

TITLE 13

Zoning

Chapter 1 Zoning Code

CHAPTER 1

Zoning Code

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ARTICLE A

Introduction

SEC. 13-1-1 AUTHORITY.

This Chapter is adopted under the authority granted by Sections 61.35, 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

State Law Reference: Sections 61.35 and 62.23(7), Wis. Stats.

SEC. 13-1-2 TITLE.

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

SEC. 13-1-3 GENERAL PURPOSE.

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

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

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

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;

- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
- (i) Preserve and protect the beauty of the Village of Spencer;
- (j) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Spencer;
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

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

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

SEC. 13-1-6 INTERPRETATION.

- (a) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Spencer.
- (b) Where the conditions imposed by any provision of this Chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Chapter or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- (c) No building, structure or use which was not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful solely by reason of the adoption of this Chapter; and to the extent that, and in any manner that, said unlawful building, structure or use is in conflict with the requirements of this Chapter, said building structure or use remains unlawful hereunder.

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

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

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

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

SEC. 13-1-9 THROUGH SEC. 13-1-19 RESERVED FOR FUTURE USE.

ARTICLE B

General Provisions

SEC. 13-1-20 JURISDICTION AND GENERAL PROVISIONS.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Spencer.
- (b) **Compliance.**
 - (1) No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
 - (2) All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of, or additions to, existing uses occurring hereafter shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- (c) **District Regulations to-be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **Number of Residential Buildings on a Zoning Lot.** Except in the case of planned residential developments, not more than one (1) principal detached residential building shall be located on a zoning lot nor shall a principal detached residential building be located on the same zoning lot with any other principal building.
- (e) **Lots Abutting More Restrictive District.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.

SEC. 13-1-21 USE REGULATIONS.

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

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**

- (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Plan Commission in accordance with Article D of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Plan Commission for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - (3) A proposed change from permitted use in a district to a conditional use shall require review, public hearing and approval by the Plan Commission in accordance with Article D of this Chapter.
 - (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Plan Commission in accordance with Article D of this Chapter.
 - (5) Conditional uses authorized by Plan Commission resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
- (d) **Uses Not Specified in Code.**
- (1) Uses not specified in this Chapter which are found by the Village Board, upon the recommendation of the Plan Commission, to be sufficiently similar to specified permitted uses for a district shall be allowed by Zoning Administrator.
 - (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board, upon the recommendation of the Plan Commission, after public hearing and approval in accordance with Article D of this Chapter.
- (e) **Validity of Zoning, Conditional Use and Variance Permits.** Where the Zoning Administrator has issued a zoning certificate, a conditional use permit or a permit for a variance pursuant to the provisions of this Chapter, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the Zoning Administrator.
- (f) **Yard Requirements Where Buildings Not Present.** Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this Chapter, except that yards shall not be required on lots used for garden purposes without buildings or structures, nor on lots used for public recreation areas.
- (g) **Prohibited Uses of Residential Property.** No land which is located in a residence district shall be used for driveway or access purposes to any land which is located in a commercial or manufacturing district or used for any purpose not permitted in a residence district.

SEC. 13-1-22 SITE REGULATIONS.

- (a) **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 sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (b) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board, upon the recommendation of the Plan Commission, by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Village Board.
- (c) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion. Retaining walls may be permitted on a site-specific basis as allowed by the Village Engineer.
- (d) **Decks.** For purposes of this Chapter, decks and porches shall be considered a part of a building or structure.
- (e) **Access to Improved Public Street.**
 - (1) No building permit for a principal building shall be issued unless the zoning lot on which the principal building is to be erected fronts on an improved public street having a width of at least sixty (60) feet, nor shall a building permit be issued for any building on a corner lot where an accessory garage is served from the side street unless said side street is improved.
 - (2) No zoning lot shall contain any building used as a residence unless such lot abuts for at least thirty (30) feet on an improved public street.

SEC. 13-1-23 BULK REGULATIONS.

- (a) **Continued Conformity with Bulk Regulations.** The maintenance of yards, courts, usable open spaces and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located as long as the building is in existence. Furthermore, no legally required yards, courts, usable open spaces, other open spaces or minimum lot area allocated to any building shall, by virtue of change of ownership, or for any other reason, be used to satisfy yard, court, usable open space, other open space or minimum lot area requirements for any other building.
- (b) **Division of Improved Zoning Lots.** No improved zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the district in which the property is located and the provisions set forth in Section 13-'1-12(3).
- (c) **Location of Required Open Space.** All yards, courts, usable open spaces and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- (d) **Required Yards for Existing Building.** No yards now or hereafter provided for a building existing on the effective date of this Chapter shall subsequently be reduced below, or further reduced, if already less than the minimum required by this Chapter for equivalent new construction.
- (e) **Permitted Obstructions in Required Yards.** The following shall not be considered to be obstructions when located in the required yards specified.
 - (1) In All Yards.
 - a. Arbors and trellises.
 - b. Awnings.
 - c. Chimneys projecting eighteen (18) inches or less into the yard.
 - d. Fences, walls and hedges subject to the provisions of Article I hereinafter.
 - e. Flagpoles and garden ornaments.
 - f. Open terraces not over three (3) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch.
 - g. Steps not over three (3) feet above the ground level which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
 - (2) In Front Yards.
 - a. One (1) story bay windows projecting three (3) feet or less into the yard, provided that such windows do not occupy, in the aggregate, more than one-third (1/3) of the front wall of the building, and come entirely within planes drawn from either main corner of the front wall, making an interior angle of twenty-one and one-half (21-1/2) degrees in the horizontal plane with the front wall.
 - b. Overhanging eaves and gutters projecting three (3) feet or less into the yard.

(3) In Rear Yards.

- a. Air conditioning equipment.
- b. Balconies open to the sky, projecting six (6) feet or less into the yard.
- c. Detached private garages and open off-street parking spaces.
- d. Fire escapes projecting six (6) feet or less into the yard.
- e. One (1) story bay windows projecting three (3) feet or less into the yard, provided that such windows do not occupy, in the aggregate, more than one-half (1/2) of the rear wall of the building, and come entirely within planes drawn from either main corner of the rear wall, making an interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal plane with the rear wall.
- f. Overhanging eaves and gutters projecting three (3) feet or less into the yard.

(4) In Side Yards.

- a. Fire escapes projecting not more than one-third (1/3) of the width of the side yard or not more than three (3) feet of any case.
- b. Open off-street parking spaces.
- c. Overhanging eaves and gutters projecting eighteen (18) inches or less into the yard.

SEC. 13-1-24 REDUCTION OR JOINT USE.

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

SEC. 13-1-25 THROUGH SEC. 13-1-39 RESERVED FOR FUTURE USE.

ARTICLE C

Zoning Districts

SEC. 13-1-40 ESTABLISHMENT OF DISTRICTS.

- (a) **Districts.** For purposes of this Chapter, present and future, provision is hereby made for the division of the Village of Spencer into the following thirteen (13) basic zoning districts:
- (1) A-I Agricultural District
 - (2) R-1 Single-Family Residential District
 - (3) R-2 Single-Family Residential District
 - (4) R-3 Two-Family Residential District
 - (5) R-4 Multiple-Family Residential District
 - (6) C-1 Commercial District
 - (7) C-2 Highway Commercial District
 - (8) I-1 Industrial District
 - (9) LI-1 Light Industrial District
 - (10) G-1 Institutional District
 - (11) C-1 Conservancy District
 - (12) R-MH Mobile Home District
 - (13) WW-1 Waste Water Treatment Plant District

SEC. 13-1-41 VACATION OF STREETS; ANNEXATIONS.

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

SEC. 13-1-42 ZONING MAP.

- (a) The Village of Spencer is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the Village of Spencer and made a part of this Chapter. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Village Clerk-Treasurer of the Village of Spencer.
- (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 sixteenth section lines; or the centerlines of streets, highways, railways or alleys.

SEC. 13-1-43 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

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

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

SEC. 13-1-44. A-I AGRICULTURAL DISTRICT.

- (a) **Purpose.** The A-I Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not yet committed to urban development. It is further intended for this district to protect lands contained therein from urban development until their orderly transition into urban-oriented districts is required.
- (b) **Permitted Uses.** 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 feed lots shall not be located in a floodland and shall be at least one hundred (100) feet from any navigable water or any boundary of a residential district.
- (c) **Permitted Accessory Uses.**
 - (1) Attached or detached private garages and carports accessory to permitted or permitted accessory uses.
 - (2) General farm buildings including barns, silos, sheds, storage bins and including not more than one (1) 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 (1) farm dwelling.

(d) **Conditional Uses.**

- (1) Airports, airstrips and landing fields provided that the site is not less than twenty (20) acres.
- (2) Commercial feed lots, 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 structure or animal enclosure shall be located closer than one hundred (100) feet to a property boundary.

(e) **Lot Area and Width.**

- (1) The lot area requirements for the R-1 Single-Family Residential District shall apply to all buildings for human habitation hereafter erected, moved or structurally altered.
- (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 forty thousand (40,000) square feet and a lot width of not less than one hundred twenty (120) feet.

(f) **Building Height.** No building or parts of a building shall exceed sixty (60) feet in height.

(g) **Yards.**

- (1) There shall be a minimum building setback of fifty (50) feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure as provided in the R-1 District.
- (3) The rear yard requirements for the R-1 Single Family Residential District shall apply to all buildings for human habitation hereafter erected, moved or structurally altered.

SEC. 13-1-45 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) **Purpose.** This District is intended to provide residential development limited to single-family homes set individually on separate lots.

(b) **Requirements.**

- (1) Lot Size. Every single-family residential building hereafter erected, moved or structurally altered shall provide a lot area of not less than eight thousand five hundred (8,500) square feet per family and no such lot shall be less than ninety (90) feet in width.
- (2) Setbacks.
 - a. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. The side yards shall be seven and one-half (7-1/2) feet on each side (measured from edge of the eave).

- b. Unless otherwise provided in this Chapter, there shall be a setback on every lot in this district, from each street on which it abuts, of not less than twenty-five (25) feet.
- c. There shall be a rear yard having a depth of not less than thirty (30) feet.
- (3) **Height.** Maximum permitted (in feet)--principal structure: thirty-five (35); accessory structure: twenty (20).
- (4) **Building Size.** Every building hereafter erected, moved or structurally altered for dwelling purposes shall provide a floor area of not less than nine hundred (900) square feet per family.
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
 - (1) Single-family dwellings.
 - (2) Publicly owned or operated park, playground or community building, provided that any building shall be located not less than thirty-five (35) feet from any side lot line.
 - (3) Church or other place of worship or Sunday School, provided that any such building shall be located not less than thirty-five (35) feet from any side lot line.
 - (4) Public school, kindergarten, elementary and high, or private school having a curriculum the same as ordinarily given in a public school, provided that any such building shall be located not less than thirty-five (35) feet from any side lot line.
 - (5) Farming, provided no livestock is included, truck gardening, nursery and/or horticulture.
 - (6) Home occupation and professional offices.
 - (7) Accessory building or use, including a private garage, carport and paved parking areas customarily incident to the above uses, but not involving the conduct of a business.
- (d) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
 - (1) (1)Dental and medical clinics.
 - (2) Private lodges and clubs.
 - (3) Nursing and rest homes and homes for the aged.
 - (4) Public utility offices and installations, including transmission lines and substations.
 - (5) Mobile homes on foundations.

SEC. 13-1-45 R-1 AAA SINGLE FAMILY RESIDENTIAL USE DISTRICT.

- (a) **Purpose.** The Purpose of this ordinance is to amend Ordinance No. 13-1-45 of the Village of Spencer, Marathon County, Wisconsin, denominated as a Zoning Ordinance and to create a new class within the R-1 single family residential district, within the corporate limits of the Village of Spencer, Marathon County, Wisconsin, to be known as R-1 AAA Single Family Residential Use District. There shall be permitted only single family residences with the following requirements.

- (b) Section 13-1-45 of Zoning Code Section is hereby created to provide that within the Class AAA Residential Use District there shall be permitted the following uses:
- (1) A single story dwelling with a minimum of 1248 square feet.
 - (2) A Two Story or Tri Level Dwelling with a minimum of 1648 square feet.
 - (3) All dwellings must have a minimum 4:12 roof pitch
 - (4) Also allowed are accessory buildings and/or private garages.
- (c) This ordinance includes John Day's First Addition, Lots 6-11 and Eastland Heights Subdivision Lots 1-17, Second Addition to Graupner Subdivision Lots 17-31 and Lots 1-8 in the 600 block of Roberts St.

SEC. 13-1-46 R-2 RESIDENTIAL DISTRICT.

- (a) **Purpose.** This District is intended to provide residential development limited to single-family homes set individually on separate lots in older, existing areas of the Village.
- (b) **Requirements.**
- (1) **Lot Size.** Minimum area (in square feet): six thousand six hundred (6,600); minimum width (in feet): sixty-six (66).
 - (2) **Setbacks.** The requirements shall be as prescribed for the R-1 Residential District.
 - (3) **Height.** The requirements shall be as prescribed for the R-1 Residential District.
 - (4) **Building Size.** The minimum residential building size shall be four hundred eighty (480) square feet.
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Publicly owned or operated park, playground or community building provided that any building shall be located not less than thirty-five (35) feet from any side lot line.
 - (3) Church or other place of worship or Sunday School, provided that any such building shall be located not less than thirty-five (35) feet from any side lot line.
 - (4) Public school, kindergarten, elementary and high, or private school having a curriculum the same as ordinarily given in a public school, provided that any such building shall be located not less than thirty-five (35) feet from any side lot line.
 - (5) Farming, provided no livestock is included, truck gardening, nursery and/or horticulture.
 - (6) Home occupation and professional offices.
 - (7) Accessory building or use, including a private garage, carport and paved parking areas customarily incident to the above uses, but not involving the conduct of a business.
 - (8) Temporary buildings for construction purposes, not to exceed a one (1) year period.

- (9) Nursing homes.
- (d) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
 - (1) Dental and medical clinics.
 - (2) Private lodges and clubs.
 - (3) Public utility offices and installations, including transmission lines and substations.
 - (4) Mobile homes on foundations.

SEC. 13-1-47 R-3 TWO-FAMILY RESIDENTIAL DISTRICT.

- (a) **Purpose.** This district is intended to provide for two-family dwellings, such as duplexes, condominiums, flats or apartment conversions in large, older, single-family dwellings.
- (b) **Requirements.**
 - (1) Lot Size. Every building hereafter erected, moved or structurally altered shall provide a lot area of not less than eight thousand (8,000) square feet, and no such lot shall be less than sixty-six (66) feet in width.
 - (2) Setbacks.
 - a. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. The sum of the widths of the required side yards shall be not less than fifteen (15) feet and no single side yard shall be less than seven and one half (7 1/2) feet in width.
 - b. The setback regulations for the R-3 Two-Family Residential District shall be the same as those for the Single-Family Residential District.
 - c. The rear yard regulations for the R-3 Two-Family Residential District shall be the same as those for the R-2 Single-Family Residential District.
 - (3) Height. Maximum permitted (in feet)--principal structure: thirty-five (35) accessory structure: twenty (20).
 - (4) Building Size. Every building hereafter erected, moved or structurally altered, for occupancy by one (1) family, shall provide a floor area of not less than eight hundred (800) square feet per family.
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
 - (1) Single-family dwellings.
 - (2) Two-family dwellings.
 - (3) Boarding houses and lodging houses.
 - (4) Publicly owned or operated park, playground or community' building, provided that any building shall be located not less than thirty-five (35) feet from any side lot line.
 - (5) Church or other place of worship or Sunday School, provided that any such building shall be located not less than thirty-five (35) feet from any side lot line.
 - (6) Public school, kindergarten, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school, provided that any

such building shall be located not less than thirty-five (35) feet from any side lot line.

- (7) Truck gardening, nursery and/or horticulture.
 - (8) Home occupation and professional offices.
 - (9) Accessory building or use, including a private garage, carport and paved parking area 'customarily incident to the above uses, but not involving the conduct of a business.
 - (10) Multiple ownership of a single-residential structure is permitted under this Section.
- (d) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
- (1) Dental and medical clinics.
 - (2) Private lodges and clubs.
 - (3) Nursing and rest homes and homes for the aged.
 - (4) Public utility offices and installations, including transmission lines and substations.
 - (5) Institutions of a religious, educational, eleemosynary or philanthropic nature, but not a penal or mental institution.

SEC. 13-1-48 R-4 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

- (a) **Purpose.** This district is intended to provide for multiple-family apartments, to include family or garden types, elevator and walk-up types, efficiency or studio types and apartment conversions in existing single-family dwellings, condominiums and mobile home parks, subject to other provisions of this Code of Ordinances.
- (b) **Requirements.**
- (1) Lot Size. Minimum area (in square feet)--one (1) and two (2) family: seven thousand five hundred (7,500); for multiple family dwellings: one thousand five hundred (1,500) additional square footage for each dwelling unit over two; minimum width (in feet): seventy (70).
 - (2) Setbacks. Minimum front yard (in feet): twenty-five (25); minimum either side yard (in feet): seven and one half (7 1/2); minimum aggregate side yard (in feet): twenty (20); minimum rear yard (in feet): twenty-five (25).
 - (3) Height. Maximum permitted (in feet)--principal structure: forty-five (45) (a building may be erected to a height of seventy-five [75] feet if set back from all required yard lines a distance of one [1] foot for each foot of additional height above forty-five [45] feet); accessory structure: twenty-five (25).
 - (4) Building Size. The requirements shall be as prescribed for the R-3 Two-Family Residential District.
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Two-family dwellings.
 - (3) Multiple-family dwellings.
 - (4) Boarding houses and lodging houses.

- (5) Publicly owned or operated park, playground or community building, provided that any building shall be located not less than twenty-five (25) feet from any side lot line.
- (6) Church or other place of worship or Sunday School, provided that any such building shall be located not less than twenty-five (25) feet from any side lot line.
- (7) Public school, kindergarten, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school, provided that any such building shall be located not less than twenty-five (25) feet from any side lot line.
- (8) Truck gardening, nursery and/or horticulture.
- (9) Home occupation and professional offices.
- (10) Institution of a religious, education, eleemosynary or philanthropic nature, but not a penal or mental institution.
- (11) Accessory building or use, including a private garage, carport and paved parking area customarily incident to the above uses, but not involving the conduct of a business.
- (12) Multiple ownership of a single-residential structure is permitted under this Section.

(d) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:

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

SEC.13-1-49 C-1 COMMERCIAL DISTRICT.

(a) **Purpose.** The C-1 Commercial District is intended to provide an area for the business and commercial needs of the community, especially those which can be most suitably located in a compact and centrally located business district.

(b) **Permitted Uses.**

- (1) Any use permitted in the R-1 Residence District.
- (2) Animal hospital and pet shop.
- (3) Art shop, gift shop, jewelry store, optical store.
- (4) Automobile sales and service establishment, public garage or parking lot.
- (5) Bank and financial institution, brokerage and pawnbroker.
- (6) Bakery (retail).
- (7) Barber shop and beauty parlor.
- (8) Book and stationary store.
- (9) Bowling alley, pool and billiard room, gymnasium, dancing school, dance hall, skating rink, theater except drive-in theater.

- (10) Candy store, confectionery store, ice cream store, soda fountain, soft drink stand.
 - (11) Clinic.
 - (12) Convention and exhibition hall.
 - (13) Cleaning and dyeing establishment.
 - (14) Dress shop, clothing store, dry goods store, notion shop, hosiery shop, tailor shop, shoe store.
 - (15) Department store.
 - (16) Drug store, pharmacy,
 - (17) Filling station.
 - (18) Food products (retail), grocery store (retail), delicatessen, meat and fish market, fruit and vegetable store, tea and coffee store.
 - (19) Florist shop.
 - (20) Hardware and paint store.
 - (21) Household appliance store; furniture store; plumbing, heating and electrical supplies; crockery store.
 - (22) Hotel.
 - (23) Micro-wave radio relay structures.
 - (24) Music store, radio store, radio broadcast studio.
 - (25) Newsstand.
 - (26) Photograph studio photographer's supplies.
 - (27) Professional offices.
 - (28) Railroad and bus depot.
 - (29) Restaurant, cafeteria, lunch room, refreshment stand, caterer, tavern.
 - (30) Telegraph and telephone office.
 - (31) Temporary structure.
 - (32) Tobacco and pipe store.
 - (33) Undertaking establishment.
 - (34) Any other uses similar in character and the processing or treatment of products clearly incidental to the conduct of a retail business on the premises.
 - (35) Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.
- (c) **Conditional Uses.**
- (1) Campgrounds.
 - (2) Residential uses or rental residential uses as a secondary use of a commercial building.
- (d) **Height and Area.** In the C-1 Commercial District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:
- (1) Height. Buildings hereafter erected or structurally altered shall not exceed forty-five (45) feet nor three (3) stories in height.
 - (2) Side Yard. For buildings or part of buildings hereafter erected or structurally altered for residential use, the side yard regulations for the R-1 Residence District shall apply. For buildings or part of buildings here after erected or structurally altered for Commercial use no set back will be required.

- (3) Setback. Where the frontage is designated on the zoning map as C-1 Commercial District no setback will be required. Where an individual is building a residence in a C-1 Commercial District the setback of the R-1 Residential District will apply.
- (4) Rear Yard. There shall be a rear yard having a minimum depth of twenty (20) feet for a building two (2) stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased five (5) feet.
- (5) Lot Area Per Family. Every building or part of a building hereafter erected or structurally altered for residential purposes shall provide a lot area of not less than four thousand three hundred fifty (4,350) square feet per family.

SEC. 13-1-50 C-2 HIGHWAY COMMERCIAL DISTRICT.

- (a) **Purpose**. The C-2 Highway Commercial District is designed to provide areas in which the principal use of land is devoted to commercial and service establishments which cater specifically to the needs of motor vehicle and tourist-oriented trade.
- (b) **Permitted Uses**. The following uses are permitted in this District:
 - (1) Gasoline service stations; provided further that all gasoline pumps, storage tanks and accessory equipment must be located at least twenty (20) feet from any existing or officially proposed street line.
 - (2) Automobile repair shops, including shops for general mechanical repairs, automobile body repair and repair of tires, but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and not include establishments for painting automobiles.
 - (3) Establishments primarily engaged in specialized automobile repair, such as electrical, battery and ignition repair, radiator repair, glass replacement and repair, carburetor repair, and wheel alignment service.
 - (4) Stores for the sale of tires, batteries or other automotive accessories.
 - (5) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes.
 - (6) Dealers in new passenger automobiles and trucks.
 - (7) Dealers in used passenger automobiles and trucks.
 - (8) Establishments engaged in the retail sale of automobile passenger trailers, mobile homes or campers.
 - (9) Establishments engaged in daily or extended term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.
 - (10) Establishments engaged in the daily or extended term rental or leasing of house trailers, mobile homes or campers.
 - (11) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.
 - (12) Restaurants, lunch rooms and other eating places, including drive-in type establishments.
 - (13) Commercial parking lots, parking garages, parking structures.
 - (14) Tourist-oriented retail shops, including souvenir and curio shops.

- (c) **Conditional Uses.** The following principal uses are permitted as conditional uses within the District.
- (1) General grocery stores.
 - (2) Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but not other types of products or merchandise.
 - (3) Establishments or facilities for the sale, rental, service, repair, testing, demonstration, or other use of motorcycles, motorized bicycles, go-karts, snowmobiles, aircraft, or other motorized vehicles or their components.
 - (4) Establishments or facilities for the sale, rental, service, repair, testing, demonstration, or other use of motorboats, other watercraft, marine supplies, motor for watercraft, or their components.
 - (5) Wholesale merchandise establishments.
 - (6) Warehouses.
 - (7) Motor carrier facilities.
 - (8) Professional offices.
 - (9) Other retail establishments.
- (d) **Height and Area.** Within the C-2 Highway Commercial District, the height of buildings, the minimum dimensions of yards, maximum building area, and parking requirements shall be as follows:
- (1) **Height.** Buildings hereafter erected or structurally altered shall exceed neither thirty-five (35) feet nor three (3) stories in height.
 - (2) **Area.** The maximum building area shall not exceed twenty-five thousand (25,000) square feet.
 - (3) **Side Yard.** There shall be a side yard on each side of the principal building of not less than seven and one half (7 1/2) feet. For accessory buildings, the side yard on each side shall be not less than seven and one half (7 1/2) feet.
 - (4) **Setback.**
 - a. The setback and setback line for State Highway 13 within the Village shall be one hundred (100) feet from the centerline of such highway.
 - b. The setback line at any street or avenue intersecting State Highway 13 within the Village shall be on a line between two (2) points two hundred ten (210) feet from the center of intersecting street or avenue and such highway unless controlled by the state.
 - (5) **Rear Yard.** There shall be a rear yard having a minimum depth of twenty (20) feet.
 - (6) **Lot Width.** There shall be a minimum lot width of seventy-five (75) feet measured at rear of front yard.

SEC.13-1-51 I-1 INDUSTRIAL DISTRICT.

- (a) **Purpose.** The 1-1 Industrial District is intended primarily for the conduct of manufacturing, assembling and fabrication. It is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards. The uses permitted in this District make it most desirable that they be separated from residential uses.
- (b) **Permitted Uses.** The following uses are permitted in this District:

- (1) Any use or structure permitted in the C-1 Commercial District except as hereinafter modified.
 - (2) Bottling of soft drinks or milk or distribution stations.
 - (3) Building material sales and storage.
 - (4) Builder's or contractor's plant or storage yard.
 - (5) Lumber yard, including mill work.
 - (6) Open yard for storage and sale of feed or fuel.
 - (7) Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
 - (8) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products.
 - (9) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stone, rubber, textiles, wood and yard.
 - (10) The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.
 - (11) Railroad freight stations, trucking or motor freight terminals.
- (c) **Prohibited Uses.** The following uses are specifically prohibited in the I-1 Industrial District:
- (1) Residential, educational or institutional uses, except a dwelling for a watchman or caretaker employed on the premises and members of his family.
 - (2) Uses in conflict with any laws of the State of Wisconsin or any ordinances of the Village of Spencer governing nuisances.
 - (3) Any of the following uses unless the location of such use has been approved as a conditional use after investigation and public hearing:
 - a. Abattoirs, except for slaughter of poultry.
 - b. Acid manufacture.
 - c. Cement, lime, gypsum or plaster of Paris manufacture.
 - d. Distillation of bones.
 - e. Explosives manufacture or storage.
 - f. Fat rendering.
 - g. Fertilizer manufacture.
 - h. Garbage, rubbish, offal or dead animal reduction or dumping.
 - i. Glue manufacture.
 - j. Junk yards.
 - k. Petroleum refining.
 - l. Smelting of tin, copper, zinc or iron ores.
 - m. Stockyards.
- (d) **Height and Area.** In the I-1 Industrial District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:
- (1) Height. Buildings hereafter erected or structurally altered shall exceed neither thirty-five (35) feet nor three (3) stories in height.

- (2) **Side Yard.** For buildings or parts of buildings used for residential purposes, the side yard regulations of the Residence District shall apply; otherwise a side yard, if provided, shall be not less than twenty (20) feet in width.
- (3) **Setback.** Where parts of the frontage are designated on the District Map as Residence District and Industrial District, the setback regulations of the Residence District shall apply to the Industrial District; in no case shall the setback be less than twenty-five (25) feet.
- (4) **Rear Yard.** There shall be a rear yard having a minimum depth of twenty (20) feet for a building two (2) stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased three (3) feet.

SEC. 13-1-52 LI-1 LIGHT INDUSTRIAL DISTRICT.

- (a) **Intent.** The intent of the Village Board in creating a light industry district is to provide a location for non-nuisance manufacturing uses, which may be located reasonably close to residential areas.
- (b) **Permitted Uses.**
 - (1) Contractors-building constructors.
 - (2) Light manufacturing.
 - (3) Warehouses.
 - (4) Wholesale trade.
 - (5) Utility facilities.
 - (6) Mini warehouses-self storage.
- (c) **Definitions.** "Light manufacturing" is defined as a use engaged in the manufacture predominantly from previously prepared materials or finished products or parts, including fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.
- (e) **Mapping.** Property placed in this zoning classification shall be appropriately indicated on the Zoning Map of the Village of Spencer.
- (f) **Height and Area.** The height of building and the minimum dimensions of yards shall be the same as required for the 1-1 District.

SEC. 13-1-53 G-1 INSTITUTIONAL DISTRICT.

- (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.**
 - (1) Cemeteries.
 - (2) Churches.
 - (3) Fraternal organizations.
 - (4) Hospitals, sanatoriums, nursing homes and clinics.
 - (5) Libraries and museums.
 - (6) Municipal parking lots.

- (7) Public administrative offices and public service buildings, including fire and police stations.
 - (8) Public or private schools.
 - (9) Public utility offices.
 - (10) Utilities.
 - (11) Water storage tanks, towers and wells.
 - (12) Botanical gardens and arboretums.
 - (13) Exhibition halls.
 - (14) Fairgrounds.
 - (15) Forest reserves (wilderness areas).
 - (16) Forest reserves (wilderness refuges).
 - (17) Golf courses with or without country club facilities.
 - (18) Golf driving ranges.
 - (19) Group or organized camps.
 - (20) Historic and monument sites.
 - (21) Ice skating.
 - (22) Parks.
 - (23) Playfields or athletic fields.
 - (24) Playgrounds.
 - (25) Play lots or tot lots.
 - (26) Recreation/ community centers.
 - (27) Skiing and tobogganing.
 - (28) Tennis courts.
- (c) **Permitted Accessory Uses.**
- (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 uses.
 - (6) Service-oriented offices or shops located within institutional buildings.
- (d) **Conditional Uses.**
- (1) Archery Ranges
 - (2) Golf courses with country club/restaurant facilities.
 - (3) Miniature golf.
 - (4) 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 one and one-half (1-1/2) miles of the site.
- (e) **Lot Area and Width.** There are no minimum lot requirements.
- (f) **Building Height.** No building or parts of a building shall exceed forty-five (45) feet in height.
- (g) **Setback and Yards.**
- (1) A minimum building setback of twenty-five (25) feet from the right-of-way line of all public streets shall be required.
 - (2) There shall be a minimum side yard of seven and one half (7 1/2) feet.

- (3) There shall be a rear yard of not less than twenty-five (25) feet.
- (4) Exception. In the case of ownership by school district or organization or by church or religious society of more than fifty percent (50%) of the frontage on intersection streets and more than fifty percent (50%) of the area of the square block wherein such property is located, the minimum setback line for building on such school or church property shall be fifteen (15) feet.

SEC. 13-1-54 C-1 CONSERVANCY DISTRICT.

- (a) **Purpose.** The C-1 Conservancy District is intended to be used to prevent disruption of valuable natural or man-made resources and to protect wetland areas and lands which are subject to periodic flooding, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare.
- (b) **Permitted Uses.**
 - (1) Agricultural uses, provided that they do not involve extensions of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography or water regimen.
 - (2) Forest and game management.
 - (3) Forest reserves (wilderness areas).
 - (4) Forest reserves (wildlife areas).
 - (5) Open space uses, including preserves, scenic areas, historic and scientific areas, fishing, soil and water conservation practices, sustained yield forestry, stream bank protection and water retention and control provided; however, that no such uses involve structures, fill, soil or peat removal or disruption of the natural flow of any watercourse or natural topography.
- (c) **Permitted Accessory Uses.**
 - (1) Non-habitable park or recreation shelters.
 - (2) Structures used in or accessory to a fish hatchery.
 - (3) Structures used to traverse lowlands or watercourses.
- (d) **Conditional Uses.**
 - (1) Structures and fill accessory to permitted principal uses.
 - (2) Parks and campgrounds and accessory structures.
 - (3) Public shooting ranges and accessory structures.
 - (4) Fish hatcheries, raising of minnows, waterfowl and other lowland animals and accessory structures.
 - (5) Public utilities.
- (e) **Lot Area, Setback and Yard.**
 - (1) Minimum dimensions: Lot area -- twenty thousand (20,000) square feet.
 - (2) There are no lot width requirements.
 - (3) Any use involving a structure shall provide front and rear yards of at least, fifty (50) feet in depth and side yards at least fifty (50) feet in width each.

SEC. 13-1-55 R-MH MOBILE HOME DISTRICT.

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

SEC.13-1-56 WW-I WASTE WATER TREATMENT PLANT DISTRICT.

- (a) **Purpose.** The purpose of this District is to comply with Ch. NR 110, Wis. Admin. Code, in regard to the isolation of sewage treatment plants in order to minimize any potential odor, noise and disturbance, which may be caused by such facility and to enhance plant security and reliability.
- (b) **Requirements.**
 - (1) There is created a Waste Water Treatment Plant Zone, which zone shall constitute an area within two hundred (200) feet from any portion of the Spencer Waste Water Treatment Plant.
 - (2) No future construction of commercial establishments or buildings occupied or intended for residential use shall be permitted within the Waste Water Treatment Plant Zone.

SEC. 13-1-57 R-5 GROUP HOME DISTRICT

- (a) **Purpose.** This district would provide for Group Homes which means a facility operated by a person required to be licensed under S. 48.625 stats and licensed by the Department of Health and Social Services under S.48.66 stats to provide 24 hour care for 5 to 8 children between the ages of 11-18.
- (b) **Requirements.**
 - (1) Lot Size, Setbacks, and Height shall all follow the guidelines established in the R-4 Zoning.
 - (2) Building Size shall have enough room so that each resident has a minimum of 200 square feet.
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes.
 - (1) Group Home

SEC. 13-1-58 THROUGH SEC. 13-1-59 RESERVED FOR FUTURE USE.

ARTICLE D

Conditional Uses

SEC. 13-1-60 STATEMENT OF PURPOSE – CONDITIONAL USES.

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

SEC. 13-1-61 AUTHORITY OF THE PLAN COMMISSION; REQUIREMENTS.

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

- parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (d) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

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

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

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

- (a) **Required Application Materials.** An application for a conditional use shall be filed in duplicate on a form prescribed by the Village. Such applications shall be forwarded to the Plan Commission on receipt by the Zoning Administrator. Such applications shall include where applicable:
- (1) A statement, in writing, by applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter.
 - (2) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all property owners of record within three hundred (300) feet.
 - (3) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees and the zoning district within which the subject site lies.
 - (4) Plat of survey prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping.
 - (5) Additional information as may be required by the Plan Commission or other boards, commissions or officers of the Village. The Plan Commission 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 ground water conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
 - (6) Fee receipt in the amount of Twenty-Five Dollars (\$25.00).

- (b) **Plans.** In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:
- (2) A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetation cover;
 - (3) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
 - (4) Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
 - (5) Specifications for areas of proposed filling, grading, lagooning or dredging;
 - (6) Other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter.

SEC. 13-1-64 HEARING ON APPLICATION.

All requests for conditional uses shall be to the Plan Commission or the Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Village Board, on its own motion, from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 13-1-63 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

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

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least five (5) days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

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

No application for a conditional use shall be approved by the Plan Commission or granted by the Village Board/Board of Appeals on appeal unless such Commission and Board shall find that the following conditions are present:

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

- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (g) That the proposed use does not violate flood plain regulations governing the site.
- (h) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (i) That, in addition to passing upon a Conditional Use Permit, the Plan Commission and Board shall also evaluate the effect of the proposed use upon:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

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

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

SEC. 13-1-68 APPEALS.

Any action of the Plan Commission in granting or denying a conditional use permit may be appealed to the Village Board, if a written request for an appeal is filed within ten (10) days after the date of the Plan Commission's action in granting or denying the permit.

Such request for appeal shall be signed by the applicant or by the owners of at least twenty percent (20%) of the land area immediately adjacent extending one hundred (100) feet therefrom or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land. The request shall be filed with the Zoning Administrator who shall submit it to the Village Board at its next meeting, together with any documents and other data used by the Plan Commission in reaching its decision. The Village Board may consider the matter forthwith, refer the matter to a subsequent meeting or set a date for a public hearing thereon. In the event the Village Board elects to hold a public hearing, notice thereof shall be given by mail to the known owners of the lands immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a Class 1 notice in the official newspaper at least ten (10) days before the date of the hearing. The Village Board may either affirm or reverse in whole or in part the action of the Plan Commission and may finally grant or deny the application for a conditional use permit.

SEC. 13-1-69 CONDITIONS AND GUARANTEES.

The following provisions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission, or the Village Board on appeal, may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or

- (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In making its decision, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
 - (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Plan Commission.
 - (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Plan Commission may require the use of certain general types of exterior construction materials and/or architectural treatment.
 - (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
 - (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or possibility of accident.

SEC. 13-1-70 VALIDITY OF CONDITIONAL USE PERMIT.

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

SEC. 13-1-71 COMPLAINTS REGARDING CONDITIONAL USES.

The Plan Commission 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 Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally; the offending party may be subjected to a forfeiture as set forth in this Chapter and Section 1-1-6. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefor. An appeal from a decision of the Plan Commission under this Section may be taken to the Village Board.

SEC. 13-1-72 BED AND BREAKFAST ESTABLISHMENTS.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to the requirements of this Article.
- (b) **Definitions.**
 - (1) "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
 - (2) "Agent" shall mean the person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the Zoning Administrator upon issuance of the permit and updated five (5) days prior to a designated agent taking charge.
- (c) **Regulations.**
 - (1) Compliance with State Standards. All bed and breakfast establishments and licensees shall be subject to and comply with Chapter HSS 197, Wis. Adm. Code, relating to bed and breakfast establishments or Wisconsin

Administrative Code HSS 195 relating to hotels, motels and tourist rooming houses.

- (2) Registry. Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigned quarters. The register shall be kept intact and available for inspection by a Village representative for a period of not less than one (1) year.
- (d) **Permit Required.**
- (1) Village Permit Required. In addition to the permit required by Chapters HSS 195 or HSS 197, Wisconsin Administrative Code, before opening for business every bed and breakfast establishment shall obtain a permit from the Zoning Administrator by application made upon a form furnished by said officer and shall obtain a conditional use permit.
 - (2) Application Requirements. The following is required to be furnished at the time an application is filed for a conditional use permit in addition to the other application requirements of this Article:
 - a. Site plan showing location and size of buildings, parking areas and signs.
 - b. Number, surfacing and size of parking stalls.
 - c. Number, size and lighting of signs.
 - d. A fee of Twenty Dollars (\$20.00).
 - (3) Display of Permit. The permit issued by the Zoning Administrator shall be conspicuously displayed in the bed and breakfast establishment.
- (e) **Off-Street Parking Required**. Permits shall be issued only to those establishments that provide a minimum of one (1) improved off-street parking space for each room offered for occupancy. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the other requirements of the Zoning Code with respect to traffic, parking and access.
- (f) **On-site Signs**. Total sign age shall be limited to a total of twelve (12) square feet and may be lighted in such manner and nature as to not alter or deteriorate the nature of the surrounding neighborhood. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the requirements of this Zoning Code with respect to signs.
- (g) **Termination of Permit**. A bed and breakfast use permit shall be void upon the sale or transfer of the property ownership. The Plan Commission shall review and conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use. A permit issued in accordance with Subsection (c) above shall be valid until terminated by action of the Zoning Administrator for violation of the provisions of this Section, or of State of Wisconsin regulations as set forth in Chapter HSS 195 or Chapter HSS 197, Wis. Adm. Code, or as above provided.

SEC. 13-1-73 THROUGH SEC. 13-1-79 RESERVED FOR FUTURE USE.

ARTICLE E

Nonconforming Buildings, Structures and Uses

SEC. 13-1-80 STATEMENT OF PURPOSE.

The purpose of this Article is to provide for the regulation of nonconforming buildings, structures and uses, and to specify those circumstances and conditions under which those nonconforming buildings, structures and uses which adversely affect the maintenance, development, use or taxable value of other property in the district in which they are located shall be permitted to continue or shall be discontinued. This Zoning Code establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts and those nonconforming buildings, structures and uses which substantially and adversely affect the orderly development and taxable value of other property in the district be discontinued or reduced to conformity as soon as the fair interests of the parties will permit or be permitted to continue with certain restrictions.

SEC. 13-1-81 AUTHORITY TO CONTINUE NONCONFORMING BUILDINGS, STRUCTURES AND USES.

Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this Chapter and which remains nonconforming and any such building, structure or use which shall become nonconforming upon the adoption of this Chapter, or of any subsequent amendments thereto, may be continued, some for specified periods of time, subject to the regulations which follow.

SEC. 13-1-82 CONTINUING EXISTING NONCONFORMING BUILDINGS, STRUCTURES AND USES.

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued subject to the following provisions:

- (a) **Relocation of Building or Structure.** A building or structure may be moved in whole or in part to any other location on the same or any other lot only after approval therefor shall have been granted by the Board of Appeals and further provided the following:
 - (1) That such building or structure is designed or intended for a use permitted in the district in which it is to be located.
 - (2) That such relocated building or structure and its use shall be made to conform to all of the regulations of the district in which it is to be located.
 - (3) That such relocated building or structure shall be in harmony with the general character of existing buildings or structures within the immediate neighborhood.
- (b) **Repairs and Alterations.**

- (1) Building or Structure Designed or Intended for a Nonconforming Use. Ordinary repairs and alterations may be made to a nonconforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, provided that no structural alterations shall be made in or to such building or structure except those required by law or except to make the building or structure and use thereof conform to the regulations of the district in which it is located. For the purpose of this subdivision, ordinary repairs shall include normal maintenance of a building or structure, and the replacement of storage tanks where safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the buildings or structure, except as hereinabove provided.
- (2) Building or Structure Designed or Intended for a Permitted Use. Ordinary repairs and alterations, including structural alterations, may be made to a nonconforming building or structure which is nonconforming as to bulk, provided said ordinary repairs and alterations conform to the regulations of the district in which it is located.

(c) Additions and Enlargements.

- (1) Building or Structure Designed or Intended for a Nonconforming Use. A nonconforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such additions and enlargements thereto are made to conform to all of the regulations of the district in which it is located, and unless such nonconforming building or structure, including all additions and enlargements thereto, shall conform to the following:
 - a. Applicable regulations concerning the amount of lot area provided per dwelling unit and lodging room, as provided in the applicable district regulations.
 - b. Applicable regulations concerning the amount of usable open space provided per lot, as provided in the applicable district regulations.
- (2) Building or Structure Designed or Intended for a Permitted Use. A nonconforming building or structure which is nonconforming as to bulk shall not be added to or enlarged in any manner unless such additions and enlargements thereto are made to conform to all of the regulations of the district in which it is located, and unless such nonconforming building or structure, including all additions and enlargements thereto, shall conform to the following:
 - a. Applicable regulations concerning the amount of lot area provided per dwelling unit and lodging room, as provided in the applicable district regulations.
 - b. Applicable regulations concerning the amount of usable open space provided per lot, as provided in the applicable district regulations.

(d) Restoration of Damaged Building or Structure.

- (1) Building or Structure Designed or Intended for a Nonconforming Use. A building or structure, all or substantially all of which is designed or intended

for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of its full market value shall not be restored unless said building or structure and the use thereof shall conform to all of the regulations of the district in which it is located. In the event such damage or destruction is less than fifty percent (50%) of such full market value, repairs or reconstruction may be made only if such restoration is started within one (1) year from the date of the partial destruction and is diligently prosecuted to completion.

- (2) Building or Structure Designed or Intended for a Permitted Use. A building or structure, all or substantially all of which is designed or intended for a use which is permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God may be restored, except as hereinafter provided. A nonconforming use shall not be restored or reestablished in such building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of its full market value.

(e) Expansion of Nonconforming Use.

- (1) Building or Structure Designed or Intended for a Nonconforming Use. The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located shall not be expanded or extended into any other portion of such building or structure.
- (2) Building or Structure Designed or Intended for a Permitted Use. The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located shall not be expanded or extended into any other portion of such building or structure.
- (3) Land. If any nonconforming use of land is discontinued for a continuous period of ninety (90) days, it shall not thereafter be renewed; and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

(f) Elimination of Nonconforming Use. Any use of land, which becomes a nonconforming use at the effective date of this Chapter or which becomes a nonconforming use at any future date shall be discontinued and shall cease not more than three (3) years after the effective date of this Chapter or after the date such use becomes a nonconforming use in each of the following instances:

- (1) Where no buildings or structures are employed in connection with such nonconforming use.
- (2) Where the only buildings or structures or other physical improvements employed are accessory or incidental to such nonconforming use.
- (3) Where the improvements which comprise all or substantially all of the improvements employed with such nonconforming use are underground or substantially at ground level.

SEC. 13-1-83 THROUGH SEC. 13-1-99 RESERVED FOR FUTURE USE.

ARTICLE F

Traffic Visibility, Loading, Parking and Access

SEC. 13-1-100 TRAFFIC VISIBILITY.

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

SEC. 13-1-101 LOADING REQUIREMENTS.

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

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

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

- (c) **Location.** Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty-five (45) feet, and a vertical clearance of at least fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.
- (e) **Surfacing.** All open off-street loading berths shall be improved with a compacted macadam base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.
- (g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
 - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

SEC. 13-1-102 OFF-STREET PARKING REQUIREMENTS.

All new parking lots and all alterations of existing lots shall be subject to the approval of the Village Board, after a recommendation from the Plan Commission. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Adequate access to a public street shall be provided for each parking space.
- (b) **Design Standards.** Each required off-street parking space shall be not less than one hundred eighty (180) square feet. No parking area of more than four (4)

spaces shall be designed as to require any vehicle to back into a public street. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.

(c) **Location.**

- (1) Off-street parking shall be on the same lot as the principal use or not over four hundred (400) feet from the principal use.
- (2) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line.
- (3) Off-street parking in the single-family residence and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Section 13-1-93.

(d) **Surfacing.** All off-street parking areas, except parking spaces accessory to a single-family dwelling, shall be surfaced with an all-weather material, such as blacktop.

(e) **Additional Requirements.**

- (1) Special residential requirements. Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of five (5) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.
- (2) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
- (4) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line.
- (5) Street Setback Area. No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area IS to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.

(f) **Curbs.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.

(g) **Number of Stalls.** Number of parking stalls required are shown in the following table:

<u>Use</u>	<u>Minimum Parking Required</u>
Dwellings: Single-family, two-family and mobile homes	2 stalls for each dwelling unit

Dwellings: Multi-family	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Sororities, dormitories, rooming and boarding houses	1 stall for each bed
Retirement homes, orphanages, convents and monasteries	1 stall per 2,000 feet of principal floor area
Hospitals, sanitariums, institutions, rest and nursing homes	1 stall for each 3 beds plus 1 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 4 seats
Secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each 10 students of 16 years of age or more
Restaurants, bars, clubs and lodges, places of entertainment	1 stall for each 3 seats and 1 space for each 2 employees
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Financial institutions, business, Government and professional offices, Retail and service establishments	1 stall for each 250 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for

each 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages ó see above.)

Repair shops, retail and service stores	1 space for each 150 square feet of net floor space
Automobile repair garages and service stations	1 space for each employee plus 1 space for each 250 square feet of floor area used for repair work
Bowling alleys	5 spaces for each alley

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

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

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

SEC. 13-1-103 HIGHWAY ACCESS.

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

SEC. 13-1-104 STORAGE AND PARKING OF RECREATIONAL VEHICLES.

- (a) **Definitions - Recreational Vehicles.** For purposes of this Section, the following definitions shall apply:
 - (1) Mobile Home. Mobile home means a structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. Length of a mobile home means the distance from the exterior of the front wall (nearest to the exterior of the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions or

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

- (2) Recreational Vehicle. Recreational vehicle means any of the following:
- a. Travel Trailer means a vehicular, portable structure built on a chassis and on wheels that is between ten (10) and thirty-six (36) feet long, including the hitch, and eight (8) feet or less in width, designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
 - b. Pick-up Coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
 - c. Motor Home means a portable, temporary dwelling to be used for travel, recreation, vacation or other uses, constructed as an integral part of a self-propelled vehicle.
 - d. Camping Trailer means a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
 - e. Chassis Mounts, Motor Homes and Mini-Motor Homes means recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom.
 - f. Converted and Chopped Vans means recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
 - g. Boat or Snowmobile Trailer means a vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an unmounted boat or snowmobile.
- (3) Boat. Boat means every description of watercraft used or capable of being used as a means of transportation on water.
- (4) Yard, Front, means that part of a lot between the front lot line and front(s) of the principal building on the lot and extended to both side lot lines.
- (5) Yard, Rear, means that part of a lot between the rear lot line and the back(s) of the principal building on the lot and extended to both side lot lines.
- (6) Yard, Side, means that part of a lot not surrounded by a building and not in the front or rear yard.
- (b) **Permitted Parking or Storage of Recreational Vehicles**. In all residential and commercial districts provided for in this Zoning Code, it is permissible to park or store a recreational vehicle or boat and boat trailer on private property in the following manner:
- (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
 - (2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.

- (3) Parking is permitted outside on a hard surfaced or well-drained gravel driveway, provided:
 - a.
 1. Space is not available in the rear yard or side yard, or there is not reasonable access to either the side yard or rear yard.
 2. A corner lot is always deemed to have reasonable access to the rear yard.
 3. A fence is not necessarily deemed to prevent reasonable access.
 - b. Inside parking is not possible.
 - c. The unit is parked perpendicular to the front curb.
- (4) The body of the recreational vehicle or boat must be at least fifteen (15) feet from the face of any curb.
- (5) No part of the unit may extend over the public sidewalk or public right-of-way.
- (6) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - a. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in anyone (1) calendar year.
 - b. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - c. Used for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (7) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

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

SEC. 13-1-105 THROUGH SEC. 13-1-119

RESERVED FOR FUTURE USE.

ARTICLE G

Signs and Billboards

SEC. 13-1-120 PURPOSE OF SIGN AND BILLBOARD REGULATIONS.

(a) **Purpose and Scope.**

(1) The purpose of this Article is to create the legal framework for a comprehensive but balanced system of signs, and thereby to facilitate an easy and pleasant communication between people and their environment. With this purpose in mind, it is the intention of this Article to authorize the use of signs which are:

- a. Compatible with their surroundings.
- b. Appropriate to the type of activity to which they pertain.
- c. Expressive of the identity of individual proprietors or the community as a whole; and
- d. Legible in the circumstances in which they are seen.

(2) The Sections contained in this Article shall be binding alike upon every owner of a building, every lessee, and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any sign in the Village.

(3) This Article shall apply to all signs.

(b) **Rules.** In the construction of this Article, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

- (1) Words used in the present tense shall include the future.
- (2) The word "shall" is mandatory and not discretionary.
- (3) The word "may" is permissive.
- (5) The word "building" includes all structures of every kind.

SEC. 13-1-121 PROHIBITED CHARACTERISTICS OF SIGNS.

- (a) No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- (b) No sign shall contain, include, or be illuminated by flashing lights. No sign will be permitted that resembles the size, Shape, form, or color of official traffic control signs, signals, or devices.
- (c) No sign shall contain, include, or be composed of any conspicuous animated or moving part.
- (d) No sign shall contain more than five hundred (500) square feet in gross area.
- (e) No sign shall be painted directly on the building walls, except water towers which may display the name or symbol of the owner or operator.
- (f) Sandwich signs are prohibited, except that double-faced sandwich signs are permitted when meeting all other applicable requirements and when their use is

limited to thirty (30) days of a ninety (90) day period. Such signs shall be set back at least five (5) feet from the street property line and shall not be larger than eight (8) square feet per face except that the area of one such sign may be increased by one (1) square foot for each three (3) lineal feet of frontage over fifty (50) feet on a street to a maximum of twenty-four (24) square feet per face.

(g)

(1) Parking of advertising vehicles is prohibited. No persons shall park any vehicle or trailer on a public right-of-way or public property or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.

(2) This Section shall not prohibit "For Sale" signs on vehicles for sale provided the vehicle is not parked on a public right-of-way.

(h) Portable signs shall be limited in use to thirty (30) days at a time following approval by the Zoning Administrator, provided, however, that the Zoning Administrator shall not give approval for placement of a portable sign if it presents a vision obstruction and not more frequently than two (2) times per year at anyone (1) location. The maximum portable sign size shall be thirty-two (32) square feet on each face, back-to-back.

(i) Billboards or signs located adjacent to a street or highway in the Village limits are expressly prohibited. Any sign that is constructed shall be used solely for the purpose of advertising for a business or activity publicized by the owner of the sign. The owner of the sign, the owner of the business the sign is advertising and the owner of the property the sign is placed on should all be the same. No sign should be sold or contracted for advertising by a third party.

SEC. 13-1-122 EXCEPTIONS TO SIGN REGULATIONS.

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

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

SEC. 13-1-123 ABANDONED SIGNS; VIOLATIONS.

- (a) **Removal.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six (6) months or when, in the judgment of the Village Board, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Village Board may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Village Board's decision to the Board of Appeals.
- (b) **Alterations.** Any sign which was erected before the adoption of this sign Article shall not be rebuilt or relocated without conforming to all of the requirements of this Article.

SEC. 13-1-124 VARIANCES OR EXCEPTIONS.

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

SEC. 13-1-125 CONSTRUCTION AND MAINTENANCE REGULATIONS FOR SIGNS.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.
- (b) **Prohibitions.**
 - (1) No sign shall be erected so that any portion of the sign or its supports attached to or interfere with the free use of any fire escape, exit, any required stairway, door, ventilator or window.
 - (2) No sign shall be erected that will interfere with, obstruct, confuse or mislead traffic.
 - (3) At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety.
 - (4) No sign located within one hundred fifty (150) feet of a highway or street right-of-way shall contain, include or be illuminated by a flashing or rotating beam of light.
- (c) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this Chapter.

SEC. 13-1-126 NONCONFORMING SIGNS.

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the Village of Spencer limits on November 18, 1980, located in an area annexed to the Village of Spencer hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
 - (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Article than it was before alteration;
 - (2) The sign is relocated;
 - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
 - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

SEC. 13-1-127 WIND PRESSURE AND DEAD LOAD REQUIREMENTS.

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

SEC. 13-1-128 APPLICATION FOR PERMIT, PLANS AND SPECIFICATIONS.

- (a) Signs may be erected, moved, enlarged, reconstructed within the Village as prescribed and permitted in this Village Code when a permit therefor shall have been issued by the Building Inspector.
- (b) Applications for permits shall be filed with the Building Inspector on application forms which will be provided by the Building Inspector or the Village Clerk-Treasurer. The application form shall be accompanied by construction and installation plans including specifications. When all of the provisions of this Chapter or other rules relating to such sign shall have been complied with and when the applicant has paid the required fee for every such application, the permit may be granted. The Building Inspector may prescribe suitable regulations consistent with the provisions of this Chapter concerning the form and contents of all applications for permits herein required.
- (c) It shall be unlawful for any person to erect, alter or relocate, within the Village, any sign as defined in this Article without first obtaining a permit from the

Building Inspector and making payment of the fees required. All electric signs shall, in addition, be subject to the provisions of the Electrical Code (Title 15), and the permit fee required thereunder.

- (d) It shall be the duty of the Building Inspector, upon the filing of an application for permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign and if it shall appear that the proposed sign is in compliance with all the requirements of this Article and all other laws and rules of the Village, he shall then issue the permit. If work authorized under a permit has not been completed within six (6) months after date of issuance, the permit shall become null and void.
- (e) All rights and privileges acquired under the provisions of this Article or any amendment thereto, are mere permits, revocable at any time by the Building Inspector, and all such applications shall contain this provision.

SEC. 13-1-129 UNSAFE AND UNLAWFUL STREET SIGNS AND STRUCTURES.

If the Building Inspector shall find that any sign regulated herein is unsafe or insecure, or is being maintained in violation of the provisions of this Article, he shall give written notice to the permittee thereof and the owner of the street sign or of the property on which it is located. If the permitted fails to remove or alter the structure so as to comply with the standards herein set forth within five (5) days after serving notice upon the permittee, such sign may be removed or altered to comply by the Building Inspector at the expense of the permittee or owner of the property upon which it is located. The Building Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Inspector may cause any street sign which is an immediate peril to person or property to be removed summarily and without notice.

SEC. 13-1-130 DISTRICT SIGN RULES.

Sign regulations which are unique to each of the zoning districts of the Village are so categorized hereafter; all other regulations are common to all districts:

- (a) **C-1 Commercial District.** Within the C-1 Commercial District, the following additional and specific regulations shall apply:
 - (1) An activity is permitted one sign exposure visible and designed to be read from two (2) directions of travel, located on and connected to the building and one sign located within the profile of the building.
 - (2) Signs not within the profile of the building shall not protrude past the lot line.
 - (3) Any sign which encroaches over or upon private or public road, street, easement, alley way, sidewalk or land shall not protrude past the street curb line and shall have a vertical clearance of not less than ten (10) feet.
 - (4) Gross area for each activity shall not exceed one hundred fifty (150) square feet.
 - (5) Signs may be illuminated, subject to the following restrictions:
 - a. Flashing signs are prohibited, except those exclusively providing public service Information such as time, date, temperature and weather.

- b. The source of light for any illuminated sign shall not be directed into any street or property used or zoned for residential purposes nor shall the direct source of light of any illuminated sign be visible or interfere with the effectiveness of, or obscure an official traffic sign, device, or signal nor impair the vision of the driver of any authorized vehicle.
- (6) Activities may additionally erect not more than two (2) illuminated or nonilluminated signs inside' the building and within three -(3) feet of any window visible to the general public from a public road, street, easement, way, lane or sidewalk parallel to the front of the building, but such signs shall not be regulated if not so visible.
 - (7) Signs shall not be erected or maintained upon trees or painted or drawn upon rocks or other natural features.
 - (8) No sign shall be higher than the building height limitation of the district.
 - (9) Temporary signs advertising an election, special public or private event, auction or sale (such signs generally being constructed of paper or cardboard, painted or printed and stapled, nailed or taped in place) shall be removed within two (2) weeks of the conclusion of the election, event, auction or sale, but in no case shall a temporary sign be displayed longer than ninety (90) days. Temporary signs are not included in the gross area limits specified for the district.
- (b) **R-1 and R-2 Residential and Mobile Home Parks Districts.** Within the R-1 and R-2 Residential and Mobile Home Park Districts only the following signs within the lot and zoning setback lines of this Chapter are permitted.
- (1) Professional signs not over two (2) square feet in gross area.
 - (2) Public or religious institution signs not over thirty-two (32) square feet in gross area.
 - (3) Temporary real estate advertising signs for the lease or sale of the building not over twelve (12) square feet in gross area.
 - (4) A bed and breakfast sign shall be not more than eight (8) square feet and no more than four (4) feet in width at its widest dimension.
- (c) **C-2 Highway Commercial District.** Within the C-2 Highway Commercial District, the following additional regulations in addition to the regulations of the C-2 Commercial District shall apply:
- (1) Signs need not be attached to the building, but shall not protrude past the lot line.
 - (2) Any sign which encroaches over or upon a private or public road, street, easement, alleyway, sidewalk or land shall have a vertical clearance of not less than fourteen (14) feet.
 - (3) Signs in vision corners of intersecting streets, ways, roads and highways, whether public or private, are prohibited.
 - (4) In addition, any activity may be permitted any number of signs not designed to be read from the street or highway and not exceeding fifty (50) square feet in aggregate area, whose purpose is to direct or control traffic or advertise the

activity, to any patron who has already entered the property on which the advertised activity is conducted.

- (d) **W Conservancy District.** Within the W Conservancy District, no signs are permitted, except traffic control, Conservancy District identification, and landmark and municipal, townships or County or State regulatory signs.
- (e) **Planned Unit Developments.** Signs in planned unit developments district shall conform with the most restrictive land use in the district.
- (f) **I Industrial District.** Within the I Industrial District, the following regulations in addition to the regulations of the Commercial District shall apply:
 - (1) Signs need not be attached to building, but shall not protrude past the lot line.
 - (2) Any sign which encroaches over or upon a private or public road, street, easement, alleyway, sidewalk or lane shall have a vertical clearance of not less than fourteen (14) feet.
 - (3) Signs in vision corners of intersecting streets, ways, roads and highways, whether public or private are prohibited.
 - (4) In addition, any activity may be permitted any number of signs not designed to be read from the street or highway and not exceed fifty (50) square feet in aggregate area, whose purpose is to direct or control traffic or advertise the activity, to any patron who has already entered the property on which the advertised activity is conducted.
- (g) **A Agricultural District.** Within the A Agricultural District only a sign meeting the following criteria is permitted:
 - (1) A sign that does not protrude past the lot line.
 - (2) Any sign which encroaches over or upon a private or public road, street, easement, alleyway, sidewalk or land shall have a vertical clearance of not less than fourteen (14) feet.
 - (3) A sign not over one hundred fifty (150) square feet in area advertising the sale of the permittee's farm produce or farm identification.

SEC. 13-1-131 THROUGH SEC. 13-1-139

RESERVED FOR FUTURE USE.

ARTICLE H

Signal Receiving Antennas; Solar Access; Wind Energy Systems

SEC. 13-1-140 SIGNAL RECEIVING ANTENNAS.

- (a) **Purpose.** This Section regulating the placement of signal receiving antennas is adopted to:
- (1) Provide uniform regulation of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and
 - (4) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Permit Required.** No owner shall, within the Village of Spencer, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Building Inspector.
- (c) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.
- (d) **Application.** Application for a signal receiving antenna permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee of Ten Dollars (\$10.00) and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings, If such application meets all requirements of this Section, the application shall be approved.
- (e) **Installation Standards.** Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:
- (1) Setbacks.
 - a. Any signal receiving antenna and its mounting post shall be located a minimum of ten (10) feet from any property line.

- b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.
 - c. If side yard, front yard or roof mounting is requested, the Building Inspector shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
- (2) Mounting. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Building Inspector may require engineering calculations.
- (3) Diameter. The diameter of the signal receiving antenna shall not exceed fifteen (15) feet in diameter, except for systems used to provide community antenna television services.
- (4) Height.
- a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen (18) feet in height, as measured from the ground to the highest point of the dish.
 - b. A roof-mounted antenna may not exceed fifteen (15) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
- (5) Wind Pressure. All signal receiving antennas 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 eighty (80) mph.
- (6) Electrical Installations. Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
- (7) Temporary Placement. No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing

and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Building Inspector of the date when such placement shall begin and end.

- (8) Advertising. No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
 - (9) Interference with Broadcasting. Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
 - (10) Compliance with Federal Regulations. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
 - (11) Aesthetic Considerations. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (f) **Enforcement.**
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
 - (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

SEC. 13-1-141 SOLAR ENERGY SYSTEMS.

- (a) **Solar Access Easement Permits.**
- (1) Permit Procedure. The Building Inspector is herein delegated the responsibility to issue solar access permits. The Building Inspector shall determine if an application is satisfactorily completed and shall notify the applicant of its determination. If an applicant receives notice that an application has been satisfactorily completed, the applicant shall deliver by certified mail or by hand, a notice to the owner of any property which the applicant proposes to be restricted by the permit under this Section. The applicant shall submit to the agency a copy of a signed receipt for every notice delivered under this Section. The Village shall supply the notice form. The

information on the form may include, without limitation because of enumeration:

- a. The name and address of the applicant and the address of land upon which the solar collector is or will be located.
 - b. That an application was filed by the applicant.
 - c. That the permit, if granted, may affect the rights of the notified owner to develop his or her property and to plant vegetation.
 - d. The telephone number, address and office hours of the Commission.
 - e. That any person may request a hearing under Subsection (a)(2) in thirty (30) days after receipt of the notice and the address and procedures for filing the request.
- (2) Hearing. Within thirty (30) days after receipt of the notice, any person who has received a notice may file a request for a hearing on the granting of a permit or the Plan Commission may determine that a hearing is necessary even if no such request is filed. If a request is filed or if the agency determines that a hearing is necessary, the Plan Commission shall conduct a hearing on the application within ninety (90) days after the last notice is delivered. At least thirty (30) days prior to the hearing date, the Commission shall notify the applicant, all notified owners and any other person filing a request of the time and place of the hearing.
- (3) Permit Grant. The Building Inspector shall grant a permit if it is determined that:
- a. The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the Village;
 - b. No person has demonstrated that he has present plans to build a structure that creates an impermissible interference by showing that he has applied for a building permit prior to receipt of a required notice, has expended at least Two Hundred Fifty Dollars (\$250.00) on planning and designing such a structure or by submitting any other credible evidence that he made substantial progress toward planning or constructing a structure that would create an impermissible interference; and
 - c. The benefits to the applicant and the public will exceed any burdens.
- (4) Conditional Approval. The Building Inspector may grant a permit subject to any condition or exemption he deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden on any person affected by granting the permit. Such conditions or exemptions include but are not limited to, restrictions of the location of the collector and requirements for the compensation of persons affected by the granting of the permit.
- (5) Record of Permit. If the Building Inspector grants a permit:
- a. The Building Inspector shall specify the property restricted by the permit and shall prepare notice of the granting of the permit. The notice shall include the identification required under Sec. 706.05(2)(c), Wis. Stats., for the owner and the property upon which the solar collector is or will be located and for any owner and property restricted by the permit, and shall indicate that the property may not be developed and vegetation may not be

planted on the property so as to create an impermissible interference with the solar collector which is the subject of the permit unless the permit affecting the property is terminated or unless an agreement affecting the property is filed.

- (b) **Recording.** The applicant shall record with the Village Clerk-Treasurer the notice for each property specified under Subsection (a) and for the property upon which the solar is or will be located.
- (c) **Remedies for Impermissible Interference.** Any person who uses property which he owns or permits any other person to use the property in a way which creates an impermissible interference under a permit which has been granted or which is subject of an application, shall be liable to the permit or applicant for damages, for any loss due to the impermissible interference, court costs and reasonable attorney fees unless:
 - (1) The building permit was applied for prior to receipts of a notice or the agency determines not to grant a permit after a hearing.
 - (2) A permit affecting the property is terminated.
 - (3) An agreement affecting the property is filed.
- (d) **Permit Holder.** A permit holder is entitled to an injunction to require the trimming of any vegetation which creates or would create an impermissible interference as defined. If the court finds on behalf of the permit holder, the permit holder shall be entitled to a permanent injunction, damages, court costs and reasonable attorney fees.
- (e) **Termination of Solar Access Rights.**
 - (1) Any right protected by a permit under this Section shall terminate if the Plan Commission determines that the solar collector which is the subject of the permit is:
 - a. Permanently removed or is not used for two (2) consecutive years, excluding time spent on repairs or improvements.
 - b. Not installed and functioning within two (2) years after the date of issuance of the permit.
 - (2) The Plan Commission shall give the permit holder written notice and an opportunity for a hearing on a proposed termination.
 - (3) If the Plan Commission terminates a permit, the Commission may charge the permit holder for the cost of recording and record a notice of termination with the Village Clerk-Treasurer who shall record the notice or indicate on any notice recorded that the permit has been terminated.
- (f) **Waiver.** A permit holder by written agreement may waive all or part of any right protected by a permit. A copy of such agreement shall be recorded with the Village Clerk-Treasurer, who shall record such copy with the notice.
- (g) **Preservation of Rights.** The transfer of title to any property shall not change the rights and duties under this Section.
- (h) **Construction.**
 - (1) This Section may not be construed to require that an owner obtain a permit prior to installing a solar collector.

- (2) This Section may not be construed to mean that acquisition of any renewable energy easement under Section 700.35, Wis. Stats., is in any way contingent upon the granting of a permit under this Section.
- (i) **Control of Vegetation Blocking Solar Energy Systems.** The Village may provide for the trimming of vegetation which blocks solar energy, as defined under Sec. 66.032(1)(k), Wis., Stats., from a collector surface, as defined under Sec. 700.40, Wis. Stats. This Section includes the designation of solar collector owner as the person responsible for the cost of removing the vegetation.
- (j) **Maintenance.**
- (1) The Building Inspector and/or his representative shall have the right, at any reasonable time, to enter the company of the owner or his agent, the premises on which a solar energy system has been constructed to inspect all parts of said solar energy system installation and require that repairs or alterations be made within thirty (30) days if, in his judgment, there exists a deficiency in the structural stability of the system.
- (2) An inspection at a fee of Ten Dollars (\$10.00) if requested by the owner, may be made by the Building Inspector to certify the safety and maintenance of the solar energy system and accessory structures.

SEC. 13-1-142 WIND ENERGY SYSTEMS.

- (a) **Construction of Wind Energy Systems.** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.
- (b) **Permits Required.**
- (1) A zoning permit shall be obtained from the Plan Commission to allow construction of a WECS.
- (2) A WECS permit shall be obtained from the Village Building Inspector for the construction of all WECS.
- (c) **Application Requirements.** An application for a permit to build a wind energy system shall include the following:
- (1) The property lines of the proposed site of construction.
- (2) Proposed location of the WECS.
- (3) Location and description of all structures located on the property where the WECS site is proposed.
- (4) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
- (5) Location of all underground utility lines on the property where a WECS site is proposed.
- (6) Dimensional representation of the structural components of the tower construction including the base and footings.
- (7) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
- (8) Manufacturer's specifications and installation and operation instructions or specific WECS design information.

- (9) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.
- (d) **Blade Clearance.** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.
- (e) **Climbing Towers, Tower Access.** Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.
- (f) **Tower Construction.** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code including, but not limited to, ILHR Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41, Wis. Adm. Code, and any future amendments, additions, and/or revisions to same.
- (g) **Utility Interconnection.** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.
- (h) **Setback Requirements.**
- (1) No WECS shall be constructed in any setback, dedicated easement, nor dedicated roadway.
 - (2) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.
- (i) **Noise.** During all operations, from commencement through abandonment, all noise and vibrations shall conform with the requirements of the Village of Spencer Code of Ordinances.
- (j) **Interference with Navigational Systems.** No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.
- (k) **Electrical Distribution Lines.** All WECS electrical distribution lines shall be located underground.
- (l) **Required Safety Features.**
- (1) All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
 - (2) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.

- (3) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
- (4) Any WECS thereof declared to be unsafe by the Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Village of Spencer Code of Ordinances.
- (m) **Maintenance.** The Building Inspector or his representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his judgment, there exists a deficiency in the structural stability of the system.
- (n) **Inspections.** A yearly inspection at a fee to be determined from time to time by resolution of the Village Board shall be made by the Building Inspector to certify the safety and maintenance of the WECS and accessory structures.

SEC. 13-1-143 THROUGH SEC. 13-1-159

RESERVED FOR FUTURE USE.

ARTICLE I

Accessory Uses and Structures; Fences and Hedges

SEC. 13-1-160 ACCESSORY USES, BUILDINGS OR STRUCTURES.

- (a) **Building Permit Required.** No owner shall, within the Village of Spencer, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the Zoning Administrator. Application for an accessory building permit shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a fee pursuant to the Village Building Code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (b) **Principal Structure to be Present.** An accessory building or structure in any zoning district shall not be established prior to the principal building or structure being present or under construction. Any accessory building or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (c) **Placement Restrictions.** An accessory building, use or structure may be established subject to the following regulations:
- (1) **Percentage of Required Rear Yard Occupied.** No detached accessory building or buildings shall occupy more than thirty (30) percent of the area of the required rear yard.
 - (2) **Height of Accessory Buildings in Required Rear Yards.** No detached accessory building located in a required rear yard shall exceed twenty (20) feet in height.
 - (3) **Temporary Storage Buildings.** Temporary buildings for storage of building materials and equipment and for construction purposes are allowed when on the same or adjoining lot as the principal use for a period not to exceed the duration of such construction.
 - (4) **Temporary Offices.** Temporary real estate offices for purposes of conducting sale of property in the tract are allowed where such temporary office is located for a period not to exceed two (2) years from the date of start of construction or one (1) year after the initial occupancy of an improvement, whichever is lesser.
- (d) **Use Restrictions -- Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.
- (e) **Accessory Buildings In Special and Residence Districts.**
- (1) **Location.** No accessory building in a Residence District shall be erected in any yard except a rear yard, and all accessory buildings shall be located not

less than seven and one half (7½) feet from all lot lines and from any other building or structure on the same lot except as provided hereunder.

- (2) **On Reversed Corner Lots.** On a reversed corner lot in a Residence District, no accessory building shall be located in a required rear yard within twenty-five (25) feet of an adjoining property to the rear in a Residence District, except when the accessory building is located not closer to the side lot line abutting the street than the least depth which would be required under this Chapter for the front yard of such adjacent property to the rear and in no case shall any part of an accessory building project beyond the principal building to which it is accessory.
- (f) **Accessory Buildings In Commercial and Manufacturing Districts.** Accessory buildings in Commercial or Manufacturing Districts shall not be located nearer than ten (10) feet from the rear lot line.
- (g) **Landscaping Uses.** Accessory vegetation used for landscaping and decorating may be placed in any required yard area. Permitted vegetation include trees, shrubs and flowers and gardens. Under no circumstances may a tent be used as a dwelling or an accessory structure.
- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
 - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (i) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls.
- (l) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Sections 6-2-8 and 6-4-2(f) of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.

SEC. 13-1-161 OUTSIDE STORAGE OF FIREWOOD.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from 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 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 the provisions of this Code of Ordinances.
- (e) Not more than thirty percent (30%) of the side and rear yard may be used for storage of firewood at anyone (1) time.

SEC. 13-1-162 OUTSIDE STORAGE.

No manure, rubbish, inoperable vehicles, salvage material or miscellaneous refuse may be stored within any residential district when the same may be construed as a menace to the public health or safety or may be held to have a depressing influence upon property values in the area. Junk shall be placed in properly zoned junkyards only.

SEC. 13-1-163 FENCES AND HEDGES.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (b) **Fences Categorized.** Fences shall be categorized into five (5) classifications:
 - (1) Boundary Fence. A fence placed on or within three (3) 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 laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (c) **Height of Fences Regulated.**
 - (1) Residential fences less than six (6) feet in height are permitted on rear and side lot lines. Residential fences less than or equal to four (4) feet in height are

permitted in the street yard but shall not be closer than two (2) feet to any public right-of-way and shall be subject to the requirements of Section 13-1-120. Residential fences equal to or greater than six (6) feet shall require a conditional use permit. All fences must be constructed and maintained in a good state of repair and appearance.

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

SEC. 13-1-164 SWIMMING POOLS.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and

reassembled to its original integrity are exempt from the provisions of this Section.

- (c) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The minimum building permit fee pursuant to the Village Building Code shall accompany such application.
- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
 - (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.
 - (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village Ordinances regulating electrical installations.
- (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 said lot is occupied by a principal building.
 - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than five (5) feet from any lot line.
- (f) **Fence.**
 - (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, or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing two hundred fifty (250) pounds. Such cover or

protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension. 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 ground and have a raised deck around the entire 12001 perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top, or when sidewalls a minimum of thirty-six (36) inches high are unobstructed and access by ladders is restricted when the pool is not in use.
- (g) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool.
- (h) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.
- (i) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (j) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

SEC. 13-1-165 THROUGH SEC. 13-1-179

RESERVED FOR FUTURE USE.

ARTICLE J

Mobile Homes

SEC. 13-1-180 INTENT - WHERE MOBILE HOME DISTRICTS PERMITTED.

- (a) R-2 Mobile Home Residence Districts may hereafter be established in accordance with the procedures, requirements and limitations set forth in this Article. Within such District, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- (b) It is the intent of this Article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Homes within the definitions of this Article and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Units constructed prior to 1974 and with a value, as determined by the Village Assessor, of less than Four Thousand Five Hundred Dollars (\$4,500) are prohibited. Mobile Homes meeting the requirements of the One- and Two-Family Building Dwelling Code shall not be permitted in a R-2 Mobile Home District except as a conditional use. Permits may be obtained only after approval by the Plan Commission.
- (c) No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of Spencer, except in the Freeman Subdivision with restrictions per section 13-1-195 or unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding one hundred twenty (120) days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home, provided no business is carried on therein.

SEC. 13-1-181 DEFINITIONS.

The following definitions are used in this Article:

- (a) **Mobile Home Communities (Parks).** Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.
- (b) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.
- (c) **Residential Mobile Home.** A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of

which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, ILHR 20.12-20.17. "Mobile home" also means a dwelling which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds fifty percent (50%) of the assessable value of the mobile home. The term "mobile home" shall not include a factory-built structure meeting the following requirements:

- (1) Intended to be set on a foundation by virtue of its construction.
 - (2) Which is normally transported only once, from the factory to the construction site.
 - (3) Which, from its very beginning, is designed to be permanently affixed to land.
- (d) **Foundation Siding.** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within sixty (60) days from the date of placement on site.
- (e) **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
- (f) **Secondary Exposure.** Open areas adjacent to side and rear walls of a dwelling unit.
- (g) **Statutory Definitions.** In addition to the above definitions, definitions contained in Sec. 66.058 of the Wisconsin Statutes shall also be applicable.

SEC. 13-1-182 MINIMUM DIMENSIONAL REQUIREMENTS FOR R-2 DISTRICTS; MINIMUM NUMBER OF LOTS OR SPACES.

- (a) Where an R-2 District is to be established for the development of a mobile home community, the minimum area shall be five (5) acres. The minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as fifty percent (50%) of total units permitted on zoned site.
- (b) These limitations shall not apply where expansion of an existing mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

SEC. 13-1-183 PERMITTED AND PERMISSIBLE USES AND STRUCTURES.

The following principal uses and structures are permitted within R-2 Districts:

- (a) **One-Family Detached Mobile Homes (residential mobile home).** In mobile home communities, recreational vehicles shall not be occupied as living quarters

and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.

- (b) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.
- (c) **Rental.** No mobile home site shall be rented for a period of less than thirty (30) days.

SEC. 13-1-184 MOBILE HOME PARK DEVELOPER'S PERMIT.

- (a) **Required.** No person shall construct, alter, or extend any mobile home within the limits of the Village, unless the property is rezoned to R-2 and he holds a valid permit issued by the Village Board in the name of such person for the specific construction, alteration or extension proposed.
- (b) **Determination of Public Interest Required.** No permit for the construction, alteration or extension of any mobile home park shall be issued by the Village Board unless the issuance thereof shall first be determined to be in the best interests of the Village.
- (c) **Fee.** Applications for mobile home park developer's permit shall be accompanied by a fee of Fifty Dollars (\$50.00) to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park. The applicant shall also agree to pay to the Village such amounts as may be reasonably expended from time to time during construction by the Village for engineering inspections of all services and other facilities so as to verify compliance with this Section and the proposed plans and specifications of such mobile home park.
- (d) **Applications.** Applications shall be made on forms furnished by the Zoning Administrator and shall include the following information:
 - (1) Name and address of applicant.
 - (2) Location and legal description of the proposed park, addition, modification or extension.
 - (3) A complete plot plan showing compliance with all applicable provisions of this Chapter, specifically Section 13-1-63.
 - (4) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed park showing, but not limited to:
 - a. Plans and specifications of all utilities, including: sewerage collection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.
 - b. Location and width of roadways and walkways, buffer strips, recreational and other common areas.
 - c. The location of mobile home stands with the mobile home spaces, including a detailed sketch of at least one (1) typical mobile home space and stand therein.
 - d. Landscape plan showing all plantings.

- e. Plans and specifications of all park buildings and structures.
 - f. Such other plans and information as required by the Village Board.
- (5) Interest of applicant in proposed mobile home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make the application.
- (6) Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator.
- (e) **Final Plans.** Final engineering plans and specifications complying with the provisions of this Article and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the Zoning Administrator and checked by the proper municipal officials for compliance before the District is approved.
- (f) **Re-Zoning Procedures.** The procedure for creation of an R-2 District shall be as prescribed in Article 0 of this Chapter, except that the standards and conditions in Sections 13-1-66 and 13-1-69 shall be followed.
- (g) **Assignment of Permits.** No permit, once issued, shall be assignable without the written consent of the Village Board.
- (h) **Minimum Home Sites.** No permit shall be issued unless the same shall be for the construction of not less than ten (10) mobile home stands.
- (i) **Guides in Issuing Permit.** In issuing a permit, the Village Board may consider the discussion and recommendations as contained in the "Environmental Health Guide for Mobile Home Parks," as prepared by the U.S. Department of Health, Education and Welfare, as amended from time to time, but the Village Board shall not be limited to or bound by any such discussion or recommendation.

SEC. 13-1-185 ANNUAL MOBILE HOME PARK LICENSES.

- (a) **Required.** No person shall operate any mobile home park within the Village unless he holds a valid license issued annually by the Village Board in the name of such person for a specific mobile home park. Such license, upon issuance, shall be valid for the period from July 1st through June 30th of the ensuing year.
- (b) **Determination of Public Interest Required.** No license for the operation of a mobile home park shall be issued by the Village Board unless the issuance thereof shall first be determined to be in the best interest of the Village.
- (c) **Application.** The application for an original license shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application, and by deposit of a fee of Twenty-five Dollars (\$25.00) and shall contain the name and address of the applicant; location, legal description and site plan of the mobile home park showing all mobile home lots, structures, roads, walkways and other service facilities, showing compliance with the construction permit and such other matters as may have been required by the Village Board.
- (d) **Deposit.** Applications for renewals of licenses shall be made in writing by the holders of the licenses and shall be accompanied by the deposit of a fee of Twenty-five Dollars (\$25.00). Such application shall contain any change in the

information submitted since the original license was issued or the latest renewal was granted.

- (e) **Notice of Transfer of Interest.** Every person holding a license shall give notice in writing to the Village Board within three (3) days after having sold, transferred, given away or otherwise disposed of any interest in or control over any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing for transfer of the license and deposit of a fee of Ten Dollars (\$10.00), the license may be transferred if the mobile home park is in compliance with all applicable provisions of the Chapter and if the transfer shall be in the best interests of the Village. The transfer of any license shall not be unreasonably withheld.
- (f) **Hearing on Rejection.** Any person whose application for a license under this Chapter has been denied may request and shall be granted a hearing on the matter before the Village Board.
- (g) **Rules and Regulations.** The Village Board may, from time to time, ordain and impose such other rules, regulations and requirements as to the construction and maintenance of such mobile home park, and as to the operation and use thereof, as the Village Board shall deem necessary or advisable to and for the health, safety and general welfare of the residents of such mobile home park and the Village.
- (h) **Licenses Not Assignable Without Consent.** No license, once issued, shall be assignable without the written consent of the Village Board.
- (i) **Monthly Parking Permit Fee.** In addition to the above license fees, the licensee, or the owner, or the occupant of every mobile home shall pay and be jointly and severally liable for the payment of a monthly parking permit fee to the Village as determined under Sec. 66.058, Wis. Stats. Such monthly parking permit fees shall be collected by the licensee, who is primarily liable for the payment thereof.

**SEC. 13-1-186 STANDARD REQUIREMENTS FOR MOBILE HOME
PARKS, ADDITIONS OR EXTENSIONS.**

All mobile home parks and modifications of or additions or extensions to existing parks under the R-2 District shall comply with the following:

- (a) Chapter HSSI77, Wisconsin Administrative Code, as now existing or hereafter amended, is hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or Ordinance of the State or Village.
- (b)
 - (1) Each mobile home space shall be clearly defined or delineated and shall have a minimum frontage of fifty (50) feet and depth of one hundred (100) feet.
 - (2) Each mobile home unit and any attachments thereto and any accessory structure shall have a street yard of not less than twenty-five (25) feet and side and rear yards of not less than ten (10) feet.
 - (3) Each mobile home space shall provide not less than two (2) spaces for off-street parking of vehicles.

- (4) Movable footing slabs of reinforced concrete or other suitable means of supporting the mobile home shall be provided. Enclosing the foundation is recommended for looks and insulating. Basements are not authorized.
 - (5) A service slab shall be provided for each mobile home space.
 - (6) Areas not hard surfaced shall be seeded or sodded to prevent the blowing of sand or dirt. Landscaping is encouraged.
- (c)
- (1) Attachments and/or accessory structures shall be designed and constructed so that they will blend in with and not detract from the appearance of the mobile home units. No such attachments or accessory structures shall be constructed without first securing a building permit from the Building Inspector.
 - (2) Attachments to the mobile home unit, such as a sun porch windbreak, etc., shall not be wider than eight (8) feet or longer than twenty-four (24) feet.
 - (3) Accessory structures, such as a carport, garage, storage shed, etc., shall not be wider than twelve (12) feet or longer than twenty-eight (28) feet.
- (d) No mobile home park shall be laid out, constructed or operated without Village water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected with public water or sewer systems by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- (e) All parks shall be furnished with lighting so spaced and equipped with luminaires placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
- (1) All parts of the park street systems: 0.6 footcandles, with a minimum of 0.1 footcandles.
 - (2) Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated, with a minimum of 0.3 footcandles.
- (f)
- (1) All mobile home spaces shall abut upon a street.
 - (2) Public and private streets shall have a right-of-way width of sixty-six (66) feet and a dust-free surfaced width of not less than thirty-two (32) feet.
- (g) All mobile home parks shall have a greenbelt or buffer strip not less than twenty (20) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance with this requirement shall be made within five (5) years from the granting of the mobile home park developer's permit. Permanent planting shall be grown and maintained at a height of not less than six (6) feet. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
- (h) In all mobile home parks, there shall be one (1) or more recreation areas easily accessible to all park residents. No single recreation area shall contain less than two thousand five hundred (2,500) square feet unless each mobile home site is provide with contiguous a common recreational area not less than twenty (20) feet

wide at the narrowest dimension. Recreation areas shall. be so located as to be free of traffic hazards and convenient to mobile home spaces which they serve.

- (i) The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in fly tight, watertight, rodent-proof containers. Containers shall be provided by the park management in sufficient number and capacity to properly store all refuse.
- (j) 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.
- (k) The park management shall keep the grounds, buildings and structures free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Village Board.
- (l) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (m) The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
- (n) The park management shall not enter into any lease or otherwise permit any mobile home occupancy in the park for any period of less than thirty (30) days, excusable emergencies only accepted.

**SEC. 13-1-187 OPERATION OF MOBILE HOME PARKS;
 RESPONSIBILITIES OF PARK MANAGEMENT.**

- (a) In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Chapter shall be posted therein and the park register shall, at all times, be kept in said office.
- (b) The attendant or person in charge and the park licensee shall operate the park in compliance with this Chapter and regulations and Ordinances of the Village and State and their agents or officers and shall have the following duties:
 - (1) Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
 - a. Names and addresses of all owners and occupants of each mobile home.
 - b. Number of children of school age.
 - c. State of legal residence.
 - d. Dates of entrance and departure of each mobile home.
 - e. Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
 - f. Place of employment of each occupant, if any.

- (2) Notify park occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Chapter or any other violations of law which may come to their attention.
- (3) Report to the Village 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 growth of noxious weeds.
- (7) Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
- (8) Check to insure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the Ordinances of the Village. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.
- (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the Village, including regulations promulgated by the Fire Chief.

**SEC. 13-1-188 RESPONSIBILITIES AND DUTIES OF MOBILE HOME
PARK OCCUPANTS.**

- (a) Park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.
- (d) Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.
- (e) It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or

alterations as are necessary to effect compliance with this Chapter or any law or Ordinance of the State or Village or lawful regulation or order adopted thereunder.

- (f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.
- (g) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.
- (h) No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- (i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.

SEC. 13-1-189 ADDITIONAL REGULATIONS ON MOBILE HOMES AND MOBILE HOME PARKS.

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

Inspector. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This Subsection shall not apply to addition of awnings, antennas or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.

- (g) Storage under mobile homes is prohibited.
- (h) Conditions of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. 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 to hazards.
- (i) Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- (j) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

SEC. 13-1-190 COMPLIANCE WITH PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.

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

SEC. 13-1-191 LIMITATIONS ON SIGNS.

In connection with Mobile Home Parks within the R-2 District, no sign intended to be read from any public way adjoining the district shall be permitted except:

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

SEC. 13-1-192 COMMON RECREATIONAL FACILITIES.

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

SEC. 13-1-193 STANDARDS FOR GENERAL SITE PLANNING FOR MOBILE HOME PARKS.

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

- (a) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- (b) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the park shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of parks, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- (c) **Protection of Visibility - Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-100 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of

said street unless at least twenty-five (25) feet from said access measured at right angles to the path.

- (d) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- (e) **Internal Relationships.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
- (1) Streets, Drives and Parking and Service Areas. Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.
 - (2) Vehicular Access to Streets. Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
 - (3) Ways for Pedestrians and Cyclists: Use by Emergency, Maintenance or Service Vehicles.
 - a. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
 - b. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to

provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

**SEC. 13-1-194 TEMPORARY USE OF PREMISES FOR MOBILE HOMES
IN HARDSHIP CASES.**

In hardship cases, such as following a dwelling fire, the Village Board may in its discretion grant a temporary permit, not to exceed three (3) months; said permit to clearly state the expiration date thereon, provided sanitation rules as set forth in this Article are complied with and provided that consent of all adjacent owners or occupiers of land is obtained. The temporary permit may be renewed for an additional three (3) month period by the Village Board if the hardship continues beyond the initial period.

**SEC. 13-1-195 RESTRICTIONS FOR MOBILE HOMES PLACED IN THE
FREEMAN SUBDIVISION.**

Mobile homes may be located within the R-MH zoned district provided the following requirements are met:

- (a) All zoning requirements including lot size and setback restrictions shall be complied with;
- (b) That within one (1) year of the date of the location of the mobile home on any lot in the designated R-MH zoned subdivision, a garage structure/building of at least 16 feet by 24 feet must be erected.
- (c) No mobile home shall be permitted within the designated R-MH zoned subdivision unless it contains a minimum of 900 square feet of living space.
- (d) All mobile homes located within the designated R-MH zoned subdivision shall be situated on piers of concrete or other suitable material which shall extend below the frost line in order to prevent shifting of the mobile homes and shall be properly anchored to reduce risk of wind damage.
- (e) All wheels shall be removed from all mobile homes when placed in the designated R-MH zoned subdivision.
- (f) All mobile homes within the designated R-MH zoned subdivision shall be skirted with appropriate material within thirty (30) days of being situated on a lot.
- (g) Any mobile home to be located in R-MH zoned subdivision must have a value of at least \$20,000.00.
- (h) Each mobile home that is placed in the Freeman Subdivision must have a pitched roof and have vinyl siding or better on the sides of the home.
- (i) Any person who shall locate a mobile home within the district and who shall then fail to comply with the requirements of this ordinance may be required by action of the Village Board to remove said home within thirty (30) days after service of the notice of a demand to remove such mobile home. The Village Board may take appropriate legal action to enforce any decision made under this Section.

SEC. 13-1-196 THROUGH SEC. 13-1-199

RESERVED FOR FUTURE USE.

ARTICLE K

Performance Standards -- Industrial and Commercial Developments

SEC. 13-1-200 ARTICIE INTENT.

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

SEC. 13-1-201 VIBRATION.

- (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

SEC. 13-1-202 EXTERNAL LIGHTING.

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the boundary of an Industrial or Commercial District.

SEC. 13-1-203 ODOR.

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

SEC. 13-1-204 PARTICULATE EMISSIONS.

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

SEC. 13-1-205 VISIBLE EMISSIONS.

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

SEC. 13-1-206 HAZARDOUS POLLUTANTS.

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

SEC. 13-1-207 THROUGH SEC. 13-1-219 RESERVED FOR FUTURE USE.

ARTICLE L

Administration

SEC. 13-1-220 GENERAL ADMINISTRATIVE SYSTEM.

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

SEC. 13-1-221 ZONING ADMINISTRATOR.

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

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

SEC. 13-1-222 ROLE OF SPECIFIC VILLAGE OFFICIALS IN ZONING ADMINISTRATION.

- (a) **Plan Commission.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Village Board pursuant to guidelines set forth in this

- Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing.
- (b) **Village Board.** The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has authority to make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The Village Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.
 - (c) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article N of this Chapter for additional provisions.

SEC. 13-1-223 OCCUPANCY PERMIT.

- (a) **Occupancy Permit Required.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without an occupancy permit. No zoning permit shall be required for alterations which do not involve any change of use or change in the exterior which does not affect gross floor area or extensions into any side yard, front yard or rear yard setbacks. Such permit may be consolidated with a building permit request and issuance; no building permit will be issued prior to issuance of an occupancy permit.
- (b) **Application.** Applications for an occupancy permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning Administrator: the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.
 - (4) Additional information as may be required by the Zoning Administrator, or the Plan Commission and Village Board (if involved).

(5) The occupancy permit shall be assessed the following fees:

<u>Building, Structure or Use</u>	<u>Permit Fee</u>
One-Family Residences	\$15.00
All Other Uses	\$25.00

(c) **Action.**

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

SEC. 13-1-224 SITE PLAN APPROVAL.

- (a) **Site Plan Approval.** All applications for Zoning Permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in Residential Districts, shall require site plan approval by the Plan Commission 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 Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (c) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Village Board to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Commission shall authorize the Zoning Administrator to issue or refuse a Zoning Permit.
- (d) **Requirements.** In acting on any site plan, the Plan Commission shall consider the following:
 - (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with

the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.

- (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
- (4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to Impair the value of adjacent properties nor impair the intent or purposes of this Section.
- (e) **Effect on Municipal Services.** Before granting any site approval, the Plan Commission 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 Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

SEC. 13-1-225 VIOLATIONS AND PENALTIES.

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

SEC. 13-1-226 THROUGH SEC. 13-1-239 RESERVED FOR FUTURE USE.

ARTICLE M

Changes and Amendments to the Zoning Code

SEC. 13-1-240 AUTHORITY.

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

SEC. 13-1-241 INITIATION OF CHANGES OR AMENDMENTS.

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

SEC. 13-1-242 PROCEDURE FOR CHANGES OR AMENDMENTS.

- (a) **Request for Changes.** Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
- (1) Plot plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
 - (3) Together with additional information as may be required by the Plan Commission or Village Board.
- (b) **Recommendations.** The Village Board or the Village Clerk-Treasurer shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and zoning map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the

Commission may on occasion, of its own volition, conduct its own public hearing on proposed amendment(s).

(c) **Hearings.**

(1) The Village Board, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

(2) The Village Board shall hold public hearings as required under this Section.

(d) **Board's Action.** Following such hearing and after consideration of the Plan Commission's recommendations, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment.

(e) **Fee.** The fee for a zoning code change or amendment shall be Two-Hundred Dollars (\$200.00) and shall be paid upon filing.

SEC. 13-1-243 PROTEST.

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

(b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.

SEC. 13-1-244 THROUGH SEC. 13-1-259 RESERVED FOR FUTURE USE.

ARTICLE N

Appeals

SEC. 13-1-260 APPEALS TO THE ZONING BOARD OF APPEALS.

- (a) **Scope of Appeals.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee of Twenty-five Dollars (\$25.00) as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Meetings.**
 - (1) Open to Public. All meetings and hearings of the Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
 - (2) Special Meetings. Special meetings may be called by the Chairman or by the Secretary of the Board of Appeals at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least fortyeight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
 - (3) Hearings. Hearings may be held at any regular or special meeting at the time set by the Chairman.
 - (4) Quorum. A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (d) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:
 - (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator, Building Inspector or other administrative official in the

enforcement of the Zoning Code or any ordinance adopted under Sections 61.35, 62.23, 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.

- (2) **Variances.** To hear and rule on appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and Justice secured.
 - (3) **Interpretations.** To hear and decide application 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 substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.
 - (6) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (e) **Board Action.** In exercising the powers under Subsection (d), the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.
- (f) **Voting.**
- (1) **Personal Interest.** No Board of Appeals member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.
 - (2) **Record of Vote.** The Secretary shall record the vote of each member on every question in the minutes or, if the member is absent or fails to vote, shall indicate such fact in the record of the proceedings.

- (a) **Time of Appeal.** Appeals shall be filed within thirty (30) days after the date of receipt of the written decision or order from which the appeal is taken by filing in duplicate a notice of appeal with the Village Clerk-Treasurer. The date of receipt of the decision shall not be counted in determining the time for filing of the appeal. Sundays and holidays shall be counted, except if the last day falls on a Saturday, Sunday or legal holiday, the time for filing shall be extended to the next secular day.
- (b) **Who May Appeal.** Appeals or applications to the Board may be made by:
- (1) The owner, mortgagee, purchaser under a land contract, optionee or occupant under a written lease for one (1) year or more of the property for which relief is sought.
 - (2) Any officer (other than the Zoning Administrator), department, board or bureau affected by a decision or order of the Zoning Administrator.
 - (3) Any person aggrieved and whose use and enjoyment of property within the Village is directly and adversely affected by a decision or order of the Building Inspector, Zoning Administrator or the requested Board action.
- (c) **Appeal and Application Forms.** Every appeal or application shall be made upon forms furnished by the Village Clerk-Treasurer which have been approved by the Board of Appeals. A scale drawing shall accompany each form showing the location and size of the property, existing improvements, all abutting properties and improvements thereon and change or addition requested. The applicant or appellant shall provide all information requested on the form and any additional information requested in writing by the Chairman or Secretary of the Board of Appeals which is necessary to inform the Board of the facts of the appeal. Failure to supply such information shall be grounds for dismissal of the appeal or application.
- (d) **Filing Appeal or Application.** The appellant or applicant shall file the required appeal form in duplicate with the Village Clerk-Treasurer. The Village Clerk-Treasurer shall deliver one (1) copy to the Zoning Administrator or other officer or body from whose decision an appeal is taken. Upon receipt of an appeal, the Zoning Administrator or other officer or body responsible for the original determination shall transmit to the Secretary of the Board of Appeals all notes or papers relating to the order or decision from which the appeal is being taken.
- (e) **Election to Have Appeal or Application Handled as a Contested Case.** The applicant or appellant may elect to have the appeal or application handled as a contested case. The appeal or application form shall explain that a contested case includes the right of all parties to cross-examine witnesses, to object to improper evidence and to have a record of the proceedings made by a court reporter or qualified stenographer or by tape recording. Election to have the matter treated as a contested case must be made in writing at the time of filing of the appeal or application.
- (f) **Fee.** All appeals and applications filed with the Village Clerk-Treasurer shall be accompanied by payment of a required fee of Twenty-five Dollars (\$25.00). If the appellant or applicant elects the contested-case method, he or she shall also pay

the amount determined by the Board of Appeals to cover the additional administrative costs involved.

- (g) **Insufficient Notice.** No appeal or application shall be considered by the Board of Appeals unless it is made on the required form. Upon receipt of any communication purporting to be an appeal or application, the Village Clerk-Treasurer shall supply the applicant with the proper forms which must be filed within ten (10) days, in addition to the thirty (30) days specified in Subsection (a), in order to be considered by the Board of Appeals.

SEC. 13-1-262 HEARINGS.

- (a) **Notice of Hearing.** Notice of the time, date and place of the hearing of an appeal or application shall be given in the following manner:
- (1) By mail or personal service to the appellant or applicant and to the Zoning Administrator or other administrative official or body from whose decision an appeal is taken and Secretary of the Plan Commission not less than ten (10) days prior to the date of the hearing.
 - (2) In every case involving a variance, conditional use, exception, planned unit development or public utility exception, the Village Clerk-Treasurer shall mail notice to the owners of record of all land within the area included in the application and within one hundred (100) feet of any part of the building or premises affected not less than ten (10) days prior to the hearing. Names and last-known addresses of such owners shall be furnished by the applicant at the time of filing the appeal or application.
 - (3) By publication of a Class 2 notice under Chapter 985, Wis. Stats.
 - (4) Notice of an application for construction of a building in the bed of a future street, highway or parkway shall be published in the official newspaper not less than fifteen (15) days prior to the hearing.
 - (5) Notice of an application for a proposed special exception in a shoreland-wetland district shall be mailed to the district office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the hearing.
- (b) **Time of Hearing, Docketing.** Each appeal or application properly filed shall be numbered serially, docketed in a special book provided therefor and placed upon the calendar by the Secretary of the Board of Appeals. Cases docketed more than fifteen (15) days preceding a regular meeting shall be set for hearing at such meeting. Cases docketed seven (7) days or less prior to a regular meeting shall be scheduled by the Secretary, or his designee, for a hearing on the second regular meeting day thereafter unless otherwise directed by the Chairman.
- (c) **Appearances.** The appellant or applicant may appear in person or by his agent or attorney. In the absence of an appearance for or against an appeal or application, the Board of Appeals may dismiss the appeal or application or may dispose of the matter on the record before it.
- (d) **Oath.** Unless waived by the appellant or applicant and the Chairman, all witnesses shall be sworn before testifying by the Chairman or presiding officer.
- (e) **Compelling Attendance of Witnesses.** The Chairman, or, in his absence, the presiding officer, may compel the attendance of witnesses by subpoena. Written

request for subpoenas shall be filed with the Secretary of the Board of Appeals not less than two (2) days prior to the hearing except by special permission of the Chairman.

- (f) **Order of Hearing.** Appeals and applications shall be heard in numerical order except for good cause shown.
- (g) **Order of Business.**
 - (1) General Hearing. At the hearing, the order of business shall be as follows:
 - a. Statement of the nature of the case by the Chairman.
 - b. Appellant's side of the case.
 - c. Questions by Board members.
 - d. Zoning Administrator's side of the case.
 - e. Questions by Board members.
 - f. Statements by interested persons such as neighbors or abutting landowners.
 - g. Questions by Board members.
 - h. Appellant's or applicant's rebuttal.
 - (2) Contested Cases. If the applicant or appellant elects to have his or her appeal or application treated as a contested case, the order of business shall be as follows:
 - a. Call to order by the Chairman.
 - b. Appellant or applicant's opening statement.
 - c. Zoning Administrator's opening statement.
 - d. Opening statement of persons aggrieved and other interested parties. The right to make an opening statement is limited to persons who will present evidence.
 - e. Applicant's or appellant's case-in-chief.
 - f. Questions by Board members.
 - g. Cross-examination. No more than one (1) person for each party shall cross-examine witnesses. The Chairman may limit the number of parties who may cross-examine.
 - h. Zoning Administrator's case-in-chief.
 - i. Questions by Board members.
 - j. Cross-examination as under (2)g.
 - k. Case-in-chief of other parties.
 - l. Questions by Board members.
 - m. Cross-examination under (2)g.
 - n. Rebuttal by appellant or applicant. Rebuttal is limited to matters raised by the adverse parties by way of evidence or argument.
 - o. Statements of opinion of neighbors or abutting land owners -- not subject to cross-examination.
 - p. Closing statements of those who made or waived opening statements.
- (h) **Evidence and Official Notice.** Except in contested case hearings, written and oral testimony will be received. In contested case hearings, no hearsay evidence will be allowed or relied upon as the sole evidence of any factual determination. The Board of Appeals may take official notice of the ordinances of the municipality, the zoning and location of the subject property and geographical features or other

facts which are common knowledge in the municipality or can be verified by reference to public record. In contested case hearings, all witnesses shall be sworn and no person shall be permitted to testify unless he or she submits to cross-examination. See Sec. 227.08, Wis. Stats.

- (i) **Adjournments.** When all appeals or applications cannot be disposed of on the day set, the Board of Appeals may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Board of Appeals.
- (j) **Withdrawal.** An appellant or applicant may withdraw an appeal at any time prior to the decision, but a pending motion to grant or dismiss the appeal shall have precedence over withdrawal. Withdrawal of the appeal shall not entitle the appellant or applicant to remission of the filing fee.

SEC. 13-1-263 DECISION AND DISPOSITION OF CASES.

- (a) **Time of Decision.** The Board of Appeals shall render its decision either at the termination of the hearing or within thirty (30) days thereafter and shall notify the parties in interest and the Zoning Administrator in writing of its decision.
- (b) **Form of Decision.** The final disposition of an appeal or application shall be in the form of a written decision or order signed by the Chairman and Secretary of the Board of Appeals. Such decision shall state the reasons for the Board's determination with findings of fact and conclusions of law and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny the special exception, conditional use or variance. Copies of the decision shall be sent to the applicant, Village Clerk-Treasurer, the Secretary of the Plan Commission and any Village committee involved.
- (c) **Basis of Decision; Findings.** At the conclusion of a hearing, the Board should reduce to writing its findings of fact and conclusions of law regarding the proper interpretation and application of the Zoning Code.
- (d) **Vote Required.** All orders or decisions of the Board of Appeals granting a variance, exception or conditional use or reversing any action or order of the administrator require the affirmative vote of four (4) members. Whenever only four (4) members of the Board are present and the vote stands three (3) to one (1) in favor of the appellant or applicant, the matter shall be laid over for consideration and final determination at the next meeting of the Board or a special meeting noticed and called for that purpose.
- (e) **Conditions.** Variances or conditions imposed in any permit shall be stated in the decision or order embodying the Board's decision and shall also be set forth in the building, conditional use or occupancy permit issued under that order by the Zoning Administrator. A permit shall be valid only as long as the conditions upon which it is granted are observed. Whenever the Board grants an application or appeal affecting the use of any premises, such authorization shall be deemed revoked unless the owner, occupant or his agent shall, upon request, file with the Board Secretary a written report certifying that all conditions or limitations

- imposed by the Board have been conformed to and maintained. Variances, substitutions or conditional use permits approved by the Board shall expire six (6) months after issuance if the performance of work is required and substantial work has not commenced.
- (f) **Filing of Decision.** Every order or decision of the Board of Appeals shall be immediately filed with the Secretary who shall thereupon forward the decision to the Village Clerk-Treasurer and mail a copy to the applicant or appellant. Copies of decisions granting conditional uses or variances in a floodplain, shoreland or wetland district shall be mailed to the district office of the Wisconsin Department of Natural Resources.
- (g) **Reconsideration.**
- (1) Resubmission. No appeal or application which has been dismissed or denied shall be considered again without material alteration or revision within one (1) year of the Board's decision, except pursuant to court order or by motion to reconsider made by a member voting with the majority or as provided in Subsection (g)(2) below.
- (2) Rehearing. No rehearing shall be held except upon the affirmative vote of four (4) or more members of the Board upon finding that substantial, new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for rehearing shall be in writing, shall state the reasons for the request and shall be accompanied by necessary data and diagrams. Rehearings shall be subject to the same notice requirements as original hearings.

SEC. 13-1-264 VARIANCES.

- (a) Purpose; Board Review.
- (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
- (2) Persons requesting a variance shall first submit such request to the Village Board who shall make a determination on the request following notice and hearing. Persons having a variance request denied by the Village Board may then have their request reviewed by the Board of Appeals pursuant to this Section.
- (3) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done .. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.

- (4) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- (b) **Application for Variation.** The application for variances shall be filed pursuant to Section 13-1-261.
- (c) **Public Hearing of Application.** The public hearing for a variance shall be conducted pursuant to Section 13-1-262.
- (d) **Prohibited Variances.** The Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts, In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.
- (e) **Action of the Board of Appeals; Standards.** For the Board of Appeals, it must find that:
- (1) Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
 - (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
 - (5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code, specifically the standards In Article D of this Chapter.
- (f) **Conditions.** The 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.

SEC. 13-1-265 REVIEW BY COURT OF RECORD.

Any person or persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and

specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

SEC. 13-1-266 THROUGH SEC. 13-1-279

RESERVED FOR FUTURE USE.

ARTICLE O

Definitions

SEC. 13-1-280 DEFINITIONS.

- (a) For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.
- (1) Abutting. Have a common property line or district line.
- (2) Accessory Building or Use.
- a. An accessory building or use is one which:
 1. Is customary and clearly incidental to the principal building or principal use;
 2. Serves exclusively the principal building or principal use;
 3. Is subordinate in area, extent or purpose to the principal building or principal use;
 4. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
 5. Is located on the same zoning lot as the principal use served, with exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.
 - b. An accessory building or use may include, but is not limited to, the following:
 1. A children's playhouse, garden house or private greenhouse;
 2. A garage, carport, shed or building for storage incidental to a permitted use;
 3. Incinerators incidental to a permitted use;
 4. Storage of goods used in or produced by permitted manufacturing activities on the same zoning lot with such activities, unless such storage is excluded by the district regulations;
 5. The production, processing, cleaning, servicing, testing, repair or storage of merchandise normally incidental to a permitted retail service or business use if conducted by the same ownership as the principal use;
 6. Off-street motor vehicle parking areas and loading facilities;
- (3) Acre, Net. The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.
- (4) Agent. The person designated by the owner of a bed and breakfast as the person in charge of such establishment and his name shall be filed in writing with the Building Inspector of the Village and the Village Clerk-Treasurer prior to issuance of a permit for operation and any change in agent shall

require written notice delivered to the Village Clerk-Treasurer five (5) days prior to his effective appointment date.

- (5) Alley. A public way not more than sixteen (16) feet wide which affords only a secondary means of access to abutting property.
- (6) Apartment. 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.
- (7) Arterial Street. 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.
- (8) Automobile Laundry. An automobile laundry is a building or portion thereof containing facilities for washing automobiles using production-line methods with a chain, conveyor, blower, steam-cleaning device or other mechanical devices or any premises with a capacity of washing twenty (20) or more vehicles per eight (8) hour day.
- (9) Awning. An awning is a retractable, rooflike cover, temporary in nature, which projects from the wall of a building.
- (10) Bed and Breakfast Establishment. Any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's primary personal residence, is occupied by the owner or his designated agent at the time of rental and in which the only meal served to guests is breakfast. Occupancy of each room shall be limited to not more than two (2) adults.
- (11) Basement. That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-around living accommodations.
- (12) Block. A block is a tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, bulkhead lines or shorelines of waterways. A block may be located in part beyond the boundary lines of corporate limits of the Village.
- (13) Boarding House. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three (3) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
- (14) Buildable Lot Area. The portion of a lot remaining after required yards have been provided.
- (15) Building. A building is any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by masonry or fire wall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.
- (16) Building. Completely Enclosed. A completely enclosed building is a building separated on all sides from the adjacent open space or from other

buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

- (17) Building Coverage. Building coverage shall mean the proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings.
- (18) Building, Detached. A detached building is a building surrounded by open space on the same lot.
- (19) Building Height. Building height is a vertical distance from the curb level or the approved ground level opposite the center of the front of a building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the mean-height level between eaves and ridges of a gable, hip or gambrel roof.
- (20) Building, Principal. A building in which the principal use of the lot on which it is located is conducted.
- (21) Building Setback Line. A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.
- (22) Bulk. Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another and includes the following:
 - a. Size and height of buildings;
 - b. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
 - c. Gross floor area of buildings in relation to lot area (floor area ratio).
 - d. All open spaces allocated to buildings; and
 - e. Amount of lot area provided per dwelling unit or lodging room.
- (23) Business. An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- (24) Campground. Developed campground or camping resort or a primitive campground.
- (25) Channel. Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (26) Clinic, Medical and Dental. A "medical and dental clinic" is a building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their professions. The clinic may include an accessory dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.
- (27) Club or Lodge, Private. A private club or lodge is a non-profit association of persons who are bona fide members paying annual dues which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a Board of Directors, Executive Committee or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises provided

adequate dining room space and kitchen facilities are available. Where properly licensed under existing Village ordinances, the consumption of intoxicating beverages by members of such club or lodge or their guests may be permitted.

- (28) Community Living Arrangement. The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include 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 Sections of the Wisconsin State Statutes, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (29) Conditional Use. A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof and which are, therefore, permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created. All conditional uses shall first be approved by the Plan Commission.
- (30) Conforming Building or Structure. A conforming building or structure is any building or structure which:
 - a. Complies with all the regulations of this Chapter or any amendment thereto governing bulk or the zoning district in which such building or structure is located; or
 - b. Is designed or intended for a conforming use.
- (31) Conservation Standards. Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for Marathon County, 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 that alternative which best meets his needs in developing his soil and water conservation.
- (32) Controlled Access Arterial Street. 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.
- (33) Convalescent Home and Nursing Home. A convalescent home or a nursing home is a home for the aged, infirm, chronically ill or incurable persons in which five (5) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation but not including hospital clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.
- (34) Corner Lot. On corner lots, the setback shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal

to seventy-five percent (75%) 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 twenty-five (25) feet. Said corner lots shall be consisting of a parcel of property abutting on two (2) or more streets at their intersection providing that the interior angle of such intersection is less than one hundred thirty-five degrees (135). Corner lots shall meet front yard setback requirements for all street sides.

- (35) Curb Level. The curb level for any building is the level of the established curb in front of such building measured at the center of such front.
- (36) Development. Any man-made 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.
- (37) District, Basic. A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (38) District, Overlay. Overlay districts, also referred to herein as regulatory areas, 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.
- (39) Dwelling. A building or part of a building containing one (1) or more dwelling units and also containing other directly associated elements such as hallways, storage areas or common laundry facilities. For purposes of this Chapter, this term does not include "group lodging facilities."
- (40) Dwelling, Attached. A dwelling separated from another dwelling unit and not having any portion of any roof, wall or floor in common with another dwelling unit.
- (41) Dwelling, Detached. A detached dwelling is one which is entirely surrounded by open space on the same lot.
- (42) Dwelling, Multiple-Family. A multiple-family dwelling is a building, or portion thereof, containing three (3) or more dwelling units.
- (43) Dwelling, Single-Family. A single-family dwelling is a building containing one (1) dwelling unit only.
- (44) Dwelling, Two (2) Family. A two (2) family dwelling is a building containing two (2) dwelling units only.
- (45) Dwelling Unit. An area within a dwelling that is designed, occupied or intended to be occupied by a family (or by a non-family household) as permitted by this Chapter as separate living quarters with private kitchen, sanitary, sleeping and living quarters within the unit.
- (46) Eating Place. Establishments primarily engaged in the retail sale of prepared food and drinks for consumption on the premises. Caterers and institutional food service establishments are included. The term shall not apply to churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic or union organizations which occasionally prepare or serve

or sell meals to transients or the general public, nor shall it include any public or private school lunchroom.

- (47) Efficiency Unit. An efficiency unit is a dwelling unit consisting of one (1) principal room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing that such dining alcove shall not exceed ninety (90) square feet in area and shall not be used for sleeping purposes.
- (48) Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- (49) Establishment, Business. A business establishment is a place of business carrying on operations which are physically separate and distinct from those of any other place of business located on the same zoning lot.
- (50) Family. An individual or group of two (2) or more individuals who are related by blood, marriage or adoption, together with not more than four (4) additional persons not so related, living as a single household in a dwelling unit. For purposes of this Chapter, family includes "non-family households."
- (51) Family Day Care. The provision of day care for children for compensation within a dwelling whether or not licensed by the State, including educational services so long as the care and services are taking place within a dwelling.
- (52) Farming -- General. General farming shall include floriculture, forest and game management, orchards, raising of grain, grass, mint and seedcrops, raising of fruits, nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- (53) Farmstead. A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (54) Floor Area (For Determining Off-Street Parking and Off-Street Loading Requirements). Floor area when prescribed as a basis of measurement for off-street parking spaces and loading berths for any use shall mean the sum of the gross horizontal areas of the several floors of the building, or buildings, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for the purpose of measurement for off-street parking spaces shall not include:
 - a. Floor area devoted primarily to storage purposes, except as otherwise noted herein.

- b. Floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space.
 - c. Basement floor area, other than area devoted to retailing activities or to the production or processing of goods or to business or professional offices.
- (55) Foster Family Home. The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.
 - (56) Frontage. All the property butting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.
 - (57) Garage -- Private. 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.
 - (58) Garage -- Public. 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.
 - (59) Group Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.
 - (60) Group Lodging Facilities. Buildings or parts of buildings designed, occupied or intended to be occupied as living quarters on a basis other than as a dwelling, dwelling unit, hotel or motel.
 - (61) Group Lodging House. A group lodging facilities containing general lodging rooms not having kitchen facilities, offered for rent or comparable compensation on a monthly or longer basis. Meals or access to common meal preparation facilities may be offered as part of the service to occupants.
 - (62) Guest, Permanent. A permanent guest is a person who occupies or has the right to occupy on a monthly or longer basis a hotel or apartment hotel accommodation as his domicile and place of permanent residence.
 - (63) Home Occupation. A gainful occupation conducted by members of the immediate family residing on the premises; conducted within their dwelling and nor in an accessory building, provided that no article is sold or offered for sale on the premises except such as is produced for such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that such occupation shall not require internal or external alterations, or involve construction features not customary in a dwelling, that not more than twenty-five percent (25%) of the floor area of one story of the dwelling is devoted to such home occupation, that no sign other than one unlighted name plate not more than one (1) foot square is installed and that no more than one (1) person other than a member of the immediate family living on the premises is employed.
 - (64) Home Professional Office. A home occupation consisting of the office of a recognized profession.

- (65) Hotel. A facility containing sleeping rooms with private or semi-private bathroom facilities offered overnight lodging to the public for compensation and catering primarily to the traveling public. A hotel shall offer services such as maid, telephone, desk and vending services. It may offer a restaurant, recreational facilities and meeting facilities.
- (66) Hotel, Apartment. An apartment hotel is a building in which at least ninety percent (90%) of the accommodations are dwelling units or are occupied by permanent guests.
- (67) Household. A family or non-family group living in a nontransient manner in a single dwelling unit.
- (68) Junk. Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.
- (69) Junk Yard. A junk yard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.
- (70) Kennel, Animal. An animal kennel is any premises, or portion thereof, where dogs, cats and other household pets are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.
- (71) Loading Area. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (72) Lodging House. A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- (73) Lodging Room. A room rented as sleeping and living quarters without kitchen facilities and with or without an individual bathroom.
- (74) Lodging Room (For Determining Lot Area Requirements and Off-Street Parking Requirements). For the purpose of determining the lot area requirements, any lodging room designed or intended to be occupied by more than two (2) persons shall be determined as one (1) lodging room for each two (2) persons, provided, however, that in a lodging house or a fraternity and sorority house the number of lodging rooms shall be determined by dividing the total number of persons intended to occupy the lodging rooms by two (2).
- (75) Lot. A parcel of land having frontage on a public street, or other officially approved means of access, occupied or 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 Code as pertaining to the district wherein located.

- (76) Lot Area. The lot area is the area of a horizontal plane bounded by the front, side and rear lot lines.
- (77) Lot, Corner. A corner lot is a lot of which at least two (2) adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.
- (78) Lot Coverage (Residential). The area of a lot occupied by the principal building or buildings and accessory building.
- (79) Lot Coverage (Except Residential). The area of a lot occupied by the principal building or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- (80) Lot Depth. The lot depth is the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
- (81) Lot, Interior. A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.
- (82) Lot Line. 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.
- (83) Lot Line, Front. The front lot line, in the case of a lot abutting upon only one (1) street, shall mean the line separating such lot from such street. In the case of any other lot, the owner shall, for the purpose of this Chapter, have the privilege of electing any street lot line the front lot line, providing that such choice, in the opinion of the Zoning Administrator, will not be injurious to the existing, or to the desirable future development of the adjacent properties.
- (84) Lot Line, Rear. The rear lot line shall mean that lot line which is opposite the most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining depth of rear yard. The cases where none of these definitions re applicable, the Zoning Administrator shall designate the rear lot line.
- (85) Lot Line, Side. A side lot line shall mean any lot line not a front lot line or a rear lot line.
- (86) Lot Lines. Lot lines shall mean the property lines bounding the lot.
- (87) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (88) Lot of Record. A lot of record is a lot which is part of a subdivision or a certified survey map which has been recorded in the Office of the Register of Deeds of Marathon County or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the effective date of this Chapter. Any lot or parcel of land created through a violation of any

other applicable laws or ordinances of the State of Wisconsin and the Village of Spencer shall not, in this instance, be considered a lot of record.

- (89) Lot, Reversed Corner. A reversed corner lot is a corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (90) Lot, Substandard. A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or 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 Code as pertaining to the district wherein located.
- (91) Lot, Through. A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (92) Lot Width. The lot width is the horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth, said measurement to be made at the rear line of the required front yard.
- (93) Lot, Zoning. A zoning lot or lots is a single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. Therefore, a zoning lot or lots mayor may not coincide with a lot of record.
- (94) Minor Structures. Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four (4) feet In height.
- (95) Mobile Home. 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, being eight (8) 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 permanent foundation when connected to the required utilities.
- (96) Mobile Home Lot. A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (97) Mobile Home Park. A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.
- (98) Mobile Home Subdivision. A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any Village Land Division Ordinance, 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.
- (99) Modular Unit. A modular unit is a factor 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.

- (100) Motel. A facility offering services of a hotel but where the sleeping rooms are physically arranged so that most have access to outside, adjacent parking areas without passing through the lobby.
- (101) Motor Freight Terminal. A motor freight terminal is a building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.
- (102) Nameplate. A nameplate is a sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.
- (103) Nonconforming Building or Structure. A nonconforming building or structure is any building or structure which:
- a. Does not comply with all of the regulations of this Chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or
 - b. Is designed or intended for a nonconforming use.
- (104) Nonconforming Use. A nonconforming use is any use of land, buildings or structures which does not comply with all the regulations of this Chapter or of any amendment hereto governing use for the zoning district in which such use is located.
- (105) Nonfamily Households. A group of individuals not exceeding five (5) in number who do not constitute a "family" as defined herein and who live as a single household in a dwelling unit.
- (106) Nursery School. A nursery school is a facility licensed as a day care center by the State of Wisconsin where a person or persons provide for compensation and/or consideration for service, group care for four (4) or more children under seven (7) years of age, for less than twenty-four (24) hours a day at a location other than the child's own home or the homes of relatives or guardians.
- (107) Nursing Home. An establishment 'used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured.
- (108) Office for a Professional Person. An office for a professional person is one in which services are performed by persons engaged in a profession requiring advanced training in a recognized professional specialty and including the fields of religion, architecture, engineering, law, medicine, personal health services and instruction in the liberal or fine arts.
- (109) Parking Lot. A structure or premises containing five (5) or more parking spaces open to the public.
- (110) Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (111) Public Airport. Any airport which complies with the definition contained in Section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

- (112) Planned Residential Development -- Dwelling. A planned residential development -- dwelling is a parcel or tract of land having an area as required in the district regulations under common management, single ownership, and which is the site for two (2) or more principal residential buildings and where regulations may be modified as regulated in this Chapter. The issuance of a permit for a planned residential development-dwelling shall require approval as provided in this Chapter.
- (113) Professional Office in a Home. A professional office in a home shall mean the office or studio in his residence or a person engaged in a recognized professional specialty and including the fields of religion, architecture, engineering, law, medicine, personal health services and instruction in the liberal or fine arts, provided that such use shall comply with all of the conditions of a home occupation, except that mechanical equipment customarily appurtenant to said profession may be used, provided no external manifestations thereof are apparent at the property line.
- (114) Public Way. A public way is any sidewalk, street, alley, highway or other public thoroughfare.
- (115) Railroad Right-of-Way. A railroad right-of-way is a strip of land containing railroad tracks and customary auxiliary facilities for only track operation. For the purpose of this Chapter, a railroad right-of-way does not include land used or intended to be used for switching, spur, lead, team or siding tracks, freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, car yards or classification yards.
- (116) Reservoir Parking Space. Reservoir parking spaces are those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.
- (117) Retail. The sale of goods or merchandise in small quantities to the consumer.
- (118) Roadside Stand. A roadside stand is a temporary structure which is not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products produced on the premises upon which such roadside stand is located. No roadside stand shall be more than three hundred (300) square feet in ground area and there shall not be more than one (1) roadside stand on anyone (1) premises.
- (119) Row House. A place of abode not more than two (2) stories in height, arranged to accommodate three (3) or more attached living units in which each living unit is separated from the adjoining unit by an unpierced vertical occupancy separation of not less than one (1) hour fire-resistive construction, extending from the basement or lowest floor to the underside of the roof boards. Each living unit shall have separate entrances and exits leading directly to the outside.
- (120) Screening. Screening is a hedge, wall or fence to provide a visual separator and physical barrier not less than four (4) feet nor more than six (6) feet in height, unless otherwise provided for in this Chapter.

- (121) Setback. The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.
- (122) Side Yard. A yard extending from the street yard to the rear yard of the lot, the width of 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.
- (123) Signs. 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 are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (124) Storm Sewer. Consists of concrete pipe of varying sizes with inlets and manholes for the purpose to drain surface water.
- (125) Story. That 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 fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (126) Story, Half. That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (127) Street. Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and serves as a principal means of access to abutting property.
- (128) Street Yard. 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 (2) street yards.
- (129) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

- (130) Structure. 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.
- (131) Temporary Structure. A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (132) Trailer. A trailer is any structure which is or may be mounted upon wheels for moving about and is propelled by its own or drawn by other. motive power and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation or issued for hauling purposes.
- (133) Usable Open Space. Usable open space is that part of the ground level of a zoning lot, other than in a required front or corner side yard, which is unoccupied by principal or accessory buildings, service driveways, off-street parking spaces and/or loading berths and is obstructed to the sky. This space of minimum prescribed dimensions shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas designed and improved for outdoor activities may also be considered as usable open space. Ground level for this purpose may include open terraces above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch.
- (134) Use. The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (135) Use, Accessory. 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.
- (136) Use, Conditional. A conditional use is a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for in this Chapter, of the impact of such use upon neighboring land and of the public need for the particular use at a particular location, such conditional use mayor may not be granted.
- (137) Use, Permitted. A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements and regulations of such district in which such use is located.
- (138) Use, Principal. The main use of land or building as distinguished from subordinate or accessory use.
- (139) Utilities. 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.

- (140) Vision Clearance. 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.
- (141) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.
- (142) Yard, Front. A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building. The side where the address is shall be considered the front yard.
- (143) Yard, Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- (144) Yard, Side. That part of the yard lying between the main building and a side lot line, and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.
- (145) Zero Lot Line. The concept whereby two (2) 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 said units.
- (146) Zoning Permit. A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.