220. Reserved.**

#### DIVISION 8. I-1 INDUSTRIAL DISTRICT\*

**Sec. 58-251. Established.**

- (a) *Purpose.* The I-1 industrial district is intended to provide for manufacturing and industrial development.
- (b) *Requirements.* The following requirements shall apply in the I-1 district:
- (1) *Side yard.* A side yard, if provided, shall not be less than three feet wide.
  - (2) *Outer courts.* An outer court shall not be less than six feet wide, nor less than one-sixth the length of such court from the closed end.
  - (3) *Inner court.* An outer court shall not be less than six feet wide, nor less than one-fifth the height of such court, nor shall the area of such court be less than twice the square of its required least dimension.
  - (4) *Front yard.* There shall be a front yard setback of ten feet.
  - (5) *Building area limitations.* No building, with its accessory buildings, to be used for commercial or manufacturing purposes shall occupy more than 90 percent of the area of the lot. Buildings used wholly for residential purposes shall conform to the restrictions provided for such buildings in the R-1 residential district.
  - (6) *Height.* The maximum permitted height shall be:

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\*Cross reference – Licenses, ch.22.

- a. Principal structure, 75 feet;
- b. Accessory structure, 40 feet.

(c) *Permitted uses.* A building or premises in the I-1 district shall be used only for the following purposes:

- (1) Automobile body repair shops, not including the storage of junked or wrecked automobiles and parts.
- (2) Experimental, testing and research laboratories not involving the keeping of animals or use of animal products, or any significant degree of danger or undesirable operational characteristics.
- (3) General warehousing.
- (4) Lumberyards and building supply yards.
- (5) Manufacturing, assembly, fabrication and processing plants.
- (6) Printing and publishing houses and related activities.
- (7) Public utility offices and installations.
- (8) Toolmaking, cabinetry and repair shops.
- (9) Transportation terminals, including trucking.
- (10) The following, subject to approval of the building, site and operational plans by the village board:
  - a. Animal hospitals, kennels and laboratories using animal products.
  - b. Automobile body repair shops, including the storage of junked or wrecked automobiles and parts.
  - c. Experimental, testing and research laboratories.
  - d. Junkyards or salvage yards.
  - e. Manufacture of cement, lime, gypsum, plaster of Paris, acid, explosives, fertilizer or glue.
  - f. Rendering plants, refineries or tanneries.
  - g. Stockyards or slaughterhouses.
  - h. Storage of explosives, except when incidental to a permitted use, and storage of gasoline and petroleum in excess of 50,000 gallons.

i. Any other uses not previously stated or permitted elsewhere.

(d) *Permitted accessory uses.* An accessory building or use in the I-1 district shall be used only for the following purposes:

- (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
- (2) Off-street parking, loading and service facilities.
- (3) Residential quarters for the owner, resident operator, guard or caretaker.

(e) *Conditional uses.* Building or premises in the I-1 district shall be used only for the following purposes when approved as a conditional use:

(1) Nursing homes, rest homes, homes for the aged, and other assisted living facilities.  
(Code 1988, § 10-1-29)

**Secs. 58-252 – 58-270. Reserved.**

#### DIVISION 9. G-1 INSTITUTIONAL DISTRICT\*

**Sec. 58-271. Established.**

(a) *Purpose.* The G-1 institutional district is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

(b) *Permitted uses.* Permitted uses in the G-1 district shall include:

- (1) Amphitheaters.
- (2) Amusement parks.
- (3) Aquariums.
- (4) Arenas and field houses.
- (5) Art galleries.
- (6) Auditoriums.
- (7) Boat rentals and boat access sites.
- (8) Botanical gardens and arboretums.
- (9) Cemeteries.
- (10) Churches

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\***Cross reference** – Licenses, ch.22.

- (11) Exhibition halls.
- (12) Fairgrounds.
- (13) Forest reserves (wilderness area).
- (14) Forest reserves (wilderness refuges).
- (15) Fraternal organizations.
- (16) Golf courses, with or without country club facilities.
- (17) Golf driving ranges.
- (18) Group or organized camps.
- (19) Historic and monument sites.
- (20) Hospitals, sanatoriums, nursing homes and clinics.
- (21) Hunting and fishing clubs.
- (22) Ice skating.
- (23) Libraries, museums and art galleries.
- (24) Miniature golf.
- (25) Municipal parking lots.
- (26) Museums.
- (27) Parks, general recreation.
- (28) Parks, leisure and ornamental.
- (29) Picnicking areas.
- (30) Planetaria.
- (31) Playfields or athletic fields.
- (32) Playgrounds.
- (33) Play lots or tot lots.
- (34) Public administrative offices and public service buildings, including fire and police stations.
- (35) Public or private schools, colleges and universities.
- (36) Public utilities offices.
- (37) Recreation/community centers.
- (38) Skiing and tobogganing.
- (39) Stadiums.

- (40) Swimming beaches.
- (41) Tennis courts.
- (42) Utilities.
- (43) Water storage tanks, towers and wells.
- (c) *Permitted accessory uses.* Accessory uses permitted in the F-1 district shall include:
  - (1) Essential services.
  - (2) Garages for storage of vehicles or materials used in conjunction with the operation of a permitted use.
  - (3) Off-street parking and loading areas.
  - (4) Residential quarters for administrators, caretakers or clergy.
  - (5) Service buildings and facilities normally accessory to the permitted use.
  - (6) Service-oriented offices or shops located within institutional buildings.
- (d) *Conditional uses.* Conditional uses permitted within the G-1 district shall include:
  - (1) Archery ranges.
  - (2) Athletic clubs and health resorts.
  - (3) Drive-in movies.
  - (4) Golf courses with country club/restaurant facilities.
  - (5) Gymnasiums.
  - (6) Miniature golf.
  - (7) Public emergency shelters.
  - (8) Rollerskating.
  - (9) Skeet and trap shooting ranges, provided that the firing of rifle arms and shotgun slugs shall not be permitted directly toward or over any highway, road or navigable water, toward any building or structure or toward any population concentration within 1 ½ miles of the site.
- (e) *Lot area and width.* There are no minimum lot requirements within the G-1 district.
- (f) *Building height.* No building, or parts thereof, in the G-1 district shall exceed 45 feet in height.
- (g) *Setback and yards.* The following shall be required in the G-1 district:
  - (1) *Building setback.* A minimum building setback of 25 feet from the right-of-way line of all public streets shall be required.

- (2) *Side yard.* There shall be a minimum side yard of ten feet.
  - (3) *Rear yard.* There shall be a rear yard of not less than 25 feet.
  - (4) *Exception.* In the case of ownership by a school district or organization or a church or religious society of more than 50 percent of the frontage intersection and more than 50 percent of the area of the square block wherein such property is located, the minimum setback line for a building on such school or church property shall be 15 feet.
- (h) *Zero Lot Line.* Zero lot lines in the G-1 district are subject to approval of the subdivision by the village board.  
 (Code 1988, § 10-1-30)

**Secs. 58-272 – 58-290. Reserved.**

DIVISION 10. C-1 CONSERVANCY DISTRICT

**Sec. 58-291. Established.**

- (a) *Purpose.* The C-1 conservancy district is intended to be used to prevent disruption of valuable natural or manmade 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.* Permitted uses within the C-1 district shall include the following:
  - (1) Agricultural uses provided that they do not involve the extension of cultivated areas, extension or creation of new drainage systems and, provided further, 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 area).
  - (4) Forest reserves (wilderness refuges).
  - (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 use involves structures, fill, soil or peat removal or disruption of the natural flow of any watercourse or natural topography.
- (c) *Permitted accessory uses.* Permitted accessory uses within the C-1 district shall include the following:
  - (1) Nonhabitable 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.* Conditional uses permitted within the C-1 district shall include the following:

- (1) Fish hatcheries, raising of minnows, waterfowl and other lowland animals and accessory structures.
- (2) Parks and campgrounds and accessory structures.
- (3) Public shooting ranges and accessory structures.
- (4) Public utilities.
- (5) Structures and fill necessary to permitted principal uses.

(e) *Lot area, setback and yard.* The following requirements shall apply within the C-1 district:

- (1) *Minimum dimensions.* Lot area, 20,000 square feet.
- (2) *Lot width.* There are no lot width requirements.
- (3) *Yards.* Any use involving a structure shall provide front and rear yards of at least 50 feet in depth, and side yards of at least 50 feet in width.

(Code 1988, § 10-1-31)

**Secs. 58-292 – 58-310. Reserved.**

#### DIVISION 11. R-MH MOBILE HOME DISTRICT

**Sec. 58-311. Established; intent; where permitted.**

(a) R-MH residential mobile home zoning districts may 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 chapter. Within such districts, mobile homes, with such additional supporting uses and occupancies are permitted in this division, may be established subject to the requirements and limitations set forth in this division and other regulations.

(b) It is the intent of this section to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designed as mobile homes within the definitions of this chapter and to prohibit units not meeting the requirements for mobile homes as defined in this division. 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 an R-MH residential mobile home district, except as a conditional use. Permits may be obtained only after approval by the village board, after a recommendation from the plan commission.

(c) No person shall park, locate or place any mobile home, including doublewide mobile homes, outside of a licensed mobile home park in the village. A mobile home (manufactured) is defined as factory-built on a permanent frame with a removable transportation system, delivered and permanently attached to site-built foundation. Manufactured housing is not to be confused with other types of factory-built homes such as modular homes. A modular home is constructed on a factory assembly line, but with conventional home floor joists. Fully constructed modules are then transported to the permanent site on

a trailer, lifted from the trailer, and anchored to the foundation. They are not on a permanent chassis. 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 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.  
(Code 1988, § 10-1-150; Ord. of 8-10-2005(2))

### **Sec. 58-312. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Foundation siding* means a fire-resistant and weather-resistant, prefinished 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 60 days from the date of placement on the site.

*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.

*Mobile home subdivision* means 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.

*Primary exposure* means open areas adjacent to the front wall, or main entrance, of a dwelling unit.

*Residential mobile home* means a single-family dwelling built on or after October 1, 1974, in accordance with the ANSI (American National Standards Institute) Code or the HUD (Housing and Urban Development) Code, both of which govern heating and cooling systems, electrical systems, fire safety, body and frame constructions, thermal protections and plumbing systems. All such mobile homes shall bear the proper approved state insignia as required by the Wis. Admin. Code §§ Comm 20.12-20-17. The term “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 which is designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed to be a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent 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) Is normally transported only once, from the factory to the construction site.

- (3) From the very beginning, is designed to be permanently affixed to land.

*Secondary exposure* means open areas adjacent to side and rear walls of a dwelling unit.

In addition to the definitions set forth in this section, the definitions contained in Wis. Stats. § 66.0435 shall also be applicable.

(Code 1988, § 10-1-151)

**Cross reference** – Definitions generally, § 1-2.

### **Sec. 58-313. Occupancy permits.**

(a) Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of the ordinance from which this division is derived 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 60 days after the original effective date of the ordinance from which this division is derived for a use permit showing the date on which such use and occupancy is 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 12 consecutive months, or if the total structural repairs and alterations to the mobile home exceeds 50 percent of the net value.

(b) Within five days after entering a licensed mobile home park or moving to another park within the village, the owner or occupant of a mobile home shall obtain a permit from the village administrator. Such permit shall be issued only for mobile homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed on accordance with the standards of the American National Standards Institute Book A119.1, as originally existing or as amended.

(c) Nothing in this chapter shall prevent the owner of a mobile home under subsection (a) of this section 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 such replacement, not at the date of manufacture of the replacement unit.

(Code 1988, § 10-1-152)

### **Sec. 58-314. Minimum area, lot and space requirements; exception.**

(a) Where an R-MH district is to be established for the development of a single mobile home community only, the minimum area shall be ten acres. The minimum number of lot spaces completed and ready for occupancy before the first occupancy is permitted shall be established as 25 percent of the total units permitted on the zoned site.

(b) The limitations set forth in subsection (a) of this section shall not apply where the expansion of an existing mobile home community is concerned and where such expansion will not increase any variation from the requirements applying to mobile home communities, as set forth in this division.

(Code 1988, § 10-1-153)

**Sec. 58-315. Permitted principal uses and structures.**

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

- (1) *One-family detached mobile homes (residential mobile homes).* In mobile home communities, recreational vehicles shall not be occupied as living quarters, and sales lots shall not be permitted, by dwellings may be sold on lots they occupy in residential uses.
- (2) *Accessory and incidental uses and structures.* Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for such uses and structures requiring specific approval as provided in this division.

(Code 1988, § 10-1-154)

**Sec. 58-316. 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 permit shall be issued by the village administrator upon approval by the village board.

(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 copy each to the fire chief and police chief, who shall investigate and review the application to determine whether the applicant, the premises on which the park will be located, the proposed design and specifications of the park and all the buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws, and report their findings in writing to the village board within 60 days. Such report shall be considered by the village board before any permit is issued under this section. 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 permits shall be accompanied by a fee as set by the village board from time to time to cover the cost of investigation and processing, plus regular building permit fees for all buildings and 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 the applicant.
- (2) Location and legal description of the proposed park, addition or modification or extension.
- (3) A complete plot plan showing compliance with all applicable provisions of this chapter and chapters 10 and 46 of this Code.
- (4) Complete preliminary engineering plans and specifications, including a scale drawing of the proposed park, including, but not limited to:

- a. Plans and specifications of all utilities, including sewage collection and disposal, stormwater drainage, water and electrical distribution and supply, refuse storage and collection, lighting telephone and television antenna systems.
  - b. Location and width of roadways and walkways, bufferstrips, 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 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 the applicant in the proposed mobile home park, or extension thereof. If the owner of the tract is a person other than the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and to 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 division, and any modifications or conditions imposed by the village board, shall be submitted by the village administrator and checked by the proper municipal officials for compliance before the permit is issued.  
(Code 1988, § 10-1-155)

**Sec. 58-317. 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:

- (1) The applicable standards of the Wisconsin Administrative Code are made a part of this section and incorporated by reference in this section 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.
- (2) The maximum number of mobile home spaces shall be ten per acre, and individual spaces shall not be less than 4,350 square feet in area, and arranged to afford ample area for a variety of units. The setback shall be 40 feet from all public rights-of-way, ten feet from any park drive or common area, including common parking areas, ten feet from all park boundary lines and 15 feet from any other unit, building or structure. 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 subsection. The minimum size of a mobile home park shall be ten acres. The minimum dimensions of a mobile home site shall be 50 feet wide by 85 feet long. All drives, parking areas and walkways shall be hard-surfaced. There shall be a

minimum yard setback of 40 feet at all lot lines of the mobile home park. No mobile home site shall be rented for a period of less than 30 days. There shall be two surfaced automobile parking spaces for each mobile home, and unless it is adequately screened by existing vegetative cover, it shall be screened by a temporary planting of fast growing material, which is capable of reaching a height of 15 feet or more, such as hybrid poplar, and a permanent evergreen planting, such as white or Norway pine. The individual trees shall be of such a number and arranged so that within ten 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 15 feet.

- (3) No mobile home park shall be laid out, constructed or operated without the village water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected with the public water or sewer systems by approved pipe connections shall be sealed and their use is declared unlawful.
- (4) Individual valved water service connections shall be provided for the direct use of each unit, and shall be constructed and installed so that they will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide a pure, potable water supply of six gallons per minute at a minimum pressure of 20 psi, and shall be capable of furnishing a minimum of 150 gallons per unit, per day. Fire hydrants shall be installed within 500 feet of every mobile home stand and park building.
- (5) All liquid wastes originating at units, services 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-inch watertight sewer connection which is protected from damage by heaving and thawing or parking of the unit, and is located within the rear one-third of the stand, with a continuous grade, which is not subject to surface drainage, constructed so that it can be closed when not in use and trapped in such a manner that it can be kept odor-free.
- (6) Adequate provisions 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.
- (7) All television cable systems, electrical and telephone distribution lines and oil or gas piping 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.
- (8) Each space shall be provided with a weatherproof electrical over-current protection device, disconnect means and branch service of not less than 60 amperes for 220-volt service, which shall be located adjacent to the water and sewerage outlets. Receptacles shall be of the four-pole four-wire grounding type, and have a four-prong attachment for 110-220 volts.
- (9) A minimum of two off-street parking spaces surfaced with bituminous concrete or similar material, capable of carrying a wheel load of 4,000 pounds, shall be provided for each mobile home space.
- (10) The condition of the soil, groundwater 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.

- (11) Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- (12) 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.
- (13) All parks shall be furnished with lighting 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:
  - a. All parts of the park street system shall be illuminated with 0.6 footcandle, with a minimum of 0.1 footcandle.
  - b. Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, shall be individually illuminated, with a minimum of 0.3 footcandle.
- (14) 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 ensure adequate surface drainage, but not more than eight percent, provided, a maximum grade of 12 percent may be used if such a grade is approved by the street superintendent as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within 100 feet of an intersection. Intersections of more than two streets at one point shall not be allowed. A distance of at least 150 feet shall be maintained between centerlines of offset intersecting streets.
- (15) All parks shall be provided with pedestrian walks not less than three feet in width between individual mobile homes, park streets and community facilities. Walks in locations where pedestrian traffic is concentrated shall be a minimum of 3 ½ feet wide. Grade and surfacing of walks shall be approved by the director of public works as safe and comparable to sidewalks in other areas of the village which are subject to similar usage.
- (16) All mobile home parks shall have a greenbelt or bufferstrip, not less than 20 feet wide, along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or bufferstrip with screening of natural growth or a screen fence, except where the adjoining property is also a mobile home park. Compliance with such requirement shall be made with five years from the granting of the mobile home park developer's permit. Permanent plantings shall be grown and maintained at a height of not less than six feet. Screening or planting requirements may be waived or modified by the village board 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.

- (17) In all mobile home parks, there shall be one or more recreation areas easily accessible to all park residents. No single recreation area shall contain less than 2,500 square feet, unless each mobile home site is provided with a contiguous common recreational area which is not less than 20 feet wide at the narrowest dimension. Recreation areas shall be located to be free of traffic hazards and convenient to the mobile home spaces which they serve.
- (18) Single-family nondependent mobile homes and approved accessory structures included in the original plans and specifications, or revisions thereof, parks, playgrounds, open spaces, off-street parking lots, one park office and service building exclusive for the use of park residents shall be the only permitted uses in mobile home parks, provided the village board may approve the following uses, when they are designed and limited to the exclusive use of the park residents:
- a. Laundromats.
  - b. Clubhouses and facilities for private, social or recreational clubs.
  - c. Swimming pools.
- (19) No signs shall be erected in mobile home parks, except signs pertaining to the lease, hire or sale of individual mobile homes, which signs shall not be more than two square feet in area, and one mobile home park identification sign at each park entrance, which signs shall not be more than 50 square feet in area.
- (20) 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.

(Code 1988, § 10-1-156)

**Sec. 58-318. 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 a 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 the date of issuance. Licenses may be issued after January 1 of any year, but no rebate or diminution of the fee shall be allowed.
- (c) The fee for a mobile home park license shall be as set by the village board from time to time (the statute allows a minimum of \$25.00 and a maximum of \$100.00) for each 50 mobile home spaces, or fraction thereof. Licenses may be transferred during a license year for a fee as set by the village board from time to time.
- (d) Licenses granted under this section shall be subject to revocation or suspension by the village



board for cause in accordance with Wis. Stats. § 66.0435(2)(d) and the procedures in such statute section shall be followed. As used in this subsection, the term “cause” includes, but shall not be limited to:

- (1) Failure or neglect to abide by the requirements of this chapter or the laws or regulations of the state relating to mobile home parks and their operation.
  - (2) Conviction of any offense under the laws of the state or ordinances relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes, the leasing or rental of mobile home spaces, or the 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 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 58-317, except as specifically waived or modified in writing by the village board and endorsed on the mobile home developer’s permit. Such requirement includes a valid certificate from the state department of health and social services that the park complies with the applicable provisions of the Wisconsin Administrative Code.
  - (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 58-317(18).
  - (3) The applicant shall file with the village board certificates certifying that all equipment, roads, sanitary facilities, including roads, have been constructed or installed in the park as required by this chapter and are in the required operating condition at the time of such application. In addition, the chief of police and 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. Such officials shall furnish, in writing, to the village board 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) The location and operation of the park shall comply with all ordinances and law.
- (f) Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of the ordinance from which this division is derived, including parks in areas annexed to the village after the effective date of the ordinance from which this division is derived, shall be exempt

from the requirements of this chapter 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 the licensee shall file an application for a mobile home park developer's nonconforming use permit and comply with all other provisions of this chapter within six months after the effective date of the ordinance from which this division is derived, provided that an existing mobile home park having a density in excess of that provided in section 58-317 shall not increase its density and shall be operated in other respects in accordance with this chapter. The village board may extend the time for compliance as required in this subsection 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 in such parks, shall comply with this chapter.

(g) Each applicant for an original or renewal license shall file a bond with the village administrator in the sum of \$1,000.00 for each 50 mobile home spaces, or fraction thereof, guaranteeing the collection of the monthly parking permit fees by the licensee as provided in chapter 22 of this Code and the compliance of the 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, by any person who may be injured or damaged by reason of the licensee violating any provision of this chapter.  
(Code 1988, § 10-1-157)

**Sec. 58-319. Operation of mobile home parks; responsibilities of park management.**

(a) An office of the attendant or person in charge of a mobile home park shall be located in every mobile home park. A copy of the park license and this division shall be posted in such office, and the park register shall be kept in the office at all times.

(b) The attendant or person in charge and the park licensee shall operate the park in compliance with this chapter and the 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, which is to be open to inspection at all times by state, federal and municipal officers, which shall show the following:
  - a. Names and address 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 the state, territory, or country which issued such license.
  - f. Place of employment of each occupant, if any.

- (2) Notify park occupants of the provisions of this division and inform them of their duties and responsibilities, and promptly report to the proper authorities any violations of this division or any other violations of law which may come to their attention.
  - (3) Report to the police department all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.
  - (4) Supervise the placement of each mobile home on its stand, which includes securing its stability and installing all utility connections and tiedowns.
  - (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 the growth of noxious weeds.
  - (7) Maintain the park free of litter and other flammable materials, and provide portable fire extinguishers of a type approved by the fire chief in all locations designated by the fire chief and maintain such extinguishers in a good operating condition and cause every area within the park which is designated as a fire lane by the fire chief to be kept free and clear of obstructions.
  - (8) Check to ensure that every mobile home unit has furnished, and in operation, a substantial flytight, watertight and rodentproof container for the deposit of garbage and refuse in accordance with ordinance. The management shall provide stands for all refuse and garbage containers, which shall be designed to prevent tipping, minimize spillage and container deterioration, and facilitate cleaning.
  - (9) At least weekly, provide for the sanitary and safe removal and disposal of all refuse and garbage. Removal and disposal of garbage and refuse shall be accordance with law, ordinances and regulations, including regulations promulgated by the fire chief.
  - (10) Collect a security deposit equal to three months' parking fee for each occupied nonexempt mobile home within the park and remit such fees and deposits to the village administrator.
  - (11) Allow inspections of park premises and facilities at reasonable times by village officials or their agents or employees as provided by this section 58-321(b).
- (Code 1988, § 10-1-158)

**Sec. 58-320. Responsibilities and duties of mobile home park occupants.**

(a) Park occupants shall comply with all applicable requirements of, and regulations issued under, this chapter, 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.

- (1) 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.
  - (2) Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit the cash deposit and monthly parking permit fee to the licensee or authorized park management.
  - (3) It shall be the duty of every park occupant to give the park licensee or manager, or his agent or employee, access to any part of such park or mobile home premises at a reasonable time for the purpose of making repairs or alterations which are necessary to effect compliance with this decision or any law or ordinance, or lawful regulation or order adopted under such law or ordinance.
- (c) Mobile homes shall be parked only on the mobile home stands provided, and shall be placed on such stands in accordance with all requirements of this chapter.
- (d) No mobile home owner or occupant shall conduct in any unit or mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the village.
- (e) No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- (f) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit, except as specifically authorized by this division.  
(Code 1988, § 10-1-159)

**Sec. 58-321. Additional mobile home and mobile home park regulations.**

- (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 declared to be a public nuisance. Whenever the building inspector or village board so determines, they 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 the determination is based, and shall order such mobile home to be 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 30 days.
- (b) Authorized representatives of the village board are authorized and directed to inspect mobile home parks not less than once in every 12-month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the village as affected by such parks, and the compliance of structures and activities in such parks with this decision and all other applicable laws and ordinances.
- (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

of the fire chief.

(d) All plumbing, electrical, oil or gas distribution, alterations or repairs in a mobile home park shall be 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 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 by such work. This subsection shall not apply to the 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.

(g) Storage under mobile homes is prohibited.  
(Code 1988, § 10-1-160)

#### **Sec. 58-322. Compliance with plumbing, electrical and building ordinances.**

All plumbing, electrical, building and other work on or at any a mobile home park under this division shall be in accordance with ordinances 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 division grant no right to erect or repair any structures, or to do any plumbing or electrical work.  
(Code 1988, § 10-1-161)

#### **Sec. 58-323. Sign limitations.**

No mobile home community sign intended to be read from any public way adjoining the district shall be permitted, except:

- (1) No more than one identification sign, not exceeding 20 square feet in area, may be permitted for each principal entrance.
- (2) No more than one sign, not exceeding four square feet in area, advertising property for sale, lease or rent, or indicating "Vacancy" or "No Vacancy", may be erected at each principal entrance.
- (3) In the case of new mobile home communities consisting, in whole or part, of mobile home subdivisions or condominiums, one sign, not exceeding 20 square feet in area, may be erected at each principal entrance for a period of not more than two years to advertise the sale of lots or dwellings.
- (4) 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 feet of any exterior property

line.

(Code 1988, § 10-1-162)

**Sec. 58-324. Common recreational facilities.**

- (a) No less than ten percent of the total area of any mobile home community established under this division 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 or other recreational areas in block interiors. At least one principal recreation and community center shall contain not less than five percent 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 the installation 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 use intended.

(Code 1988, § 10-1-163)

**Sec. 58-325. General site planning guides, standards and requirements for mobile home communities.**

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

- (1) *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 a need for such lanes and/or dividers. In general, minor streets shall not be connected with streets outside the district in a way so as to encourage 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 a development.
- (2) *Access for pedestrians and cyclists.* Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient ways and routes. Such ways and routes 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 the edges of planned developments, such crossings shall be safely 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.
- (3) *Protection of visibility.* At intersections of any public or private street, the provisions of section 58-431 shall apply, and are 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 spaces

without a barrier to prevent access to the street, no material impediment to visibility more than 2.5 feet above the ground level shall be created or maintained within 25 feet of such street, unless it is at least 25 feet from such access measured at right angles to the path.

- (4) *Exterior yards.* The following requirements and limitations shall apply to yards at the outer edges of mobile home communities:
- a. *Along public streets.* Where mobile home communities adjoin public streets along exterior boundaries, a yard of at least 25 feet in minimum dimension shall be provided adjacent to such streets. Such yard may be used 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 recreational areas shall be allowed in such yards.
  - b. *At edges of R-MH districts without an intervening street, alley or permanent open space.* Where mobile home communities are located so that one or more boundaries are at the edges of R-MH districts and adjoining neighboring districts without an intervening street, alley or permanent open space at least 20 feet in width, an exterior yard of at least 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 in this subsection (4)b. Where the adjoining district is nonresidential, such yards may be used for group or individual parking, active recreational facilities or carports, recreational shelters or storage structures.
- (5) *Ways for pedestrians and/or cyclists in exterior yards.* In any exterior yard, required or other, paths for pedestrians and/or cyclists may be permitted, if such ways are appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to the users or occupants of adjoining properties. When otherwise in accord with the requirements of set forth in this section concerning such ways, approved ways in such locations shall be counted as common recreational facilities, and may also be used for utility easements.
- (6) *Yards, fences, walls or vegetative screening along edges.* 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 and service areas for loading and unloading, other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
- (7) *Internal relationships.* The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and appropriate relation of space inside and outside of buildings to intended uses and structural features. In particular:
- a. *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 of emergency vehicles, but streets shall not be laid out 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 its use, the shape of the site and the convenience and safety of the occupants.

- b. *Vehicular access to streets.* Vehicular access to streets from off-street parking areas may be direct from dwellings if the street, or portion thereof, serves 50 units or less. Determination of units served shall be based on normal route anticipated for traffic. Along streets, or portions thereof, serving more than 50 dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be combined, limited, located, designed and controlled 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.
- c. *Use of walkways for pedestrians and cyclists.*
  - 1. 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 the use of occupants, shall not exceed 100 feet.
  - 2. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be located and safeguarded to minimize contact with normal automotive traffic. If an internal walkway system is provided away from streets, bicycle paths shall be incorporated into the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designed to provide safety, and shall be appropriately marked and otherwise safeguarded. Appropriately located, designed and constructed ways for pedestrians and cyclists may be combined with other easements and used by emergency, maintenance or service vehicles, but shall not be used by other automotive traffic.

(Code 1988, § 10-1-164)

**Secs. 58-326-58-350. Reserved.**

DIVISION 12. MW MUNICIPAL WELL RECHARGE AREA OVERLAY DISTRICT

**Sec. 58-351. Established.**

(a) *Purpose.* The village recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the MW municipal recharge area overlay district is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the village’s municipal wells. The restrictions imposed in this division are in addition to the restrictions of the underlying residential, commercial or industrial zoning districts or any other provisions of this chapter.



- (b) *Overlay zones.* The MW district is divided into zones A and B as follows:
- (1) Zone A is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal wells. Zone A is more restrictive than Zone B.
  - (2) Zone B is identified as a secondary source of water for the municipal well aquifer and as an area where there is a lower probability of surface contaminants reaching the municipal well fields. Zone B is less restrictive than Zone A.
- (c) *Zone A prohibited uses.* The following land uses are found to have a high potential to contaminate or to have already caused groundwater contamination problems in the state or elsewhere. The following principal or accessory uses are prohibited within Zone A of MW district:
- (1) Areas for dumping or disposing of garbage, refuse, trash or demolition material.
  - (2) Asphalt products manufacturing plants.
  - (3) Automobile laundries.
  - (4) Automobile service stations.
  - (5) Building materials and products sales.
  - (6) Cartage and express facilities.
  - (7) Cemeteries.
  - (8) Chemical storage, sale, processing or manufacturing plants.
  - (9) Dry cleaning establishments.
  - (10) Electronic circuit assembly plants.
  - (11) Electroplating plants.
  - (12) Exterminating shops.
  - (13) Fertilizer manufacturing or storage plants.
  - (14) Foundries and forge plants.
  - (15) Garages for the repair and servicing of motor vehicles, including body repair, painting or engine rebuilding.
  - (16) Highway salt storage areas.

- (17) Industrial liquid waste storage areas.
  - (18) Junkyards and auto graveyards.
  - (19) Metal reduction and refinement plants.
  - (20) Mining operations.
  - (21) Motor and machinery service and assembly shops.
  - (22) Motor freight terminals.
  - (23) Paint products manufacturing.
  - (24) Petroleum products storage or processing.
  - (25) Photography studios, including the developing of film and pictures.
  - (26) Plastics manufacturing.
  - (27) Printing and publishing establishments.
  - (28) Pulp and paper manufacturing.
  - (29) Residential dwelling units on lots less than 15,000 square feet in area. However, in any residential district on a lot of record on the effective date of the ordinance from which this division is derived, a single-family dwelling may be established regardless of the size of the lot, provided, all other requirements of this chapter are complied with.
  - (30) Septage disposal sites.
  - (31) Sludge disposal sites.
  - (32) Storage, manufacturing or disposal of toxic or hazardous materials.
  - (33) Underground petroleum product storage tanks for industrial, commercial, residential or other uses.
  - (34) Woodworking and wood products manufacturing.
- (d) *Zone A conditional uses.* The following conditional uses may be allowed in the MW district, subject to the provisions of sections 58-56 – 58-67:
- (1) Any other business or industrial use not listed as a prohibited use in subsection (c) of this section.
  - (2) Animal waste storage areas and facilities.

- (3) Center-pivot or other large scale irrigated agricultural operations.
- (e) *Zone B prohibited uses.* Underground petroleum product storage tanks for industrial, commercial, residential or other uses are prohibited within zone B of the MW district.
- (f) *Zone B conditional uses.* Any business or industrial use may be allowed within zone B of the MW district, subject to the provisions of sections 58-56 – 58-67.  
(Code 1988, § 10-1-33)

**Secs. 58-352-58-370. Reserved.**

DIVISION 13. PUD PLANNED UNIT DEVELOPMENT CONDITIONAL USE DISTRICT

**Sec. 58-371. Intent.**

(a) The planned unit development conditional use district (PUD) is intended to permit developments that, over a period of time, will 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; provide attractive recreation and open spaces as integral parts of the developments; enable economic design in the location of public and private utilities and community facilities; and ensure adequate standards of construction and planning. The PUD under this division will allow for 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 of corporate ownership or control, or in common ownership under the Unit Ownership Act set forth in Wis. Stats. Ch. 703 (condominiums), may be permitted upon specific petition under section 58-378 and after public hearing, with such development encompassing one or more principal uses or structures, and related accessory uses or structures, when all regulations and standards as set forth in this division have been met.  
(Code 1988, § 10-1-50)

**Sec. 58-372. Types.**

This division contemplates that there may be residential, commercial and industrial PUDs and mixed compatible use developments.  
(Code 1988, § 10-1-51)

**Sec. 58-373. General requirements.**

A PUD shall:

- (1) Be consistent, in all respects, to the expressed intent of these provisions and the spirit and intent of this chapter;
- (2) Be in conformity with the adopted master plan (comprehensive land use and thoroughfare plan) and neighborhood plan, or any adopted component thereof; and

(3) Not be contrary to the general welfare and economic prosperity of the village.  
(Code 1988, § 10-1-52)

**Sec. 58-374. Physical requirements.**

(a) *Minimum development areas.* Areas designated as PUDs shall contain a minimum development area as follows:

<i>Principal uses</i>	<i>Minimum Area (acres)</i>
Residential	3
Commercial	5
Industrial	10
Mixed compatible	10

(b) *Density.* 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 PUD regulations had not been utilized.

(c) *Building height and area.* Buildings in a PUD shall:

- (1) Not exceed the height permitted in the basic unit district.
- (2) Have a minimum area that is equal to or greater than the minimum area required in the basic unit district.

(d) *Single parcel, lot or tract.* The PUD shall be considered as one parcel, lot or tract, and the legal description must define the PUD as a single parcel, lot or tract, and be recorded as such with the county register of deeds.  
(Code 1988, § 10-1-53)

**Sec. 58-375. Public service and facility requirements.**

(a) The development site shall be provided with adequate drainage facilities for surface waters and stormwaters.

(b) The development 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 or facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public areas by the developer.

(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.  
(Code 1988, § 10-1-54)

**Sec. 58-376. Subsequent land divisions.**

The division of any land within a PUD for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division/subdivision regulations of the village (chapter 46 of this code) when such division is contemplated.  
(Code 1988, § 10-1-55)

**Sec. 58-377. Intent of procedural requirements.**

Sections 58-371 – 58-376 set forth the basic philosophy and intent in providing for PUDs, the kinds of PUDs, the general and physical requirements and requirements for public services and facilities. Sections 58-378 – 58-380 are intended to set forth the procedures and considerations involved leading to the possible approval of such PUDs.  
(Code 1988, § 10-1-56)

**Sec. 58-378. Procedural requirements.**

(a) *Prepetition conference.* Prior to the official submission of the petition for the approval of a PUD, 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 prepetition conference, the owner or his agent may file a petition with the village administrator for approval of the PUD. Such petition shall be accompanied by a review fee as set by the village board from time to time, as well as incorporating the following information:

- (1) An informational statement which sets forth the relationship of the proposed PUD to the village's adopted master plan (comprehensive land use and thoroughfare 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 spaces, 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 established for the purpose of providing any necessary private services.
  - d. Any proposed departures from the standards of development as set forth in this chapter,

Chapter 46 of this code, 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 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 the surrounding properties.
- b. The location of public and private roads, driveways, sidewalks and parking facilities.
- c. The size, arrangement and locations 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 use, including schools, parks and drainageways.
- e. They type, size and location of all structures.
- f. General landscape treatment.
- g. The existing and proposed location of public sanitary sewers, water supply facilities and stormwater 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-foot intervals.
- k. Anticipated uses of adjoining land in regards to roads, surface water drainage and compatibility with existing adjacent land uses.
- l. A staging plan, if the development is to be staged.
- m. A plan showing how the entire development can be further subdivided in the future.

(c) *Public hearing.* The village board shall hold a public hearing on the petition, in the manner provided in sections 58-59 and 58-60.

**Sec. 58-379. Basis for petition approval.**

(a) *Requirements.* In making a determination approving a petition for a PUD, the village board shall find that the:

- (1) General requirements made and provided in section 58-373 will be met;
  - (2) Applicable physical requirements made and provided in section 58-374 will be met;
  - (3) Requirements made and provided for public services and facilities in section 58-375 will be met.
- (b) *Proposed construction schedule.* In making their recommendation and determination, the village board 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 year of approval shall be deemed reasonable.
- (c) *Residential PUD considerations.* In making their recommendation and determination as to a proposed residential PUD, the village board 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 pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
  - (2) The total net residential density within the PUD 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 in which it is located.
  - (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district; therefore structure types shall be limited as follows:
    - a. Planned residential developments in the R-1 district shall not exceed four dwelling units per structure.
    - b. Planned residential developments in the R-2 district shall not exceed 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 facilities.
  - (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved by either private reservation and maintenance or dedication to the public.
- (d) *Commercial PUD considerations.* In making their recommendation and determination as to a proposed commercial PUD, the village board shall further consider whether the:
- (1) Economic practicality of the proposed development can be justified.

- (2) Proposed development will be served by off-street parking and truck service facilities in accordance with this chapter.
  - (3) Proposed development shall be adequately provided with, and not impose any undue burden on, public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.
  - (4) Locations of entrances and exits have been designated to prevent unnecessary interface with the safe and efficient movement of traffic on surrounding streets, and the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
  - (5) 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.
- (c) *Industrial PUD considerations.* In making their recommendation and determination as to a proposed industrial PUD, the village board shall further consider whether the:
- (1) 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) Proposed development shall be adequately provided with, and not impose any undue burden on, public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.
  - (3) Proposed development will include provisions 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) 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 public streets.
- (f) *Mixed use PUD considerations.* In making their recommendation and determination as to a proposed mixed use PUD, the village board shall further consider whether:
- (1) Proposed mixture of uses provides a unified composite which is compatible with the zoning district, and which, as a total development entity, is compatible with the surrounding neighborhood.
  - (2) Various types of uses conform to the general requirements as set forth in this division, which are applicable to projects of such use and character.
  - (3) Proposed development shall be adequately provided with, and not impose any undue burden on, public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.

(Code 1988, § 10-1-58)



**Sec. 58-380. Determination of disposition of petition.**

(a) *Action after public hearing.* Following a public hearing on a petition, and after due consideration, the village board 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 PUD shall be based on and include, as conditions thereto, the building, site plans and operational plans for the development, as approved by the village board.

(1) *General development plan approval.* The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of a 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 plans shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development, 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.* Detailed plans must be furnished to the village board for its consideration, and 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 ensuring 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 or approve the alteration, subject to any additional conditions and restrictions it may impose.

(Code 1988, § 10-1-59)

**Secs. 58-381 – 58-410. Reserved.**

**ARTICLE IV. SUPPLEMENTAL REGULATIONS****DIVISION 1. GENERALLY**

**Secs. 58-411 – 58-430. Reserved.**

DIVISION 2. TRAFFIC VISIBILITY, LOADING, PARKING AND ACCESS\*

**Sec. 58-431. Corner lots.**

(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 2 ½ and ten 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 such street lines 25 feet from the point of intersection.

(b) For arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.  
(Code 1988, § 10-1-90)

**Sec. 58-432. Loading space requirements.**

(a) *Established.* On every lot which a business, trade or industrial use is established after the effective date of the ordinance from which this division is derived, space with access to a public street or alley shall be provided as indicated in the following table for the loading and unloading of vehicles off the public right-of-way:

<i>Use</i>	<i>Floor Area (square feet)</i>	<i>Loading Spaces</i>
Retail, wholesale warehouse, service manufacturing and industrial establishments	2,000 – 10,000	1
	10,000 – 20,000	2
	20,000 – 40,000	3
	40,000 – 60,000	4
	Each additional 50,000	1
Hotels, offices, hospitals, places of public assembly	5,000 – 10,000	1
	10,000 – 50,000	2
	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 use or for different uses, and 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 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

\***Cross reference** – Traffic and vehicles, ch. 50.

use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets, or shall require any vehicle to back into a public street.

(d) *Design standards.* Each off-street loading space shall have a width of at least 12 feet, a length of at least 45 feet, and a vertical clearance of at least 14 feet. Dimensions for funeral home loading spaces shall be reduced to ten feet in width, 25 feet in length, and eight 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 inches thick, surfaced with not less than two inches of asphalt or treated with a comparable all-weather dustless material.

(f) *Motor vehicle repair work or service.* No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential district.

(g) *Utilization.* Space allocated to any off-street loading berths shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities, or portions thereof.

(h) *Central loading areas.* Central loading facilities may be substituted for loading berths on the individual zoning lots, provided the following conditions are met:

- (1) Each 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 the number of loading berths.)
- (3) No lot served shall be more than 300 feet from the central loading area.
- (4) The tunnel or ramp connecting the central loading area with the lot served shall not be less than seven feet in width, and have a clearance of not less than seven feet.

(Code 1988, § 10-1-91)

### **Sec. 58-433. Parking requirements.**

All new parking lots and all alterations of existing lots shall be subjected to the approval of the village board. Requests for such parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except 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, extended or increased, off-street parking stalls for all vehicles, in accordance with the following:

- (1) *Access.* Adequate access to a public street shall be provided for each parking space.
- (2) *Design standards.* Each required off-street parking space shall have a stall width of at least nine feet and a length of at least 18 feet. The minimum width of aisles providing access to such stalls

for one-way traffic shall be 11 feet for 30-degree parking, and 20 feet for 90-degree parking. The minimum width of aisles providing access to such stalls for two-way traffic shall be 24 feet. No parking area of more than two spaces shall be designed to require any vehicle to back into a public street. Any parking area of more than five 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 ne avoided by interior landscaping and safety islands.

(3) *Location.*

- a. The location of off-street parking shall be on the same lot as the principal use or not over 400 feet from the principal use.
- b. 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 feet to a side lot line, right-of-way line or rear lot line.
- c. Off-street parking in the single-family and two-family residence districts is permitted in the driveway in the front yard, even if the driveway is closer than five feet to a side lot line, provided, the driveway conforms to the requirements in section 58-434.

(4) *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 4,000 pounds; normally, a two-inch blacktop on a four-inch base of five inches of Portland cement will meet such requirement. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked. With the approval of the village board, compacted stone or gravel may be used for surfacing.

(5) *Landscaping.*

- a. *Accessory landscape areas.* All public and private off-street parking areas which serve five vehicles or more, and are created or redesigned and rebuilt subsequent to the adoption of the ordinance from which this chapter is derived, shall be provided with accessory landscape areas totaling not less than ten percent of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet.
- b. *Location.* The location of landscape areas, plant materials and protection afforded such plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the zoning administrator.
- c. *Plans.* At the discretion of the zoning administrator, all plans for such proposed parking areas shall include a topographic survey or grading plan, which shows existing and proposed grades and the location of improvements. The preservation of existing shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
- d. *Special residential requirements.* The parking area for five 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 feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five feet from such lot line. Such fence shall be located at a minimum of one foot from the lot line.

- e. *Motor vehicle repair work and service.* No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residential districts.
- f. *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in a way so as not to create a nuisance. However, in no case shall such lighting exceed three footcandles when measured at the lot line.
- g. *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.

(6) *Curbs and barriers.* Curbs or barriers shall be installed at a minimum of four feet from a property line to prevent the parked vehicles from extending over any lot lines.

(7) *Number of stalls.* The number of parking stalls required are as follows:

<i>Use</i>	<i>Minimum parking required</i>
Single-family, two-family and mobile home dwellings	2 stalls for each dwelling unit
Multi-family dwellings	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling, with one-half of such 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 to be installed
Hotels, motels	1 stall for each guest room, plus 1 stall for each 3 employees
Sororities, dormitories, roominghouses and boardinghouses	1 stall for each bed
Retirement homes, orphanages, convents and monasteries	1 stall per 2,000 feet of principal floor area
Hospitals, sanitariums, institutions, rest homes and nursing homes	1 stall for each 3 beds, plus 1 stall for each 3 employees

<i>Use</i>	<i>Minimum parking required</i>
Medical and dental clinics	5 stalls for each doctor
Churches, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 4 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees, plus 1 stall for each 5 students of 16 years of age or more
Restaurants, bars, clubs, lodges and places of Entertainment	1 stall for each 3 seats, plus 1 stall for each 2 employees
Manufacturing and processing plants, including meat and food processing, laboratories and warehouses	1 stall for every 2 employees (the number of employees shall be construed to mean the maximum number of employees on the premises at one time)
Financial institutions, business, government and professional offices and retail and service establishments	1 stall for each 250 square feet of floor area, plus 1 stall for each 2 employees
Motor vehicle sales, new and used, not including service garages (see automobile repair garages and service stations as set forth in this table)	1 stall for each 500 square feet of floor area used, plus 1 stall for each 300 square feet of outdoor display area for each motor vehicle to be displayed
Repair shops, and retail and service stores	1 stall for each 150 square feet of net floor space
Automobile repair garages and service stations	1 stall for each employee, plus one stall for each 250 square feet of floor area used for repair work
Bowling alley	5 stalls for each alley

(8) *Unlisted structures or uses.* In the case of structures or uses not otherwise listing in the table set forth in subsection (7) of this section, the provision for a use which is similar shall apply. For the purposes of subsection (7) of this section, the term “floor space or area” means the gross floor area inside the exterior walls, where floor space is indicated as a basis for determining the amount of off-street parking required.

(9) *Combined uses.* Combinations of any of the uses set forth in subsection (7) of this section shall provide the total of the number of stalls required for each individual use. Two 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.

- (10) *Handicapped parking requirements.* In addition to any other requirements relating to parking spaces, the provisions contained in Wis. Stats. §§ 101.13, 346.503 and 346.56, and any Wisconsin Administrative Code sections adopted pursuant thereto, are adopted by reference, and made applicable to all parking facilities whenever such facilities are constructed.
- (11) *Changes in buildings or uses.* Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25 percent 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 50 percent or more in the floor area, such building or use shall then comply with the parking requirements set forth in the district in which it is located.
- (12) *Off-lot parking.*
- a. Required off-street parking spaces shall be located on the same lot with the principal use, or when such requirement cannot be met, such street 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 by the owner of the use requiring such parking, or may be leased or rented through a written agreement satisfactory to the village attorney.
  - b. Off-lot parking spaces for residential uses shall be within 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 300 feet of the entrance of the establishment.
  - c. Accessory parking may be located in residential districts, provided that such lots or property are immediately adjacent to a commercial, business or industrial zoning district.
  - d. All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

(Code 1988, § 10-1-92)

#### **Sec. 58-434. Driveways.**

All driveways installed, altered, changed, replaced or extended after the effective date of the ordinance from which this division is derived shall meet the following requirements, and the location of such driveways must be approved by the zoning administrator:

- (1) Islands between driveway openings shall be provided with a minimum of six feet between all driveways.
- (2) The maximum number of driveway openings for vehicular ingress and egress for lots with a width of less than 100 feet shall be one, and for lots with a width greater than 100 feet shall be two.
- (3) Vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes,

vehicular sales, service, washing and repair stations, garages or public parking lots shall not be less than 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.

- (4) Openings for vehicular ingress and egress shall not exceed 30 feet at the property line, and 35 feet at the roadway for all uses, except the minimum curb opening for all residential districts shall be 25 feet at the roadway.
- (5) Driveways shall be at least ten feet wide for one-family and two-family dwellings, at least 18 feet for farmsteads, and a maximum of 35 feet at the roadway for all other uses, except the maximum curb opening for all residential districts shall be 25 feet.

(Code 1988, § 10-1-93)

#### **Sec. 58-435. Highway access.**

(a) 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 the 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 100 feet of the 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 streets or highways as specified in subsection (a) of this section.

(c) Temporary access to the rights-of-way as specified in subsection (a) of this section 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 of time not to exceed 12 months.

(Code 1988, § 10-1-94)

#### **Sec. 58-436. Recreational vehicles and boats.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Mobile home* means a structure, transportable in one or more sections, which is eight body feet or more in width, and is 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 a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in such mobile home. The 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. The width of a mobile home means the distance from the exterior of one 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, drawbars, couplings, hitches, wall and roof extensions or other attachments.

*Recreational vehicle* means any of the following:

- (1) *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 section, is termed as an “unmounted boat or snowmobile.”
- (2) *Camping trailer* means a canvas or folding structure mounted on wheels and designated for travel, recreation, vacation or other uses.
- (3) *Chassis mounts, motor homes and minimotor homes* means recreational structures which are constructed integrally with a truck or motor-van chassis, and incapable of being separated from such chassis.
- (4) *Converted and chopped vans* means recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
- (5) *Motor home* means a portable, temporary dwelling designed to be used for travel, recreation, vacation or other uses, constructed as an integral part of a self-propelled vehicle.
- (6) *Pickup 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.
- (7) *Travel trailer* means a vehicular, portable structure, built on a chassis and wheels, that is between ten and 36 feet long, including the hitch, and eight feet or less in width, designed to be used for travel, recreation, vacation or other uses, and towed by a car, station wagon or truck. Such terms include so-called fifth-wheel units.

*Yard, front* means the part of a lot between the front lot line and front of the principal building on the lot, and extended to both side lot lines.

*Yard, rear* means the part of a lot between the rear lot line and the back of the principal building on the lot, and extended to both side lot lines.

*Yard, side* means the part of a lot which is not surrounded by a building, and which is not in the front or rear yard.

(b) *Parking and storage.* In all residential and commercial districts provided for in this chapter, a recreational vehicle or boat trailer may be parked or stored on private property, in accordance with the following:

- (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district in which it is located.
- (2) Parking is permitted outside in the side or rear yard, provided it is not closer than five feet to the lot lone.
- (3) Parking is permitted outside on a hard surfaced or well-drained gravel driveway, provided:
  - a. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side or rear yard.
  - b. A corner lot is always deemed to have reasonable access to the rear yard.
  - c. A fence is not necessarily deemed to prevent reasonable access.
  - d. Inside parking is not possible.
  - e. The unit is parked perpendicular to the front curb.
- (4) The body of the recreational vehicle or boat must be at least 15 feet from the face of any curb.
- (5) No part of the unit may extend over the public sidewalk or 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 14 days in any one calendar year. Cooking is not permitted at any time.
  - b. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be temporarily connected to electricity for charging batteries and other purposes.
  - c. Used for storage of goods, materials or equipment, other than items considered to be part of the unit or essential for its immediate use.
- (7) Notwithstanding subsection (b)(6) of this section, 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.

(Code 1988, § 10-1-95)

### **Sec. 58-437. Tractors and road machinery.**

No person shall park, keep or maintain tractors, tractor trailers, semitrailers, farm tractors in excess of six feet in width, dump trucks, auto wreckers and road machinery on properties zoned as residential or multiple residential dwellings. Such vehicles may not be kept or parked on such premises whether or not

they are in enclosed buildings, except for the purpose of unloading or servicing the premises.  
(Code 1988, § 10-1-96)

**Secs. 58-438 – 58-460. Reserved.**

### DIVISION 3. SIGNS AND BILLBOARDS

**Secs. 58-461. Intent and Purpose.**

The intent of this article is to provide for and regulate the location and safe construction of signs in the community in a manner that will ensure that signs are compatible with surrounding land uses, and to express the identity of individual proprietors and the community as a whole. It shall be unlawful for any person, firm or corporation to locate, erect, move, reconstruct, extend, enlarge, convert, or structurally alter any sign without first complying with the requirements of this article.

**Secs. 58-462. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Awning sign* means a non illuminated projecting identification sign painted on or affixed flat to the surface of an awning and which does not extend vertically or horizontally from the awning.

*Banner* means a non illuminated elongated fabric sign usually used for temporary display for the special announcement of a coming event.

*Billboard* means any sign at least 200 but not more than 800 square feet in area on one side, no more than 35 feet in height.

*Bulletin board* means a sign used by governmental and institutional agencies to publicly display notices of meetings, services, regulations, and announcements. Such signs are not necessarily designed to be read from a distance or by the traveling public.

*Canopy sign* means a projecting sign affixed to or forming part of a permanent canopy or marquee which does not extend horizontally beyond the limits or edge of such canopy or marquee.

*Changeable copy sign* means any sign which is characterized by manually changeable words, letters, numbers, or symbols. (Not including continuous moving or moveable copy signs.)

*Flags or pennants* means devices generally made of flexible materials, such as cloth, paper, or plastic and displayed on strings or wires.

*Ground sign* means a freestanding sign affixed to or placed on the ground and independent of any buildings or other permanent structure.

*Marquee.* See "Canopy sign."

*Movable copy sign* means any sign characterized by continuous moving, pulsating, intermittent, or

flashing electronically produced words, phrases, numbers or pictures.

*Off-premises direction/sales* means signs which are intended to advertise places of business not located on the same parcel or land ownership as the off-premises sign.

*Projecting sign* means a sign not attached (principally) to the ground and projecting more than 12 inches from the face of a building or other permanent structure to which it is attached.

*Roof sign* means a sign erected on or over the roof of a building.

*Sandwich and any other readily movable, freestanding sign.* See "Ground sign."

*Sign area* means that part of a total sign structure which encompasses the sign message exclusive of the structure upon which the sign area is affixed or which supports the sign area. For the purpose of computing "square feet" of a sign area, any exposed structure which supports a sign may not comprise more than one-third of the visible or exposed surface of one side of a total sign structure.

*Signable area.* The signable area of a building is designated as the area of the facade of the building facing or abutting upon a street right-of-way up to the ceiling line of the top floor and which is free of windows and doors or major architectural detail on which signs may be displayed.

*Total sign structure* includes the "sign area" plus any exposed area or members of the supporting structure on or to which the sign (sign message) is affixed. Decorative, landscaped earthen berms or structures which are composed principally of exposed earth and/or landscape (plant) materials shall not be included as a part of a total sign structure but shall meet sign setback requirements as set forth herein.

*Wall sign* means a sign which is attached to a wall of a building or structure and projects not more than 12 inches from such wall. Such a sign shall not extend above the ceiling line of the top floor of the building.

*Window sign* means a sign painted on or affixed to a window. Materials affixed to a window shall be affixed to the inside surface of the window.

**Cross reference** – Definitions generally, § 1-2.

### **Sec. 58-463. Signs permitted without permit.**

Certain signs are permitted as accessory uses in individual zoning districts without a permit as set forth in the individual district regulations. In addition, the following signs may also be permitted without a permit:

(a) Memorial signs, tablets, name of building and date of erection signs when cut into any masonry surface or when constructed of metal and affixed flat against a structure and not illuminated.

(b) Any official signs such as traffic control, parking restrictions, information and notices; on-site private traffic and parking control signs not exceeding three square feet each in area and not exceeding ten cumulative square feet in area per property.

(c) Election campaign signs may be permitted in any district without a permit provided that permission shall be obtained from the property owner, renter, or lessee, and provided that such sign shall not be erected more than 45 days prior to an election and shall be removed within seven days following the election. Such signs in residential zoning districts shall not exceed four square feet in sign area per

sign, or more than a total of 25 square feet per individual property (ownership), whichever is appropriate. Such signs in all other zoning districts shall not exceed four square feet in sign area per sign, or more than a total of 32 square feet in sign area per individual property (ownership or lease), whichever is appropriate.

- (d) "No trespassing" signs not to exceed two square feet in area.
- (e) Real estate signs not exceeding five square feet in area.

**Sec. 58-464. Signs permitted in any zoning district with permit.**

Certain signs may be permitted in any specific zoning district after application and permit by the building inspector as follows:

- (1) Bulletin boards for public, charitable or religious institutions not to exceed 32 square feet in sign area and located on the premises. Such signs shall be set back from the property line at least one-quarter of the building setback requirements of the district in which they are located and be illuminated only to the extent necessary to permit reading of the sign from a maximum distance of ten feet.
- (2) Temporary signs or banners when authorized by the building inspector. For purposes of this provision a temporary sign is one which will be used for no more than 30 days in a six-month period. Such signs shall not exceed 32 square feet in sign area.
- (3) Home occupation and professional home office wall or window signs not exceeding two square feet in sign area not illuminated.

**Sec. 58-465. Signs permitted in agricultural zoning districts with permit.**

The following signs are permitted in agricultural zoning districts upon the granting of a permit and subject to the following regulations:

- (a) Name, occupation or organization signs not to exceed ten square feet in sign area, and not exceeding two in number per farm or premise.
- (b) Off-premises directional sales signs as set forth in section 34-6, Municipal Code of the Village of Spring Valley.
- (c) Real estate signs pertaining to the lease or sale of any building, land, farm equipment or animals. Such signs shall not exceed 32 square feet in sign area, shall not be less than 25 feet from the right-of-way of any street or highway and upon the property so offered for sale or lease, and shall not exceed one sign per street frontage. No such sign shall be erected or maintained within an inside curve of a highway unless such signs are placed at least 50 feet from the highway right-of-way and further than 50 feet from the right-of-way as may be necessary to prevent such sign from interfering with vision along the highway for a distance of at least 1,000 feet in each direction by those traveling thereon. Such signs shall be removed no later than ten days after closing of the sale and the permit for such sign shall be void at the end of six months from the date of issuance unless extended by action of the plan commission.

**Sec. 58-466. Signs permitted in residential districts with permit.**

The following signs are permitted in residential districts upon the granting of a permit and subject to the following regulations:

- (1) Name and occupation signs not exceeding two square feet in sign area and located on the premises.
- (2) Permanent subdivision identification signs not exceeding 50 square feet in sign area, constructed of wood, metal and/or masonry, and of a design which will be compatible with the landscape and shall state only the name of the subdivision. Such signs and their location shall be reviewed and approved by the plan commission prior to issuance of a permit.
- (3) Subdivision lot sales signs relating to the sale of land in a newly developed subdivision not exceeding 32 square feet in sign area and removed not later than the date on which 80 percent of all lots in the subdivision have been sold.

**Sec. 58-467. Signs permitted in business, industrial, and institutional districts with permit.**

The following signs are permitted in all business, industrial, and institutional districts upon the granting of a permit and subject to the following restrictions:

- (1) Semi-temporary signs of any type when permitted by the Village Administrator. In no case shall such signs be externally lighted or be larger than 32 square feet in area. The Village Administrator shall, in each case, determine the structural type of sign to be permitted, the size to be permitted, and the time period the sign may remain in place, not to exceed one year with an option to renew for six months. Such signs shall be set back pursuant to the setback restrictions as set forth in subsection (4) of this section.
- (2) Wall signs placed on or against the exterior wall of business buildings shall not extend more than one foot outside of a building's wall surface, and shall not exceed in sign area the equivalent of two square feet for each linear one foot of building (store) premises, and any ancillary lighting shall be shielded to avoid glare. Wall signs (and structure) shall not extend above the ceiling level of the top floor of the building upon which they are located.
- (3) Projecting signs fastened to, suspended from or supported by structures on business buildings shall not exceed 50 square feet in sign area, or 100 percent of the setback from the property line as expressed in square feet, whichever is larger, to a maximum of 150 square feet for any one premise; shall not extend into any public right-of-way; shall not be less than ten feet from all side lot lines, or beyond the building wall, whichever is less; shall not exceed a height of 20 feet above the adjacent centerline street grade and shall not be less than ten feet above the level of the primary access or less than 15 feet above a driveway or an alley; and shall not be located within 150 feet from a ground sign.
- (4) Ground signs, other than billboards, and as defined herein shall not exceed 35 feet in height above the mean centerline grade of the nearest street, and shall not exceed in sign area 25 square feet on one side of the street property line but may be increased in sign area size one square foot for each one foot the sign is set back from the street property line to a maximum of 150 square feet on one side. Only one ground sign shall be allowed to be constructed on a street frontage of a single (individual) property and no ground sign shall be placed closer than 150 feet from another ground or projecting sign.

- (5) Off-premises directional/sales signs as defined herein, other than billboards when permitted, shall meet the requirements of the type of sign as set forth in this article; shall not exceed two in number per business, resort or commercial recreation facility as well as the principal merchandise sold; shall not exceed in sign area 25 square feet on one side at the street property line but may be increased in size one square foot for each one foot the sign is set back from the street property line to a maximum of 100 square feet on one side; and shall be a maximum 15 miles distance from the designated business.
- (6) Window signs shall be placed only on the inside of business buildings and shall not exceed 25 percent of the glass area of the window upon which the sign is displayed. Illuminated window signs shall not be used as night lights.
- (7) Billboards as defined herein when permitted by the plan commission shall be set back from the property lines as set forth for principal buildings in the zoning district regulations; shall be located not closer than 5,000 feet from another billboard or off-premises sign larger than 50 feet in area located on the same side of the street; and, if illuminated, shall have no exposed flashing or electrically movable copy lighting.
- (8) Agricultural land sales sign for the sale of the premises and meeting the requirements set forth in section 34-5, Municipal Code of the Village of Spring Valley
- (9) Combinations of any signs in this section shall meet all the requirements for the individual sign.

**Sec. 58-468. Signs permitted in park, conservancy and flood land districts.**

Signs as permitted in section 34-3 (1) and (2), Municipal Code of the Village of Spring Valley shall be permitted in the park, conservancy and flood land districts upon the granting of a permit by the building inspector.

**Sec. 58-469. Special restrictive provisions.**

Following are special restrictive provisions which relate, generally, to all signs or premises in the village:

- (1) Roof top signs, flashing or blinking (other than traffic control signs), semi-temporary portable signs and private signs within public street, road or highway right-of-way are prohibited.
- (2) Signs facing on federal interstate or federal aid primary highways shall meet all the requirements and federal regulations as well as the regulations for the type and location of signs set forth herein.
- (3) Words and phrases on signs should be kept to a minimum to allow reading or interpretation from a moving vehicle at posted speed limits without hazard. A combination of ten words, sets of numbers, logos, or pictures will, under normal circumstances, be considered as a maximum guide for sign phrasing and the applicant may be requested to modify the sign to delete excessive verbiage.

**Sec. 58-470. Searchlights and portable signs.**

The zoning administrator may permit the temporary use of a searchlight or portable sign for advertising

purposes in any district except residential districts provided that the searchlight or portable sign will not be located in any public right-of-way, will not be located closer than ten feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Searchlight or portable sign permits shall be granted for a period of not more than five days in any six-month period and shall not be illuminated between 10:00 p.m. and dawn.

**Sec. 58-471. Illuminated signs facing residence or residential district.**

No illuminated signs, except those permitted in residential zoning districts, shall be permitted to face a residence and no sign-related illuminating device shall be directed toward residential parcels in a residential zoned district.

**Sec. 58-472. Lighting, design and color.**

Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained to prevent free ingress to or egress from any door, window, or fire escape and no sign shall be attached to a standpipe or fire escape. Signs shall be placed as not to obstruct or interfere with traffic visibility and shall not be lighted in a way which causes glare or impairs driver visibility upon public ways. Continuous moving copy (traveling), electronically movable copy, or flashing picture signs shall not be allowed. Signs may be illuminated as set forth herein but not flash. Decorative or wall art shall only be allowed after public hearing and affirmative action by the plan commission.

**Sec. 58-473. Existing signs.**

(a) Signs lawfully existing at the time of the adoption of or related amendment to the ordinance from which this chapter is derived may be continued although the size or location does not conform to this chapter provided that the owners of such signs shall, within three months of the effective date of this chapter or any amendment thereto, fill out a permit application for the building inspector's records. Upon the filing of such application, the building inspector shall issue a permit to the sign owner without fee.

(b) Nonconforming signs shall be kept in good repair, but the cost of maintenance shall not be considered grounds for their continued use. If not kept in good repair to the satisfaction of the building inspector, the building inspector may require removal of the sign within a 90-day period. The owners of signs which are not repaired, painted, or maintained pursuant to written notification and orders by the building inspector shall also be subject to enforcement action. (See section 34-6, Municipal Code of the Village of Spring Valley.)

**Sec. 58-474. Application for permit.**

Applicants for permits shall be filed with the zoning administrator, who shall review the application for its completeness and accuracy and approve or deny the application within 45 days of receipt unless the time is extended by written agreement with the applicant. A sign permit shall become null and void if work authorized under the permit has not been completed within six months from the date of issuance. Applications shall be made on forms provided by the zoning administrator and shall contain or have attached thereto at least the following information:

- (1) Name, address, and telephone number of the applicant, and location of building, structure, lot or



property to which or upon which the sign is to be attached or erected.

- (2) Name of person, firm, corporation, or association erecting the sign.
- (3) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed or erected.
- (4) A scale drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
- (5) A scale site drawing indicating the location and position of such sign in relation to nearby buildings, structures, property boundaries, or signs.
- (6) Information (or type of information or message) to be displayed on the faces of the sign.
- (7) Copies of any other permit required and issued for said sign, including the written approval by the electrical inspector in the case of illuminated signs. The zoning administrator shall examine the plans and specifications, inspecting all wiring and connections to determine if the same complies with the village codes and ordinances.
- (8) Additional information such as photographs as may be required by the zoning administrator.
- (9) Payment of a fee as set forth herein. The zoning administrator may, if necessity requires, direct that the applicant for a sign permit meet with the plan commission to review the request and provide guidance in the issuance of the permit.

**Sec. 58-475. Permit fees.**

(a) *Application and sign erection permit fee.* Each application for a permit shall be accompanied by a fee set by the Village Board.

(b) *Liability.* The acceptance of fees as provided herein shall not be deemed an assumption of liability by the village.

**Sec. 58-476. Inspection and removal.**

From time-to-time the zoning administrator may inspect signs within the village for compliance with the provisions of this article and, if such provisions are not being met, the zoning administrator shall report such fact to the sign owner and request that the sign be made to comply with this article. If, within a reasonable period of time set by the zoning administrator (see sections 34-3 and 34-4, Municipal Code of the Village of Spring Valley), the sign is not made to comply with this article, the zoning administrator may direct that the sign be removed by the owner, and if not so removed shall cause the sign to be removed and the cost of such removal assessed to the sign owner or the owner of the property from which the sign is removed.

**Sec. 58-477. Maintenance.**

The owner of a sign and/or the owner of the land which the sign is located shall maintain such sign in good and safe condition which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition, and shall maintain the premises on which the sign is

erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass. Failure to do so after notice from the building inspector shall be cause for the removal of such signs under section 34-6, Municipal Code of the Village of Spring Valley. Whenever the zoning administrator determines that the cost to repair a sign will exceed 50 percent of its replacement cost, such sign shall be deemed a hazard and the zoning administrator shall order its removal as set forth in section 34-6, Municipal Code of the Village of Spring Valley. This section shall apply to both new and legal nonconforming signs.

**Sec. 58-478. Construction standards.**

(a) *Wind pressure and dead load requirements.* All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 30 pounds per square foot of area, and shall be constructed to receive dead loads as required in the building code or other ordinances.

(b) *Protection of the public during construction.* The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated to prevent hazard to pedestrians and property.

(c) *Supports.* Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, or other noncorrosive incombustible material. All projecting signs, if placed at an angle to the wall or roof of any building, shall be attached by such noncorrosive metal bolts, anchors, cable, or other metal attachments as shall ensure permanent and safe construction and shall be maintained free from rust or other defects. Every means or device used for attaching any sign shall extend through the walls or roof of the building should the zoning administrator determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls or to bearings on the underside of two or more roof or ceiling joists in accordance with instruction given by the zoning administrator. Small, flat signs containing less than ten feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the zoning administrator.

(d) *Fastening to fire escape or stand pipe; obstructing ingress or egress.* No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or stand pipe, and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained to hinder or prevent ingress or egress through a door, doorway, or window or to hinder or prevent the raising or placing of ladders against a building by the fire department as necessity therefore may require.

**Secs. 58-474 – 58-490. Reserved.**

DIVISION 4. PERFORMANCE STANDARDS FOR INDUSTRIAL DEVELOPMENTS

**Sec. 58-491. Intent.**

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

(Code 1988, § 10-1-120)

**Sec. 58-492. Noises.**

No operation or activity shall transmit any noise beyond the property line exceeding 75 dBA between the hours of 7:00 a.m. and 10:00 p.m. and 65 dBA between the hours of 10:00 p.m. and 7:00 a.m.; however, the following noises are exempt from such regulations:

- (1) Noises not directly under the control of the property owner.
- (2) Noises from temporary construction or maintenance activities during daylight hours.
- (3) Noises from emergency, safety or warning devices.  
(Code 1988, § 10-1-121)

**Sec. 58-493. Vibrations.**

(a) No operation or activity shall transmit any physical vibrations at or beyond the property line of the source that is above the vibration perception threshold of an individual. The term “vibration perception threshold” means the minimum ground-borne 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 from temporary construction or maintenance activities shall be exempt from the standard set forth in subsection (a) of this section.  
(Code 1988, § 10-1-122)

**Sec. 58-494. External lighting.**

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the boundaries of the I-1 industrial district.  
(Code 1988, § 10-1-123)

**Sec. 58-495. Odors.**

No operation or activity shall emit any substance, or combination of substances, in such quantities that create an objectionable odor as defined in the Wisconsin Administrative Code.  
(Code 1988, § 10-1-124)

**Sec. 58-496. Particulate and 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 the Wisconsin Administrative Code.  
(Code 1988, § 10-1-126)

**Sec. 58-497. Hazardous substances.**

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 the Wisconsin Administrative Code.  
(Code 1988, § 10-1-127)

**Secs. 58-498-58-520. Reserved.**

DIVISION 5. SATELLITE DISHES, RADIO TOWERS AND WIND ENERGY SYSTEMS

*Subdivision I. In General*

**Secs. 58-521-58-535. Reserved.**

*Subdivision II. Satellite Dishes*

**Sec. 58-536. Generally.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Owner* means the holder of the 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 an owner to the extent of his interest. The personal representative of at least one owner shall be considered an owner.

*Satellite television dish* and *earth station* mean an apparatus over 24 inches in diameter capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. Such apparatus is also commonly referred to as disks, satellite communications systems or home earth stations.

(b) *Permit required.* No owner shall build, construct, use or place any type of satellite earth station within the village until a permit shall have first been obtained from the village administrator.

(c) *Permit application.* Application for a satellite earth station shall be made in writing to the village administrator. A fee as set by the village board from time to time shall be submitted with such application, and a complete set of plans and specifications, including a plot plan showing the location of the proposed satellite earth station with respect to adjoining alleys, lot lines and buildings. The application shall be approved if it meets all requirements of this section.

(d) *Installation restrictions.* Satellite earth stations installed in any zoning district within the village shall comply with the following:

- (1) *Number of units.* Not more than one satellite earth station may be allowed per individual recorded lot, except additional stations may be permitted in nonresidential zones upon application for a variance.

- (2) *Location and setbacks.*
- a. Any satellite dish mounting post shall be only located in the rear yard of a residential lot and at least 15 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 satellite 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, the satellite dish may be located only in a side yard after receiving approval from the village board. A side yard for corner lots is only a yard that does not face a street.
  - c. No satellite dish shall be placed in the front yard of any residential, business or industrial lot within the village.
  - d. 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 a satellite dish.
- (3) *Mounting.* Satellite earth stations located in agricultural or residential districts shall be ground-mounted only. Satellite earth stations may be wall-mounted 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, and the village may require engineering calculations.
- (4) *Diameter.* The diameter of a satellite television dish shall not exceed ten feet for a ground-mounted dish and six feet for a roof-mounted dish, except for stations used to provide community antenna television services.
- (5) *Height.*
- a. A ground-mounted satellite dish may not exceed ten feet in height, as measured from the ground to the highest point of the dish.
  - b. A roof-mounted satellite dish may not exceed eight feet in height above the surrounding roofline, as measured from the ground to the lowest point of the existing roofline.
- (6) *Wind pressure.* All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 miles per hour.
- (7) *Electrical installations.* Electrical installations of earth satellite receiving stations, including grounding of the systems, shall be in accordance with all applicable federal regulations, the 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 to the receivers shall be installed underground unless installation site conditions preclude such underground installation. If a satellite earth station is to be used by two 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 station shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five days. However, such trial placement shall be in accordance with all provisions of this section. Failure to comply with such requirements shall result in a citation being issued for a violation of this section. Any person making such temporary placement shall give written notice to the village administrator of the dates when such placement shall begin and end.
  - (9) *Advertising.* No form of advertising or identification, sign or mural is allowed on the satellite dish or framework, other than the customary manufacturer's identification plates.
  - (10) *Interference with broadcasting.* Satellite earth stations shall be filtered and/or shielded to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjoining properties. If harmful interference is caused subsequent to the installation of a satellite earth station, the owner of the satellite earth station shall promptly take steps to eliminate the harmful interference in accordance with the Federal Communication Commissioner's 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 under such act.
  - (12) *Color.* The color of any satellite dish shall be a color that blends into its surroundings, and shall be approved by the village board as part of the application.
  - (e) *Variances.* Requests for variances from the standards established by this section may be made to the zoning board of appeals pursuant to section 58-50.
  - (f) *Violations; penalties.*
    - (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 such 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 who fails to comply with the provisions of this section shall, upon conviction, be subject to section 1-27.
- (Code 1988, § 10-1-130)

**Sec. 58-537 – 58-550. Reserved.**

*Subdivision III. Radio or Television Antenna Towers*

**Sec. 58-551. Generally.**

(a) No radio or television antenna tower shall be erected or installed within a front yard or side yard. The rear and side setbacks in rear yards shall be the same as for the principal structure in the respective zoning district. The exact location of the antenna tower shall be subject to approval by the village board.

(b) No radio or television tower shall exceed a height of 20 feet above the roofline of the building on the property upon which the antenna is located or 60 feet above the ground, when measured at grade level, whichever is the minimum.

(c) Radio or television antenna towers shall be erected and installed in accordance with the state electrical code, applicable federal regulations and the instructions of the manufacturer. In case of conflict, the stricter requirement shall govern.

(Code 1988, § 10-1-131)

**Sec. 58-552 – 58-565. Reserved.**

*Subdivision IV. Wind Energy Systems*

**Sec. 58-566. Definitions.**

The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Wind energy system* means windmills which are used to produce electrical power.

(Code 1988, § 10-1-132(e))

**Cross reference** – Definitions generally, § 1-2.

**Sec. 58-567. Special use permits.**

(a) *Required.* No owner shall build, construct, use or place any type or kind of wind energy system within the village without holding the appropriate conditional use permit for such system.

(b) *Separate permit required for each system.* A separate conditional use permit shall be required for each system. Such permit shall be applicable solely to the systems, structures, uses and properties described in the permit.

(c) *Basis of approval.* The village board shall base its determination 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 this chapter.

(d) *Fees.* The village board shall, by resolution, establish fees for the processing and issuance of conditional use permits under this subdivision.

(Code 1988, § 10-1-132(a) – (d))

**Sec. 58-568. Permit procedure.**

(a) *Application.*

(1) The permit application for a wind energy system shall be made to the village administrator upon forms provided by the village. The application shall include the following information:

- a. Name and address of the applicant.
- b. Address of the property on which the system will be located.
- c. An accurate and complete written description of the use for which a special grant is being requested, including pertinent statistics and operational characteristics.
- d. 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.
- e. Any other information which the village board or village administrator may deem necessary to the proper review of the application.

(2) 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 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 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.

(3) 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, as soon as practical, and shall give notice of such hearing, as deemed appropriate.

(c) *Determination.* Following the public hearing and necessary study and investigation, the village board shall, as soon as practical, render its decision in writing on such application, and a copy shall be made a permanent part of the village board's minutes. Such decision shall include an accurate description of the special use 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 when a change in the character of the surrounding area or the use itself causes it to no longer be compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the special grand may be terminated by action of the village board, following a public hearing thereon.

(e) *Changes.* Subsequent changes or additions to the approved plans or use shall first be submitted to the village board for approval, and if, in the opinion of the village board, such change or addition constitutes a substantial alteration, a public hearing before the village board shall be required, and a notice of such hearing shall be given.

(f) *Approval not to waive permit requirements.* The approval of a permit under this subdivision shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to the installation of any system.

(Code 1988, § 10-1-133)

#### **Sec. 58-569. Specific requirements.**

(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 the other requirements in this subdivision.

(b) *Applications.* 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 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 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 a manner to withstand wind pressure of not less than 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 50 decibels, as measured on a dBA scale, measured at the lot line.

(e) *Electromagnetic interference.* Wind energy conversion system generators and alternators shall be filtered and/or shielded to prevent the emission of radio frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. If 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 the Federal Communication Commissioner’s 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 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 feet in height. A sign shall be posted on the fence warning of high voltages.

(h) *Utility company notification.* The appropriate power company shall be notified, in writing, of any proposed interface with the company's grid prior to installing such interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit. (Code 1988, § 10-1-134)

**Sec. 58-570 – 58-590. Reserved.**

DIVISION 6. ACCESSORY USES OR STRUCTURES

**Sec. 58-591. Generally.**

(a) *Principal use or structure required 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 regulations of the district in which it is located, except as specifically otherwise provided.

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

- (1) *Number limited.* In any residential district, in addition to the principal building, a detached or attached garage and one additional accessory building may be placed on a lot.
- (2) *Size limits.* In any residential area in addition to the principal structure there are also allowed one detached garage not larger than 936 square feet and one accessory building not larger than 250 square feet or one garage/accessory building not larger than 1,180 square feet. The overhangs are to be considered in the setbacks.
- (3) *Attached accessory building yard requirements.* All accessory buildings which are attached to the principal buildings shall comply with the yard requirements of the principal building.
- (4) *Detached accessory building yard requirements.* No detached accessory building shall occupy any portion of the required front yard, and shall not occupy more than 30 percent of the required rear yard or be located within three feet of any other accessory building or lot line. An accessory building shall not be nearer than ten feet to the principal structure unless the applicable building

code regulations in regard to one-hour fire-restrictive 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 in residential districts.* Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry, except for home occupations as defined in section 58-7, and shall not be occupied as a dwelling unit.

(d) *Placement restrictions in nonresidential districts.* An accessory use or structure in a business or manufacturing district may be established in the rear or side yard, and shall not be nearer than three feet to any side or rear lot lines.

(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 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 flagpoles, ornamental light standards, lawn furniture, sundials, birdbaths, 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 feet above the curb level, a private garage may be erected within the front yard, provided that:

- (1) Such private garages shall be located not more than five feet from the front lot line.
- (2) The floor level of such private garage shall be located not less than one foot above the curb level; and
- (3) At least one-half of 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 feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height, and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(j) *Lawn accessories.* Walks, drives, paved terraces and purely decorative garden accessories, such as pools, fountains, statuary, flagpoles, etc. shall be permitted in setback areas, but not closer than three feet to an abutting property line, other than a street line.

(k) *Retaining walls.* Retaining walls may be permitted any place on a lot, provided, however, that no individual wall shall exceed six feet in height, and a terrace of at least three feet in width shall be provided between any series of such walls and, provided further that no such wall shall be closer than

three feet to the property line along a street frontage.  
(Code 1988, § 10-1-140; Ord. of 8-10-2005(6))

**Sec. 58-592. Firewood.**

(a) No person shall store firewood in the front yard in residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery.

(b) Firewood should be neatly stacked and may not be stacked closer than two feet to any lot line, nor higher than six feet from grade, except adjacent to a fence, where firewood can be stacked against the fence as high as the fence. As used in this subsection, the term “fence” shall not include hedges and other vegetation.

(c) All brush, debris and refuse from the processing of firewood shall be promptly and properly disposed of, and shall not be allowed to remain on the premises.

(d) Woodpiles that contain diseased wood that is capable of transmitting disease to other healthy trees, and woodpiles that harbor or are infested or inhabited by rats or other vermin, are public nuisances and may be abated pursuant to this code.

(e) Not more than 20 percent of a side and rear yard may be used for storage of firewood at any one time.  
(Code 1988, § 10-1-141)

**Sec. 58-593. Fences and hedges.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Fence* means an enclosed barrier consisting of vegetation, wood, stone or metal, which is intended to prevent ingress or egress. Such term includes plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

(b) *Classifications.* Fences shall be categorized into the following five classifications:

(1) *Boundary fence.* A fence placed on or within three feet of the property lines of adjacent properties.

(2) *Protective fence.* A fence constructed to enclose a hazard to the public health, safety and welfare.

(3) *Architectural or aesthetic fence.* A fence constructed to enhance the appearance of the structure or the landscape.

(4) *Hedge.* A row of bushes or small trees planted close together, which may form a barrier, enclosure or boundary.

- (5) *Picket fence.* A fence having a pointed post, stake, pale or peg placed vertically, with the point or sharp part pointing upward, to form a part of the fence.
- (c) *Height of Fences Regulated.*
- (1) A fence or wall may be erected, placed, maintained along a lot line on residentially zoned property or adjacent thereto a height not exceeding six feet above ground level, except that no such fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of three feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight-foot limit on the height of a fence or wall.
- (2) In any residential district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three feet above the street grade nearest thereto, within 25 feet of the intersection of any street lines or projected street lines.
- (d) *Setback for residential properties.* Fences in or adjacent to a residential property shall have a minimum three-foot side and rear yard setback. 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 lines in all districts, except residential districts, but shall not exceed ten 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 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 feet above the ground or in height, and project toward the fenced property and away from any public area.
- (g) *Maintenance and repair; placement of finished and decorative sides.* 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) *Protective and warning fences.* Fences erected for the protection of plantings or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements of this section. The issuance of a permit shall not be necessary for temporary fences as described in this subsection, but such fences shall not be erected for more than 45 days.
- (i) *Nonconforming fences and hedges.* Any fence or hedge existing on the effective date of the ordinance from which this division is derived, and not in conformance with this section, may be maintained, but no alteration, modification or improvement of such fence or hedge shall be made unless it complies with this section.
- (Code 1988, § 10-1-142; Ord. of 8-10-2005(14))

**Sec. 58-594. Swimming pools.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Private or residential swimming pool* means an outdoor structure containing a body of water in a receptacle or other container, having a depth for water at any point greater than 1 1/2 feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator, lessee thereof and his family, and by friends invited to use such pool, 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) *Exemptions.* Storable children's swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of 15 inches, and which are constructed so that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of this section.

(c) *Permit required.* Before work is commenced on the construction or erection of private or residential swimming pools, or any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add to such pools must be submitted in writing to the village administrator. Plans, specifications and pertinent explanatory data should be submitted to the village administrator at the time of the application. No work, or any part thereof, shall be commenced until a written permit for such work is obtained by the applicant. A fee as set by the village board from time to time shall accompany such application.

(d) *Construction requirements.* In addition to such other requirements as may be reasonably imposed by the village administrator, the village administrator shall not issue a permit for construction as provided for in subsection (c) of this section unless the following construction requirements are observed:

- (1) All materials and methods of construction used in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accordance with all state regulations and code and any and all ordinances.
- (2) All plumbing work shall be in accordance with all applicable ordinances and 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 the land on which the pool is located, or in the general vicinity.
- (3) All electrical installations, including, but not limited to, lighting and heating, which are provided for, installed and used in conjunction with a private swimming pool, shall be in conformance with law and ordinances regulating electrical installations.

(e) *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 such 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 this chapter for an accessory building, and in no case shall the water line of any pool be less than six feet from any lot line.
- (f) *Fences.*
- (1) Pools within the scope of this section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than six feet in height, and constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked while the pool is not in actual use.
- (2) The pool enclosure may be omitted where portable pools are installed above the ground and have a raised deck around the entire pool perimeter, with an attached enclosed railing a minimum of 36 inches high on the top.
- (g) *Compliance.* All swimming pools existing at the time of passage of the ordinance from which this section is derived, not satisfactorily fenced, shall comply with the fencing requirements as set forth in subsection (f) of this section, or when water is placed in the pool.  
(Code 1988, § 10-1-143)