

## CHAPTER 14

### ZONING CODE

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**14.01 AUTHORITY.** This chapter is adopted under the authority granted by ss. 61.35 and 62.23, Wis. Stats.

**14.02 PURPOSE.** The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and the general welfare of the Village.

**14.03 INTENT.** It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of the land and conservation of natural resources; and preserve and promote the beauty of the Village. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

**14.04 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, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

**14.05 INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**14.06 SEVERABILITY.** 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.

**14.07 REPEAL.** All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

**14.08 TITLE.** This chapter shall be known as, referred to or cited as the “Zoning Code, Village of Hazel Green, Wisconsin.”

**14.09 GENERAL PROVISIONS.** (1) **JURISDICTION.** The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Hazel Green.

(2) **COMPLIANCE.** No structure shall hereafter be used 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 Village, County and State regulations.

(3) **SITE RESTRICTIONS.** (a) General Restrictions. No land shall be used or structure erected where the land is held unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low bearing strength erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the Village. The Zoning Administrator, in applying the provisions of this subsection, shall, in writing, recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to appeal a finding of such unsuitability to the Board of Zoning Appeals if he so desires. Thereafter, the Zoning Administrator may affirm, modify or withdraw his determination of unsuitability.

(b) Minimum Frontage. All lots shall abut upon a street and each lot shall have a minimum frontage of 60 feet.

(c) Principal Structure. All principal structures shall be located on a lot and only one principal structure shall be located, erected or moved onto a lot.

(d) Street Access (Am. Ord. #9-97). No zoning permit shall be issued for a lot which abuts a public street dedicated only to a portion of its proposed width. No public street shall be accepted for dedication by the Village after September 11, 1997, unless said Street is 60 feet in width. No zoning permit shall be issued for a lot or portion of a lot opposite a "T" intersection for the width of the intersection or for a lot or portion of a lot opposite the end of a dead end street for the width of the street. No cul-de-sacs shall be permitted in the Village after September 11, 1997, unless by special permit by a recommendation of the Plan Commission to the Village Board, followed by the Village Board approval.

(4) **USE RESTRICTIONS.** The following use restrictions and regulations shall apply:

(a) Principal Uses. Only those principal uses specified for a district, their essential services, and those uses enumerated below shall be permitted in a designated district.

(b) Accessory Uses. Accessory uses and structures are permitted in any district, but not until the principal structure is present or under construction. Residential

accessory uses shall not involve the conduct of any business trade or industry, except as specifically provided in this chapter. Residential accessory uses include incidental repairs, storage, parking facilities, gardening, servant's quarters not to rent, private swimming pools, and private emergency shelters. There shall be no more than 2 accessory uses per lot without the consent of the Plan Commission.

(c) Conditional Uses. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the Village Board in accordance with sec. 14.15 of this chapter.

(d) Unclassified or Unspecified Uses. Unclassified or unspecified uses may be permitted by the Village Board, provided that such uses are similar in character to the principal uses permitted in the district.

(5) **MOBILE HOMES.** No mobile homes, other than nonconforming structures, shall be permitted to be used as permanent residences within the Village unless they are located in a mobile home park. (See also secs. 14.14(3) and 14.18 of this chapter and sec. 6.03 of this Code)

(6) **REDUCTION OR JOINT USE.** No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

**14.10 ZONING PERMIT.** (1) **APPLICATION.** Applications for a zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and may include the following, where applicable. In case of simple extensions, alterations, repairs and restorations, the Zoning Administrator may waive any or all of the requirements hereunder and accept, in lieu thereof, a simple sketch by the applicant with explanatory data found sufficient by the Zoning Administrator to adequately identify and explain the proposed construction and use.

(a) Names and addresses of the applicant or owner of the site and the architect, professional engineer or contractor.

(b) 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 lies.

(c) Plat or survey showing the location, boundaries, dimensions, elevations, uses and size of the following:

1. Subject site.

2. Existing and proposed structures.
3. Existing and proposed easements.
4. Streets and other public ways.
5. Off-street parking, loading and driveways.
6. Existing highway access restrictions.
7. Existing and proposed street, side and rear yards.

(d) When required, the application for a zoning permit shall also contain copies of the approved plans by the Wisconsin Department of Industry, Labor and Human Relations.

(e) (Am. Ord. 7-2000) The building permit fee to paid to the Village Clerk-Treasurer as required under s, 15.02 (4).

(f) Additional information as may be required by the Plan Commission, the Village Board or the Zoning Administrator.

(2) OTHER REQUIREMENTS. (a) All new residential structures shall be served by the public sewer system, if available.

(b) All new residential structures shall be served by the public water supply system, if available.

(c) No basement shall be used by itself as a residence.

(3) GRANT OR DENIAL. The Zoning permit applied for shall be granted or denied in writing by the Zoning Administrator within 30 days. The permit shall expire within 6 months unless substantial work has commenced. The construction shall be completed within one year. Any permit issued in conflict with the provisions of this chapter shall be null and void.

**14.11 DEFINITIONS.** For the purposes of this chapter, the following definitions shall be used:

(1) ACCESSORY USE OR STRUCTURE. A use or detached building or structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure; includes satellite dishes and antennas.

- (2) ALLEY. A special public right of way affording only secondary access to abutting properties.
- (3) APARTMENT. A portion of a residential or commercial building used as a separate housing unit.
- (4) APARTMENT HOUSE. See DWELLING, MULTIPLE.
- (5) ARTERIAL STREET. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
- (6) BASEMENT. That portion of any structure located partly below the average adjoining lot grade.
- (7) BOARDINGHOUSE. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 4 or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.
- (8) BUILDING. Any structure having a roof supported by columns or walls used, or intended to be used, for the shelter or enclosure of persons, animals, equipment, machinery or materials.
- (9) BUILDING ALTERATIONS OF. Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- (10) BUILDING HEIGHT. The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.
- (11) BUSINESS. Includes the commercial, limited industrial and general industrial uses and districts as herein defined.
- (12) CARPORT. See GARAGE.
- (13) CONDITIONAL USE. Use of a special nature as to make impractical their predetermination as a principal use in a district.
- (13A) (Cr. Ord. #3-99). CONDOMINIUM. Property subject to a condominium declaration established under chapter 703 of the Wisconsin Statutes. Condominiums shall be

subject to the requirements of the zoning code as would be imposed upon physically identical developments as permitted by Wis. Stat. sec. 703.27(1).

(14) CONFORMING USE. Any lawful use of a building or lot which complies with the provisions of this chapter.

(15) CORNER LOT. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

(16) DWELLING. A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

(17) DWELLING UNIT. A building or portion thereof used exclusively for human habitation, including single-family, 2-family and multi-family dwellings, but not including hotels, motels or lodging houses.

(18) DWELLING, ONE-FAMILY. A detached building designed, arranged or used for and occupied exclusively by one family, and shall include a manufactured home and an earth home.

(19) DWELLING, 2-FAMILY. A building designed, arranged or used for, or occupied exclusively, by 2 families living independently of each other.

(20) DWELLING, MULTIPLE. A building or portion thereof used or designated as a residence for 3 or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.

(21) EFFICIENCY. A dwelling unit consisting of one principal room with no separate sleeping rooms.

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

(23) ESSENTIAL SERVICES. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewage, 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.

(24) FAMILY. Any number of persons related by blood, adoption or marriage, or not to exceed 2 persons not so related, living together in one dwelling as a single housekeeping entity.

(25) FARM. Land consisting of 10 acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption, use or sale.

(26) FLOOR AREA. The floor area of a building is the sum of the gross horizontal area of the several floors of the building measured from the exterior face of the exterior walls, or from the center line of the walls separating the building, but not including the basement, utility rooms, garages, porches, breezeways and unfinished attics.

(27) FRONTAGE. The smallest dimension of a lot abutting a public street measured along the street line.

(28) GARAGE. A building or portion thereof used exclusively for parking or temporary storage of self-propelled vehicles.

(29) GIFT STORES. Retail stores where items such as art, antiques, jewelry, books and notices are sold.

(30) HOME OCCUPATION. Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 20% of the area of any floor, uses only household equipment, and no stock-in-trade is kept or sold except that made on the premises. A household occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupation as barbering, beauty shops, dance schools, gift stores, real estate brokerage or photographic studios. Door-to-door sales persons may temporarily store stock-in-trade on the premises provided that no stock-in-trade is displayed or sold on the premises and no customer pickups are made.

(31) JUNK YARD. An open space where waste, used or secondhand 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" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

(32) LIVING ROOMS. All rooms within a dwelling, except closets, foyers, storage areas, utility rooms and bathrooms.

(33) 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.

(34) **LOT.** A parcel of land having frontage on a public street, 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, yard and parking areas, and other open space provisions of this chapter.

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

(36) **LOT WIDTH.** The horizontal distance between the side lot lines.

(37) **MACHINE SHOPS.** Shops where lathes, presses, grinders, shapers and other wood and metal working machines are used such as blacksmith, tinsmith, welding and sheet metal shops, and plumbing, heating and electrical repair and overhaul shops.

(38) **MANUFACTURED HOME.** A structure certified and labeled as a manufactured home under 72 U.S.C. secs. 5401 to 5426, which, when placed on a site:

(a) Is set on an enclosed foundation in accordance with s. 70.043(1), Wis. Stats., and Wis. Adm. Code ILHR Ch. 21, sub. chs. III, IV and V.

(b) Is installed in accordance with the manufacturer's instructions.

(c) Is properly connected to utilities on the owner's property.

(39) **MOBILE HOME.** Mobile units or modified mobile units, including units with or without wheels or means of mobility designed to be transported to a site and designed for permanent living, sleeping or commercial purposes.

(40) **MOBILE HOME PARK.** Any lot on which 2 or more mobile homes are parked for the purpose of temporary or permanent habitation.

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

(42) **NONCONFORMING USES OR STRUCTURES.** Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming use.

(43) **PARKING LOT.** A structure or premises containing 10 or more parking spaces open to the public.

(44) **PARKING SPACE.** A graded and surfaced area not less than 9 feet wide and 20 feet long, either enclosed or open, for the parking of a motor vehicle and having adequate ingress and egress to a public street or alley.

(45) **PARTIES IN INTEREST.** Includes all abutting property owners, all property owners within 100 feet and all property owners of opposite frontage.

(46) **PROFESSIONAL HOME OFFICES.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed 1/2 of the area of only one floor of the residence and only one nonresident person is employed.

(47) **REAR YARD.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

(48) **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.

(49) **SIGNS.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, commodity or product and which is visible from any public street or highway.

(50) **STREET.** A public right of way not less than 50 feet wide providing primary access to abutting properties.

(51) **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 or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have 2 such yards.

(52) **STRUCTURE.** Any erection or construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

(53) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure such as foundations, bearings, walls, columns, beams or girders.

(54) **UTILITIES.** Public and private facilities such as water wells, water and sewage

pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

(55) YARD. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation. The street and rear yards extend the full width of the lot.

**14.12 ZONING DISTRICTS ESTABLISHED.** (Cr. Ord. 4-2011, Am. Ord. 2-2002, 17-2001, 1-2001, 4-2000) For the purpose of this chapter, the Village is hereby divided into the following 9 zoning districts:

- (1) R-1 Single-Family Residential District
- (1.1) R-1A Single-Family Residential District
- (2) R-2 Single/Multi-Family Residential District
- (2.1) R-2A Single/Multi-Family Residential District
- (3) R-3 Mobile Home Residential District
- (3A) R-4 2-Family Residential District.
- (4) R-T Residential Transition District
- (5) C-1 Central Business District
- (5A) C-1A Central Business District
- (6) C-2 Highway Commercial District
- (7) M-1 Industrial District
- (8) A-1 Agricultural District
- (9) CON Conservancy District
- (10) A-2 Single Family Agriculture District

**14.13 DISTRICT BOUNDARIES.** (1) ZONING MAP . The boundaries of the districts enumerated in sec. 14.12 of this chapter are hereby established as shown on a map entitled “Zoning Map, Village of Hazel Green, Wisconsin,” dated July 1, 1986, which is adopted by reference and made a part hereof. The map shall bear upon its face the attestation of the Village President and the Clerk-Treasurer and shall be available to the public in the office of the Clerk-Treasurer. Changes to the districts subsequent to July 1, 1986, shall not be effective until entered and attested on this certified copy.

(2) BOUNDARY LINES. The boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights of way; or such lines extended unless otherwise note on the Zoning Map.

(a) Vacation. 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 and Consolidations. Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the A-1 Agricultural District unless the annexation ordinance temporarily placed the land in another district. Within 90 days, the Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

(3) AMENDMENTS TO MAP. Since July 1, 1986, the Zoning Map has been amended by ordinance as follows: Ord. #5-1989, 7-1989, 5-1990, 6-1990, 8-1990, 4-1992, 5 - 1992, 6-1992, 7-1992, 6-1993, 8-1993, 10-1994, 1-1995, 2-1995, 13-1997, 14-1997, 15-1997, 5-1998, 18-1998, 26-1998, 30-1998, 9-1999, 5-2000, 11-2000, 12-2000, 11-2001, 5-2002, 6-2003, 3-2004, 5-2004, 2-2007, 5-2007, 7-2007, 5-2011, 8-2011, 8-2012.

**14.14 DISTRICT USES AND REQUIREMENTS.** (1) R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. (a) Permitted Uses.

1. Single-family dwellings.
2. Public park and recreation areas.

(b) Conditional Uses.

1. Public and semipublic uses. See sec. 14.15(4) of this chapter.
2. Recreational uses. See sec. 14.15(8) of this chapter.
3. Farm buildings on an existing farm, provided that the buildings in which farm animals are kept shall be at least 100 feet from the nearest residence on a nonfarm lot.
4. Permitted home occupations and professional offices.

(c) Lot, Yard and Building Requirements. (Am. Ord. 7-2001)

Lot frontage	Minimum 80 ft.
Lot area	Minimum 9,000 sq. ft.
Principal building:	
Front yard	Minimum 25 ft.
Side yards	Minimum 10 ft.
Rear yard	Minimum 25 ft.
Accessory buildings:	
Front yard	Minimum 25 ft.
Side yards	Minimum 8 ft.

Rear yard	Minimum 8 ft.
Alley	Minimum 15 ft.
Building height:	
Principal building	Maximum 35 ft.
Accessory buildings	Maximum 15 ft.
Building width:	
Principal building	Minimum 24 ft.
Number of stores	Maximum 2-1/2
Percent of lot coverage	Maximum 30%
Floor area:	
Single story	Minimum 864 sq. ft.
Two story	Minimum 1,440 sq. ft.
Off-street parking	Minimum 2 spaces

(d) Additional Building and Aesthetic Requirements. (Repealed and Amended #19-2001) Each single-family dwelling shall:

1. Be attached to a permanent foundation.
2. Not be constructed with vertical corrugated metal siding.

(e) Accessory Buildings. (Created #12-2001)

1. No accessory building larger than 12' x 12' shall be constructed with vertical corrugated metal siding.

(1A)) R-1A SINGLE FAMILY RESIDENTIAL DISTRICT. (Ord. Cr. 12-2000)

(a) Permitted Uses. Uses permitted in R-1 District.

1. Single-family dwellings.
2. Public park and recreation areas.

(b) Conditional Uses.

1. Public and semipublic uses. See sec. 14.15(4) of this chapter.
2. Recreational uses. See sec. 14.15(8) of this chapter.
3. Farm buildings on an existing farm, provided that the buildings in which farm animals are kept shall be at least 100 feet from the nearest residence on a nonfarm lot.

4. Permitted home occupations and professional offices.

(c) Lot, Yard and Building Requirements. (Am. Ord. 7-2001)

Lot frontage	Minimum 60 ft.
Lot area	Minimum 6,000 sq. ft.
Principal building:	
Front yard	Minimum 15 ft.
Side yard	Minimum 5 ft.
Rear yard	Minimum 10 ft.
Accessory buildings:	
Front yard	Minimum 15 ft.
Side yard	Minimum 5 ft.
Rear yard	Minimum 5 ft.
Alley	Minimum 15 ft.
Building height:	
Principal building	Maximum 35 ft.
Accessory building	Maximum 15 ft.
Building width:	
Principal building	Minimum 24 ft.
Number of stores	Maximum 2-1/2
Percent of lot coverage	Maximum 30%
Floor area:	
Single story	Minimum 864 sq. ft.
Two story	Minimum 1,440 sq. ft.
Off-street parking	Minimum 2 spaces

(d) Additional Building and Aesthetic Requirements. (Repealed and amended #19-2001) Each single-family dwelling shall:

1. Be attached to a permanent foundation.
2. Not be constructed with vertical corrugated metal siding.

(e) Accessory Buildings. (Created #12-2001)

1. No accessory building larger than 12' x 12' shall be constructed with vertical corrugated metal siding.

(2) R-2 SINGLE/MULTI - FAMILY RESIDENTIAL DISTRICT. (a) Permitted Uses. Uses permitted in R-1 District.

(b) Conditional Uses.

- chapter.
1. Uses permitted in the R-1 District.
  2. Two-family and multi-family uses. See sec. 14.15(5) of this
  3. Rooming and boarding houses.
  4. Public buildings, except sewage plant, garbage incinerators, warehouses, garages, shops and storage yards.
  5. Cemeteries.
  6. Libraries, museums and art galleries.
  7. Hospitals and clinics.
  8. Funeral homes.
  9. Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.

(c) Single-Family Lot, Yard and Building Requirements. (Am. Ord. 7-2001)

Lot frontage	Minimum 60 ft.
Lot area	Minimum 6,000 sq. ft.
Principal building:	
Front yard	Minimum 25 ft.
Side yards	Minimum 8 ft.
Rear yard	Minimum 20 ft.
Accessory buildings:	
Front yard	Minimum 25 ft.
Side yards	Minimum 5 ft.
Rear yard	Minimum 5 ft.
Alley	Minimum 15 ft.
Building height:	
Principal building	Maximum 35 ft.
Accessory buildings	Maximum 15 ft.
Building width:	
Principal building	Minimum 24 ft.
Number of stores	Maximum 2-1/2
Percent of lot coverage	Maximum 30%
Floor area:	

Single story	Minimum 864 sq. ft.
Two story	Minimum 1,440 sq. ft.
Off-street parking	Minimum 2 spaces

(d) Additional Building and Aesthetic Requirements. (Repealed and amended #19-2001) Each single-family dwelling shall:

1. Be attached to a permanent foundation.
2. Not be constructed with vertical corrugated metal siding.

(e) Accessory Buildings. (Created #12-2001)

1. No accessory building larger than 12' x 12' shall be constructed with vertical corrugated metal siding.

(2A) R-2A SINGLE/MULTI - FAMILY RESIDENTIAL DISTRICT. (Ord. Cr. 5-2000) (a) Permitted Uses. Uses permitted in R-2 District.

(b) Conditional Uses.

1. Uses permitted in the R-2 District.
2. Two-family and multi-family uses. See sec. 14.15(5) of this chapter.
3. Rooming and boarding houses.
4. Public buildings, except sewage plant, garbage incinerators, warehouses, garages, shops and storage yards.
5. Cemeteries.
6. Libraries, museums and art galleries.
7. Hospitals and clinics.
8. Funeral homes.
9. Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.

(c) Single-Family Lot, Yard and Building Requirements. (Am. Ord. 7-2001)

Lot frontage	Minimum 60 ft.
Lot area	Minimum 6,000 sq. ft.
Principal building:	
Front yard	Minimum 15 ft.
Side yards	Minimum 5 ft.
Rear yard	Minimum 10 ft.
Accessory buildings:	
Front yard	Minimum 15 ft.
Side yards	Minimum 5 ft.
Rear yard	Minimum 5 ft.
Alley	Minimum 15 ft.
Building height:	
Principal building	Maximum 35 ft.
Accessory buildings	Maximum 15 ft.
Building width:	
Principal building	Minimum 24 ft.
Number of stores	Maximum 2-1/2
Percent of lot coverage	Maximum 30%
Floor area:	
Single story	Minimum 864 sq. ft.
Two story	Minimum 1,440 sq. ft.
Off-street parking	Minimum 2 spaces

(d) **Additional Building and Aesthetic Requirements.** (Repealed and amended #19-2001) Each single-family dwelling shall:

1. Be attached to a permanent foundation.
2. Not be constructed with vertical corrugated metal siding.

(e) Accessory Buildings. (Amended #12-2001)

1. No accessory building larger than 12' x 12' shall be constructed with vertical corrugated metal siding.

(3) **R-3 MOBILE HOME RESIDENTIAL DISTRICT.** (a) Permitted Uses.

1. Mobile home parks
2. Mobile home subdivisions.

(b) Conditional Uses. None.

(c) Mobile Home Park Requirements. See sec. 6.03 of this Code and sec. 14.18 of this chapter.

(d) Mobile Home Subdivision Lot, Yard and Building Requirements.

Lot frontage	Minimum 50 ft.
Lot area	Minimum 6,000 sq. ft.
Principal Building:	
Front yard	Minimum 25 ft.
Side yards	Minimum 10 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 15 ft.
Percent of lot coverage	Maximum 25%
Floor area	Minimum 500 sq. ft.
Off-street parking	Minimum 2 spaces
Stand, tie down and skirting requirements	See sec. 14.18(11), (12) and (13) of this chapter

(3A) R-4 2-FAMILY RESIDENTIAL DISTRICT (Created #18-2001)

(1) PURPOSE. The R-4 2-family Residential District is established to provide for both single-family and 2-family residences intended particularly to act as a transition district between lower intensity uses such as permitted in the other Districts.

(2) PERMITTED USES. (a) All permitted uses in the R-2 District.

- (a) Two-family dwellings.
- (b) Customary accessory uses.
- (c) Signs as permitted in ch. 14 of this Code.

(3) CONDITIONAL USES. (a) All conditional uses permitted in the R-2 District.

(b) Governmental administrative and protective facilities such as municipal halls and fire and police stations.

(c) Parking of commercial vehicles with a manufacturer's rating of 8,000 pounds or more.

(d) Zero Lot Line Development. In addition to the minimum standards set forth in sub. (4) below, all 2-family dwellings shall provide separate water,

and sewer lateral service and metering. If separate sewer laterals are not practicable, the owners and/or future owners of the living units shall execute a cross access and maintenance/repair expense sharing agreement in a form acceptable to the Village. Land divisions shall comply with Chapter 16 Subdivision and Platting.

(4) MINIMUM STANDARDS FOR THE R-4 DISTRICT.

Use:	2 Family Dwelling
Lot frontage	50 ft.
Lot area	12,000 sq. ft.
Lot area per family	6,000 sq. ft.
Principal building:	
Front yard	Minimum 25 ft.
Side yard	Minimum 10 ft.
Rear yard	Minimum 25 ft.
Accessory buildings:	
Side and rear yard construction only.	
Side yard	Minimum 8 ft.
Rear yard	Minimum 8 ft.
Alley	Minimum 15 ft.
Building height:	
Principal building	Maximum 35 ft.
Accessory buildings	Maximum 15 ft.
Building width:	
Principal building	Minimum 24 ft.
Number of stores	Maximum 2-1/2 ft.
Percent of lot coverage	Maximum 30%
Floor area:	
Single story	Minimum 864 sq. ft.
Two story	Minimum 1,440 sq. ft.
Off-street parking	Minimum 2 spaces per unit

(5) Additional Building and Aesthetic Requirements.

- (a) Each single or two family dwelling shall:
1. Be attached to a permanent foundation.
  2. Not be constructed with vertical corrugated metal siding.

## VILLAGE OF HAZEL GREEN

TO: Whom It May Concern

FROM:

DATE:

RE: Zero Lot Line Development Procedure

### **Undeveloped Lot -**

Zero Lot Line Development requires Plan Commission review and approval by the Village Board. Part of the conditions for this type of development includes creating a Certified Survey Map splitting the property such that each new lot has a minimum of 6,000 sq. ft. of area, that it divides the duplex through the common wall, that two water laterals are provided (one to each unit), and two sewer laterals (one to each unit). If only one sewer lateral is provided a joint cross access/easement agreement must be filed with the Village of Hazel Green. In addition the site plan must be reviewed and approved by the Plan Commission.

### **Developed Lot -**

Zero Lot Line Development for an existing duplex follows the same procedures as an undeveloped lot except for site plan review. If only one water lateral serves the duplex a second lateral must be installed without exception.

**Note -** Please find attached a Joint Cross Access/Easement Agreement the restrictions and conditions applicable to zero lot line development (to reference on the CSM). The submittal of the Certified Survey Map for approval requires a \$50.00 review fee. The developer shall pay the CSM and Joint Cross Access/Easement Agreement recording fee if approved.

**JOINT CROSS ACCESS/EASEMENT & MAINTENANCE AGREEMENT**

RE: SEWER LATERAL SERVICE

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, between \_\_\_\_\_ of the Village of Hazel Green, \_\_\_\_\_ of the Village of Hazel Green, and the Village of Hazel Green, State of Wisconsin.

Section 1. Legal Description of Parcel Subject to Easement.

a. The parties hereto are the owner or co-owners of a parcel of land described herein below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

b. The parties desire that the Village of Hazel Green approve zero lot line development on the above described parcel with two separate living units created pursuant to a certified survey to be approved by the Village of Hazel Green and recorded in the Grant or Lafayette County Register of Deeds. As consideration for the Village of Hazel Green’s approval of said zero lot line development, the parties agree as follows: Grantor covenants that he, his heirs, successors, assigns and grantees grant to any present or future owner of a parcel created under the above zero lot line development and the Village of Hazel Green the right to install, repair, maintain, alter, and operate sanitary sewer laterals and mains in, upon, over, across and under a strip of land not to exceed 10 feet in width along either side of the existing sewer service lateral on said parcel, for a total 20 foot easement, as well as the further right to excavate for, replace, maintain and repair said sewer lateral underneath any structure located on the above described parcel, together with the right ingress, egress and access to the above easement property.

Section 2. Expenses to be Shared Equally.

a. The parties and their executors, heirs, successors and assigns agree to share the costs and expenses of maintaining the above described sewer easement and sewer lateral in good repair for the period commencing from the date of this instrument forward is follows; 50% to be paid by each lot development. The cost of repairs, maintenance and present or future restoration shall be bore equally by any owners, grantees, heirs, successors or assigns. Irrespective of actual location of lateral or sewer pipes and meters.

Section 3. Maintenance & Repairs Defined.

a. Maintenance and repairs to be undertaken and performed under this agreement shall include the following, among other necessary repairs: the right to excavate for, replace, maintain and repair such sewer lines as shall be necessary from time to time, together with access to the necessary and proper meters, valves and other appliances and fittings. Said easement shall include the right to grade the strip of land contained in said easement to the full width thereof and to extend the cuts and fills for such grading into and on the land along the outside of the strip to such extent as may be deemed necessary for purposes of installing, replacing, maintaining or repairing said sewer lateral, Said activity shall include the right from time to time to trim and to cut down to clear way any and all trees and brush now or hereafter on said easement which may now or hereafter, in the opinion of the maintenance or repair personnel, be a hazard to laterals, valves, appliances, or fittings or may interfere with the proper function of said sewer lateral. Said trees shall be the property of the lot owner, but all tops, brush and refuge wood should be burned and removed by the property owner.

Section 4. Indemnification of Village of Hazel Green.

a. The owner, his heirs, executors, administrators, assigns and grantees shall indemnify the Village of Hazel Green against any claims of loss or damage which may be caused by the exercise of the rights of ingress and egress and maintenance and repair and such other activities as shall be caused by the exercise of the rights granted herein.

Section 5. Easement & Access Agreement to Run With Land.

a. This joint access/easement and maintenance agreement described herein shall run with the land and shall be for the benefit and use of the present owner, and his, her or their grantees, heirs successors or assigns and shall be binding upon all future parties with interest in the parcel herein described. The parties understand that this document be properly recorded.

1. For Signature

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Co-Owner

\_\_\_\_\_  
Date

2. For Signature

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Co-Owner Date

State of Wisconsin)  
                                  )Ss  
County of Grant )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public \_\_\_\_\_  
                                  County, WI  
My Commission: \_\_\_\_\_.

\_\_\_\_\_  
For the Village of Hazel Green Date

State of Wisconsin)  
                                  )Ss  
County of Grant )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public \_\_\_\_\_  
                                  County, WI  
My Commission: \_\_\_\_\_.

## **RESTRICTIONS APPLICABLE TO ZERO (0) LOT LINES**

### Article I Definitions

For the purpose of this Declaration, the following terms shall have the meanings here ascribed to them:

(1) "Living Unit" shall mean and refer to any portion of a residence building situated upon the Properties designed and intended for use and occupancy as a residence by a single family.

(2) "Lot" shall mean and refer to any portion of land in the Properties upon which a Living Unit is situated, whether or not the same is a platted lot.

(3) "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the Properties, including contract sellers and vendees, but excluding those having such interest merely as security for the performance of an obligation, and excluding those having a lien upon the property by provision or operation of law

(4) "Properties" shall mean and refer to the real property hereinbefore described.

(5) "Nuisance" shall include but not be limited to the definition as stated in Chapter 10, Village Nuisance Ordinance.

### Article II Building and Use Restrictions

(1) Residential Use. No Lot or Living Unit shall be used except for residential purposes.

(2) No Nuisances Allowed. No nuisance shall be conducted on any Lot or Living Unit, nor shall anything be done thereon which may be or become an annoyance or nuisance to other Owners.

(3) Garbage and Refuse Removal. No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers.

(4) No Animals Except Pets. No fowl, animals, reptiles or insects shall be kept on any Living Unit or Lot except dogs, cats and other common household pets, provided that they are not kept, bred or maintained for any commercial purposes.

(5) Prohibited Structures. No structure of a temporary character, trailer, basement, tent, shack, garage, or other building except a permanent residence, shall be used on any Lot at any time as a residence, either temporarily or permanently.

(6) Model and Sales Use. All use herein notwithstanding, any Living Unit may be used for a model multiple family residence building, or for a real estate office, in compliance with the Village Zoning Code, with customary development signs during the development period of the Developer, its successors or assigns.

(7) Hazardous Activities Prohibited. No Owner shall engage in or permit any activities in his Living Unit, or maintain or permit any conditions in his Living Unit, which would be considered extra-hazardous by fire insurance companies or would adversely affect the insurability of the Living Unit which shares a party wall with his Living Unit.

### Article III Party Walls.

(1) General Rules of Law to Apply. Each wall which is built as part of the original construction of any Living Unit upon the Properties and placed in the dividing line between two (2) Living Units shall constitute a party wall and to be extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and of liability for property damage due to negligent or willful acts or omissions shall apply thereto.

(2) Shares of Repair and Maintenance. The cost of reasonable repair and maintenance of each party wall shall be shared by the Owners who make use of the wall in proportion to the use.

(3) Destruction by Fire or other Casualty. If a party wall is destroyed or damaged by fire or other casualty or by physical deterioration, any Owner who has used the wall may restore it, and shall have an easement over the adjoining Living Unit for purposes of making such restoration, and if other Owners thereafter make use of the wall they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owner to call for a larger contribution from other owners under any rule of law regarding liability for negligent or willful acts or omissions.

(4) Weatherproofing. Notwithstanding any other provision of this Article, any Owner who by his negligent or willful act, causes any party wall to be exposed to the elements or excessive heat or cold shall bear the whole cost of furnishing the necessary protection against such elements or heat or cold, and of repairing the party wall from damage caused by such exposure.

(5) Right to Contribution Runs with Land. The right of any Owner to contribution

from any other Owner under this Article shall be appurtenant to the Lot and shall pass to such Owner's successors in title.

(6) Arbitration. In the event of any dispute arising concerning a party wall, or under the provision of this Article, each party shall choose one arbitrator and such arbitrators shall choose one additional arbitrator, and the decision of a majority, of all the arbitrators shall be final and conclusive of the question involved. If either party refuses or fails to promptly appoint an arbitrator, the same may be appointed by any Circuit Judge of Grant County, Wisconsin. Arbitration shall be in accordance with Chapter 788 of the Wisconsin State Statutes.

(7) Encroachment. If any portions of a Living Unit or any Lot shall actually encroach upon any other Lot, or if any such encroachment shall hereafter arise because of settling or shifting of the building or other cause, there shall be deemed to be an easement in favor of the Owner of the encroaching Living Unit to the extent of such encroachment so long as the same shall exist.

(8) Mechanics Liens. Each Owner of a Living Unit ("Defaulting Owner") agrees to indemnify and hold harmless the Owner of an adjoining Living Unit for any mechanics, liens arising from work done or material supplied to make repairs or replacements for which the Defaulting Owner is responsible.

#### Article IV Other Provisions Governing Relationship Among Owners of Adjoining Living Units

(1) Insurance - Replacement/Construction. Each Owner shall maintain fire and extended coverage insurance on his Living Unit in the full replacement/ construction cost thereof, and shall, in the event of damage to or destruction of his Living Unit, restore it to the condition in which it was prior to the damage or destruction.

(2) Maintenance. Each Owner of a Living Unit shall maintain his Lot and the exterior of his Living Unit in good condition and repair and in a clean and neat condition.

(3) Architectural Control.

(a) The Owner of a Living Unit may replace exterior components of his Living Units with similar components of the same design and color, and may paint the exterior of his Living Unit with paint of the existing color of the exterior, but he may not, either in the course of ordinary replacement or remodeling or restoration after damage or destruction, employ different siding or roofing material or a different color scheme, without the consent of the Owner of the adjoining Unit.

(b) In the event of any dispute arising concerning a change in siding or roofing material or color scheme, each party shall choose an arbitrator and such arbitrators shall

choose one additional arbitrator, and the decision of a majority of all the arbitrators shall be final and conclusive of the question involved. The arbitrators decision shall be based on their decision of whether the proposed siding or roofing material or color scheme is in harmony with the design of the adjoining Living Unit. If either party, refuses or fails to promptly appoint an arbitrator, the same may be appointed by any Circuit Judge for Grant County, Wisconsin. Arbitration shall be in accordance with Chapter 788 of the Wisconsin State Statutes.

#### Article V General Provisions

(1) Enforcement. Any Owner shall have the right to enforce, by any proceeding at law or in equity, or both, all of the terms and provisions of Article 11 of this Declaration, and the Owner of the Living Unit involved shall have the right to enforce, by any proceeding at law in equity, or both, all of the terms and provisions of Article III and IV of this Declaration. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages. In addition the Village has the right to enforce the terms of this agreement to ensure compliance with the Village's Ordinances and Zoning regulations.

(2) Severability, invalidation of any of these covenants by judgement or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

(3) Amendments. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them in perpetuity unless an instrument signed by a majority of the then Owners of the Lots has been recorded, agreeing to change said covenants in whole or in part. Any modifications to this document must be approved by the Village.

(4) Village. Even though this document was made a condition of a zoning approval to the undersigned, their assignees or heirs, absolve the Village of any and all liability. Further, the undersigned understand that the Village will require a letter from your attorney stating that these covenants are a part of your recorded deed.

(4) R-T RESIDENTIAL TRANSITION DISTRICT. (Amended #10-2001) (a) Purpose. The R-T District is established to provide a district for the historic residential areas of the Village undergoing transition to a tourist commercial type of activity. It is intended that this district will generally be acceptable as a buffer between the C-1 District and the R-1 and R-2 Districts and will provide for continued residential uses as well as low traffic business uses catering to tourists and local residents.

(b) Permitted Uses.

1. Any use permitted in the R-1 District.

2. Bed and breakfast establishments.
3. Home occupation sales.
4. Gift shops.
5. Antique shops.
6. Barber and beauty shops.
7. Apartments.
8. Restaurants.

(c) Conditional Uses. Same as R-1 District.

(d) Lot, Yard, Building and Aesthetic Requirements. Same as R-2 District.

(5) C-1 CENTRAL BUSINESS DISTRICT.

(a) Permitted Uses.

Animal hospitals, small only  
Antique shops  
Apartment hotels  
Appliance shops  
Art and school supply stores  
Automotive parts sales stores  
Automotive sales lots and showrooms and lots, including incidental servicing and repair, provided, however, that all vehicles be in operative condition  
Automotive servicing and repairs  
Banks and other financial institutions, including loan and finance companies  
Barber shops and beauty parlors  
Business offices  
Candy and ice cream stores  
Caterers  
Clinics  
Clothing repair shops  
Clubs  
Cocktail lounges  
Confectioneries

Delicatessens  
Department stores  
Drug stores  
Electrical supply  
Food lockers  
Furniture stores  
Gasoline stations  
Grocery stores  
Heating supply  
Hotels  
Ice delivery stations  
Insurance agencies  
Jails  
Jewelry stores  
Liquor stores  
Lumber yards  
Medical clinics  
Opticians and optical stores  
Paint stores, retail only  
Parking facilities  
Photographic studios  
Professional offices  
Publishers  
Residences (see par. (d) below)  
Restaurants  
Taverns  
Tourist information and hospitality centers  
Undertaking establishments  
Upholsterer's shops  
Variety stores

(b) Conditional Uses. Other uses similar in character as permitted uses. (See also sec. 14.15(4), (5) and (8) of this chapter.)

(c) Additional Restrictions. Uses permitted in the C-1 District are subject to the following conditions:

1. Dwelling units are not permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units were previously established.

2. All business establishments shall be retail or wholesale, or service establishments dealing directly with consumers. All good produced on the premises shall be sold

at retail or wholesale on the premises where produced.

3. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

4. Parking required (see sec. 14.16 of this chapter).

(d) Lot, Yard and Building Requirements.

Lot frontage	Minimum 60 ft.
Lot area	Minimum 6,000 sq. ft.
Building height	Maximum 35 ft.
Number of stories	Maximum 2-1/2
Percent of lot coverage	Maximum 90%
Alley	Minimum 15 ft.

(5A) C-1A CENTRAL BUSINESS DISTRICT. (Created #11-2001)

(a) Permitted Uses

Animal hospitals, small only  
Antique shops  
Apartment hotels  
Appliance shops  
Art and school supply stores  
Automotive parts sales stores  
Automotive sales lots and showrooms and lots, including incidental servicing and repair, provided, however, that all vehicles be in operative condition  
Automotive servicing and repairs  
Banks and other financial institutions, including loan and finance companies  
Barber shops and beauty parlors  
Business offices  
Candy and ice cream stores  
Caterers  
Clinics  
Clothing repair shops  
Clubs  
Cocktail lounges  
Confectioneries  
Delicatessens  
Department stores

Drug stores  
Electrical supply  
Food lockers  
Furniture stores  
Gasoline stations  
Grocery stores  
Heating supply  
Hotels  
Ice delivery stations  
Insurance agencies  
Jails  
Jewelry stores  
Liquor stores  
Lumber yards  
Medical clinics  
Opticians and optical stores  
Paint stores, retail only  
Parking facilities  
Photographic studios  
Professional offices  
Publishers  
Residences (see par. (c) below)  
Restaurants  
Taverns  
Tourist information and hospitality centers  
Undertaking establishments  
Upholsterer's shops  
Variety stores

(b) Conditional Uses. Other uses similar in character as permitted uses. (See also sec. 14.15(4), (5) and (8) of this chapter.)

(c) Additional Restrictions. Uses permitted in the C-1A District are subject to the following conditions:

1. Dwelling units are permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units were previously established.

2. All business establishments shall be retail or wholesale, or service establishments dealing directly with consumers. All good produced on the premises shall be sold at retail or wholesale on the premises where produced.

3. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

4. Parking required (see sec. 14.16 of this chapter).

(d) Lot, Yard and Building Requirements.

Lot frontage	Minimum 60 ft.
Lot area	Minimum 6,000 sq. ft.
Building height	Maximum 35 ft.
Number of stories	Maximum 2-1/2
Percent of lot coverage	Maximum 90%
Alley	Minimum 15 ft.

(6) C-2 HIGHWAY COMMERCIAL DISTRICT. (Ord. Am. 4-2004) The C-2 District is established to provide for principally motor vehicle oriented or dependent commercial activities in nonresidential settings. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off-street parking.

(a) Permitted Uses. Automotive sales, servicing and repairs; automotive parts sales including incidental service and repair, provided, however, that all vehicles be in operative condition; bars; department stores; discount stores; gift stores; drive-in banks; drive-in establishments serving food or beverage for consumption outside the structure; laundromats; motels; places of entertainment; recreational establishments; restaurants; service stations, washing and repair stations, provided all gas pumps are not less than 30 feet from any existing or proposed street line; shopping centers; supermarkets; tourist information and hospitality centers.

(b) Conditional Uses. (Ord. Am. 7-2012) Farm machinery and equipment sales, repair and storage; feed and seed stores; food locker plants; greenhouses; lumber and contractor's yards; cleaning, dyeing and pressing related trades; publishing including newspaper publishing, job printing, lithographing, blueprinting; storage units, and storage tanks up to 1.5 million gallon capacity, other uses similar in character with the approved uses giving due consideration to such items as noise, odor, pollution, traffic and parking, safety, hours and type of operation.

(c) Lot, Yard and Building Requirements.

Lot frontage	Minimum 150 ft.
Lot area	Minimum 40,000 sq. ft.
Front yard	Minimum 50 ft.
Side yards	Minimum 40 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 35 ft.
Number of stories	Maximum 2-1/2

Percent of lot coverage  
Parking

Maximum 40%  
See sec. 14.16 of this chapter

(7) M-1 INDUSTRIAL DISTRICT. (Am. 6-2010) (a) Permitted Uses.

1. Bottling of soft drinks or milk, or distribution stations.
  2. Building material sales and storage.
  3. Builder's or contractor's plant or storage yard.
  4. Lumber yards, including millwork.
  5. Open yard for storage and sale of food or fuel.
  6. Automobile repair garage for doing major repair, including tire retreading or recapping, battery service and repair.
  7. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products.
  8. The manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared material such as canvas, cellophane, cloth, fiber, glass, leather, paper, plastic, precious or semi-precious metals or stone, rubber, textiles, wood, yarn and metal products.
  9. The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.
  10. Trucking or motor freight terminals.
  11. Educational or Institutional uses.
- (b) Prohibited Uses. The following uses are specifically prohibited in this district:
1. Residential 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 or any ordinances of the Village governing nuisances.

3. Abattoirs, except for slaughter of poultry.
4. Acid manufacture.
5. Cement, lime, gypsum or plaster of Paris manufacture.
6. Distillation of bones.
7. Explosives manufacture or storage.
8. Fat rendering.
9. Fertilizer manufacture.
10. Garbage, rubbish, offal or dead animal reduction or dumping.
11. Glue manufacture.
12. Junk yards.
13. Petroleum refining.
14. Smelting of tin, copper, zinc or iron ores.
15. Stockyards.

(c) Conditional Uses. (Cr. Ord. #3-99) See sec. 14.15(4), (7) and (8) of this chapter. In addition, all permitted and conditional uses described in secs. 14.14(5)(a) and (b) and 14.14(6)(a) and (b) shall be conditional uses in the M-1 District except for any such uses which are permitted under sec. 14.14(7)(a).

(d) Lot, Yard and Building Requirements. ( Amend Ord. 3-2003)

Lot frontage	100 ft.
Lot area	Minimum one acre
Front yard (along a highway)	Minimum 30 ft.
Front yard (along a side street)	Minimum 50 ft.
*Side yard	Minimum 20 ft.
*Rear yard	Minimum 20 ft.
Building height	Maximum 35 ft.
Number of stores	Maximum of 3
Percent of lot coverage	Maximum 55%
Parking	See sec. 14.16 of this Chapter

\*Required Buffer Strips in Industrial Districts. Where an M-1 Industrial District abuts a residential district, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary, a buffer strip not less than 40 feet in width as measured at right angles to said lot line. Plant materials at least 6 feet in height of such variety and growth habits as to provide a year round, effective visual screen when viewed from the residential district shall be planted in the exterior 25 feet abutting the residential district. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the residential district shall be attractively maintained. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than 5 nor more than 8 feet in height and shall be of such materials as to effectively screen the industrial area. The exterior 25 feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior 15 feet may be devoted to parking of vehicles.

(8) A-1 AGRICULTURAL DISTRICT. (a) Permitted Uses.

1. General farming and dairying provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest residential or commercial district.

2. Forestry, grazing, hatcheries, orchards, paddocks, poultry raising, stables and truck farming.

3. In-season roadside stands for the sale of farm products produced on the premises, and up to 2 unlighted signs advertising such sale not larger than 8 square feet.

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

5. Uses customarily incidental to any of the above uses, including residential uses incidental to any of the above uses.

6. Telephone buildings provided there is no service garage or storage yard, telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures.

7. Public park and recreation areas.

(b) Conditional Uses. The following uses are authorized by a conditional use permit:

1. Single-family residence on parcels not less than 20,000 square feet in area provided it is determined that this smaller lot is to provide a site for housing

accommodations for a member of the family of the property owner.

2. Mineral extraction (see sec. 14.15(9) of this chapter).
3. See also sec. 14.15(4), (7) and (8) of this chapter.

(c) Lot, Yard and Building Requirements.

Lot frontage	Minimum 500 ft.
Lot area	Minimum 10 acres
Principal building:	
Front yard	Minimum 50 ft.
Side yards	Minimum 50 ft.
Rear yard	Minimum 50 ft.
Accessory building:	
Front yard	Minimum 50 ft.
Side yards	Minimum 50 ft.
Rear yard	Minimum 50 ft.
Building height	Maximum 50 ft.
Residences:	
Building height	Maximum 35 ft.
Floor area	Minimum 1,000 sq. ft.

(9) CON CONSERVANCY DISTRICT. (a) Permitted Uses and Structures.

1. The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, tree seeds and sustained yield forestry.
2. Utilities such as, but not restricted to, telephone, telegraph and power transmission lines.
3. Fishing, scenic, historic, scientific and wildlife preserve.
4. Hiking trails and bridle paths.
5. Public and private parks and picnic areas, green ways and open spaces, recreation related structures not requiring basements, regulatory signs not over 6 square feet, and general farming provided no drainage, filling or dredging takes place and no farm buildings are constructed.
6. Uses similar and customarily incidental to any of the above uses.

(b) Conditional Uses. (Ord. Amend. 8-2005) Historic or recreational related structures with a basement.

(10) A-2 SINGLE FAMILY AGRICULTURE DISTRICT. (Cr. Ord. 4-2011)

(a) Permitted Uses.

1. Small-scale farming operations to serve on-site residents and/or to produce food to be sold directly from the grower to the consumer, such as at a farmer's market.
2. Animal husbandry to serve on-site residents and/or to produce food to be sold directly from the grower to the consumer, such as at a farmer's market. The total number of animals on site shall not exceed the number designated below per non-improved acre. Fractions of an acre shall not count towards the allowed total number of animals:

<b>Type of animal</b>	<b>Animals/Acre</b>
Cows, Cattle, Calves, Horses	2
Sheep, Goats, Ostriches, Alpacas	4
Turkeys, Geese	3
Chickens, Ducks, other small fowl	5
Not permitted: Hogs, Pigs, Roosters	

3. Single-family residences.
4. Accessory buildings not exceeding 360 square feet per unimproved acre.

(b) (Am. 7-2011) Conditional Uses.

1. Farm stands for agricultural products produced on site.
2. Home occupations and home offices.
3. Recreational uses. See sec. 14.15(8) of this chapter.
4. Public and semi-public uses. See sec. 14.15(4) of this chapter.
5. Accessory buildings exceeding 360 square feet per unimproved acre.
6. Dog runs and kennels for dogs other than dogs that would violate s. 12.075.

(c) Lot, Yard and Building Requirements.

Lot frontage	Minimum 100 ft.
Lot area	Minimum 2 acres

Principal building:	
Front yard	Minimum 35 ft.
Side yards	Minimum 30 ft.
Rear yard	Minimum 35 ft.
Accessory building:	
Front yard	Minimum 35 ft.
Side yards	Minimum 35 ft.
Rear yard	Minimum 30 ft.
Building height	Maximum 50 ft.
Residences:	
Building height	Maximum 35 ft.
Floor area	Minimum 1,000 sq. ft.

Fences:

Fences existing on June 7, 2011, may be retained and maintained (including repair) in their existing form. New fences or replacement of existing fences shall meet the requirements of s. 14.19. Upon the rezoning of to the A-2 Zoning District classification, the property owner shall be responsible for the entire cost of fence maintenance and installation for fences constructed for the purpose of preventing animals from being at large, whether on the property line or not, unless an adjoining property is also zoned A-1 or A-2 and the adjoining property owner also maintains livestock.

**14.141 HISTORIC PRESERVATION** (Cr. Ord. #1-97). (1) **PURPOSE AND INTENT.** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

- (a) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the Village’s cultural, social, economic, political and architectural history.
- (b) Safeguard the Village’s historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (c) Stabilize and improve property values and enhance visual and aesthetic character of the Village.
- (d) Protect and enhance the Village’s attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (e) Strengthen the economy of the Village.

(f) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the Village.

(2) **DEFINITIONS.** The terms used herein shall be defined as follows:

(a) Certificate of Appropriateness. The certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of an historic structure, historic site or any improvement in an historic district.

(b) Commission. The Historic Preservation Commission created under this section.

(c) Historic District. An area designated by the Village Board on recommendation of the Commission that contains 2 or more historic improvements or sites that together comprise a district of special character or special historic interest or value.

(d) Historic Site. Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which an historic event has occurred and which has been designated as an historic site under this section, or an improvement parcel, or part thereof, on which is situated an historic structure and any abutting improvement parcel, or part thereof, used as constituting part of the premises on which the historic structure is situated.

(e) Historic Structure. Any improvement which has a special character or special historic interest or value as part of the development, heritage or culture characteristics of the Village, State or nation and which has been designated as an historic structure pursuant to the provisions of this section.

(f) Improvement. Any building, structure, place, work or art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

(3) **HISTORIC PRESERVATION COMMISSION.** An Historic Preservation Commission is hereby created, consisting of 5 members including, if available in the community, one carpenter/builder, one historian, the Building Administrator and 2 citizen member. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Village President shall appoint the Commissioners subject to confirmation by the Village Board.

(4) **HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA.** (a) For purposes of this section, an historic structure, historic site or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic,

architectural or cultural significance to the Village such as historic structures, sites or districts which:

1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, State or community; or
2. Are identified with historic personages or with important events in national, State or local history; or
3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
4. Are representative of the notable work of a master builder, designer or architect who influenced his/her age; or
5. Have yielded, or may be likely to yield, information important to prehistory or history.

(b) The Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this section.

(5) POWERS AND DUTIES. (a) Designation. The Commission shall have the power, subject to sub. (6) below, to designate historic structures and historic sites and to recommend designations or historic districts within the Village limits. Such designations shall be made based on sub. (4) above. Historic district shall be approved by the Village Board. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this section.

(b) Regulation or Construction, Reconstruction, alteration and Demolition.

1. No owner or person in charge of an historic structure, historic site or structure within an historic district shall reconstruct, alter or demolish all of any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.

2. Upon filing of any application for certificate or appropriateness with the Commission, the Commission shall approve the application unless:

a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of

the improvement or site upon which said work is to be done.

b. In case of the construction of a new improvement upon an historic site, or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district.

c. In the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose an intent of this section and to the objectives and design criteria of the historic preservation plan for said district.

d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the Village and the State.

e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

3. If the Commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the certificate of appropriateness. The commission shall make this decision with 45 days of the filing of the application.

4. The issuance of the certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the Village. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.

5. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided that the work involves repairs to existing features of an historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structures or site and does not require the issuance of a building permit.

(c) Appeals. Should the Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Village Board within 30 days. In addition, if the Commission fails to issue a certificate of appropriateness, the Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this section.

(d) Recognition of Historic Structures, Sites and Districts. At such time as an historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property at Village expense a suitable plaque declaring that such property is an historic structure, site or district.

(6) PROCEDURES. (a) Designation of Historic Structures and Historic Sites.

1. Designation. The Commission may, after notice and public hearing, designate historic structures and historic sites or rescind such designation or recommendation, after application or the criteria in sub. (4) above. At least 10 days prior to such hearing, the Commission shall notify the owners of record, as listed in the Village Hall, who are owners of property in whole or in part situated within 300 feet of the boundaries of the property affected.

2. Hearing. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Commission may designate the property as either an historic structure or an historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the Village Clerk, the Zoning Administrator and the Village Assessor. The Commission shall cause the designation or rescission to be recorded, at Village expense, in the County Register or Deeds office.

(b) Creation of Historic District. 1. Defined areas. For preservation purposes, the Historic preservation Commission shall select geographically defined areas within the Village to be designated as historic districts and shall prepare an historic preservation plan for each area. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the Village after application of the criteria in sub. (4) above. Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

2. Review and Adoption Procedure. a. Historic Preservation Commission Action. The Historic Preservation Commission shall hold a public hearing when considering the plan for an historic district. Notice of the time, place and purpose of the public hearing shall be sent to the Village Clerk, Village Board, members and owners of record, as listed in the Village Hall, who are owners of the property within the proposed historic district or are situated in whole or in part within 300 feet of the boundaries of the proposed historic district. Said notice is to be sent at least 10 days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.

b. Village Board Action. The Village Board, upon receipt of the recommendations from the Historic Preservation Commission, shall hold a public hearing, notice to be given provided in sub. par. a. above, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

(7) **INTERIM CONTROL.** No building permit shall be issued by the Building Inspector for alteration, construction, demolition or removal of a nominated historic structure, historic site or any property or structure within a nominated historic district from which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Village Board unless such alteration, removal or demolition is authorized by formal resolution of the Village Board as necessary for public welfare or safety. In no event shall the delay be more than 180 days.

(8) **PENALTIES FOR VIOLATIONS.** Any person who shall violate any provision of this section shall be subject to a forfeiture of \$50 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Building Inspector.

**14.142 PLANNED UNIT DEVELOPMENT CONDITIONAL USE-INTENT.** (Cr. 8-2002)

(1) **PURPOSE.**

(a) The planned unit development conditional use is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The planned unit development under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district.

(b) The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the

Village upon specific petition under Subsection (8) of this Section and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section and Chapter have been met.

(2) TYPES OF PLANNED UNIT DEVELOPMENTS.

This Section contemplates that there maybe Planned Unit Developments in the R-2, R-3, A-I, M-1, C-I and C-2 Zoning Districts.

(3) GENERAL REQUIREMENTS FOR PLANNED OUT DEVELOPMENTS.

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

(4) PHYSICAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

(a) Density Requirements (Lot Area, Width and Yard Requirements). The district area, width and yard requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units that would have been permitted if the planned unit development regulations had not been utilized.

(b) Building Height and Area Requirements.

- (i) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
- (ii) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.

(c) Single Parcel Lot or Tract. The planned unit development shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the County Register of Deeds.

(5) REQUIREMENTS AS TO PUBLIC SERVICES AND FACILITIES.

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

(b) The site will be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the development.

(c) No undue constraint or burden shall be imposed on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public areas by the developments.

(d) The streets and driveways on the site of the development shall be adequate to serve the residents of the development and, in the case of public dedicated streets, will meet the minimum standards of all applicable ordinances or administrative regulations of the Village.

Within two (2) years of commencement of construction of any street or parking lot, the street or parking lot shall be paved.

(e) Public water and sewer facilities shall be provided.

(6) SUBSEQUENT LAND DIVISION.

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

(7) PROCEDURAL REQUIREMENTS - INTENT.

Subsections (1) through (6) set forth the basic philosophy and intent in providing for Planned Unit Developments, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

(8) PROCEDURAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

(a) Pre-Petition Conference. Prior to the official submission of the petition for such approval of a planned unit development, the owner or his agent making such petition shall meet with the Village Board or the Plan Commission or their staff to discuss the scope and proposed nature of the contemplated development.

(b) Petition for Approval. Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk-Treasurer for approval of a planned unit development. Such petition shall be accompanied by a review fee of Twenty-five Dollars (\$25.00), as well as incorporate the following information:

(i) An informational statement which sets forth the relationship of the proposed PUD to the Village's adopted master (comprehensive land use and thoroughfare plan) plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:

- . Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.

- . A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.

- . A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.

- . Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.

- . The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.

(ii) A General Development Plan including:

- . A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.

- . The location of public and private roads, driveways, sidewalks and parking facilities. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.

- . The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainage ways.

- . The type, size and location of all structures.

- . General landscape treatment.

- . The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.

- . The existing and proposed location of all private utilities or other easements.

- . Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
- . If the development is to be staged, a staging plan.
- . Proposed protective covenants, deed restrictions, by-laws or similar documents governing maintenance and further development of the site.

(c) Public Hearing. The Plan Commission shall hold public hearing on the petition in the manner provided in Sections 14.15(3) for Conditional Uses. In addition, all owners of real estate within 200 feet of the proposed Planned Unit Development will be provided notice of the public hearing by regular first class mail or hand delivery of the notices to the owners. The notices shall be sent or delivered no less than 48 hours prior to the meeting.

(9) **BASIS FOR APPROVAL OF THE PETITION FOR PLANNED UNIT DEVELOPMENT.**

(a) Requirements. The Village Board, in making a determination approving a petition for planned unit development, shall find as follows:

- (i) That the general requirements made and provided in Subsection (3) will be met;
- (ii) That the applicable physical requirements made and provided in Subsection (4) will be met;
- (iii) That the requirements as to public services and facilities made and provided in Subsection (5) will be met.

(b) Proposed Construction Schedule. The Plan Commission and Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one (1) year of approval being deemed reasonable.

(c) Residential PUD, Considerations. The Plan Commission and Village Board, in making their respective recommendation and determination as to the proposed residential planned unit development, shall further consider whether:

- (i) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.

(ii) The total net residential density within the planned unit development will be compatible with the Village master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.

(iii) Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, planned residential developments in the R-2 and R-3 Districts shall not exceed sixteen (16) dwelling units per structure.

(iv) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.

(v) Provision has been made for adequate, continuing fire and police protection.

(vi) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.

(vii) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.

(d) Commercial PUD. Considerations. The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:

(i) The economic practicality of the proposed development can be justified.

(ii) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.

(iii) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

(iv) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.

(v) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(e) Industrial PUD. Considerations. The Plan Commission and Village Board, in making their respective recommendations and determination as to a proposed industrial

planned unit development, shall further consider whether:

(i) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.

(ii) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and storm water drainage and maintenance of public areas.

(iii) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.

(iv) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

(10) DETERMINATION OF DISPOSITION OF THE PETITION.

(a) General. The Village Board, following public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Plan Commission may recommend or the Village Board may impose.

(b) Approval. The general and detailed approvals of a planned unit development shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Village Board.

(i) General Approval. The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provided it is in sufficient detail to satisfy the Plan Commission and Village Board as to the general character, scope and appearance of the proposed development. Such plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development plan, by way of approval of the petition, shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.

(ii) Detailed Approval. Detailed plans must be furnished to the Plan Commission and Village Board for their consideration and the detailed approval by the Plan Commission and Village Board of any part or stage of the proposed development shall be required before construction of such part or stage of the development may be commenced. Before plans submitted for detailed approval within the corporate limits will be approved, the petitioner shall give satisfactory

proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Village Board.

(c) Changes and Additions. Any subsequent substantial change or addition to the plans or uses shall be submitted to the Plan Commission for review and recommendation and to the Village Board for approval and if, in the opinion of either the Plan Commission or the Village Board, such change or addition constitutes a substantial alteration of the original plan, either the Plan Commission or Village Board shall schedule an additional public hearing in which event the Plan Commission shall schedule a notice of public hearing as for the original petition. Following such public hearing, the Plan Commission shall recommend denial, approval or conditional approval of the same and the Village Board shall deny, approve or approve the same subject to any additional conditions and restrictions it may impose.

(11) REVIEW QUESTIONS: PLANNED UNIT DEVELOPMENTS GENERAL DEVELOPMENT PLANS

The following is a checklist of review questions which applicants for Planned Unit Development - General Development Plan approvals should anticipate from the Plan Commission. These questions are provided as a general guideline to help applicants organize their presentations to the Plan Commission, but are not intended to limit the range of concerns that may be expressed by the Plan Commission nor limit the types of additional information that the Plan Commission may request in order to properly review a proposed development project.

**General Concerns**

1. Is the proposed project consistent with the Village of Hazel Green's Comprehensive Plan? If not, explain.
2. In what ways does the proposed project contribute to the overall quality of the Village of Hazel Green?
3. Are the proposed land uses compatible with adjoining and nearby land uses?
4. What is the time-frame for development of the proposed project?
5. Is the applicant proposing to be the developer and/or owner of the end projects or will all or portions of the project be sold to other developers?
6. Will there be protective covenants or deed restrictions on the proposed development?

## **Environmental Issues**

7. Is there significant vegetation on the site worthy of preservation? If so, what measures are proposed to preserve such vegetation?
8. Are there steep slopes with over 30 percent grade or otherwise potentially unstable areas within the site? If so, what measures are proposed to protect such areas?
9. Are there wetlands or flood plains within the site? If so, what measures are proposed to protect such areas from encroachment or degradation?

## **Visual Quality**

10. Is there a unifying architectural theme for the proposed development?
11. Will there be a review by an internal design review committee, or other type of architectural review committee, required for individual buildings within the proposed development? If so, what will be the composition of the design review committee? Will there be design standards or guidelines for the committee and applicants to follow?
12. Describe the types of signage anticipated for the proposed project.
13. Describe the type of outdoor lighting that is anticipated for the proposed project. What, if any measures will be taken to address the potential impact of lighting on adjoining or nearby residences?
14. Describe any screening or buffering proposed between the proposed development and adjoining residences?

## **Stormwater Drainage**

15. Describe the general plan for managing stormwater runoff.
16. Does the stormwater management plan include provisions for adequate on-site management of drainage for the entire site? If not, have provisions been made to coordinate stormwater management with adjoining property owners?
17. Will any of the stormwater management facilities be "wet basins"? If so, what measures will be taken to protect water quality and manage the quality of vegetation in and around basin(s)?
18. How will you maintain the stormwater drainage facilities?

## **Traffic and Circulation**

19. How much additional traffic is anticipated to be generated from the proposed development?
20. When will be the peak hours of traffic generation?
21. What roads and intersections are anticipated to be impacted by the proposed development?
22. Are any new public streets proposed?
23. Have any studies been commissioned by the developer to evaluate traffic impact? If so, what are the findings?
24. What provisions, if any, are being planned for pedestrian and bicycle circulation?

## **Management**

25. Will there be common areas, such as private streets, stormwater management facilities, or open spaces? If so, how will these areas be managed and who will be responsible for maintenance and liability issues?
26. Will there be a property owner's association?
27. What will be the developer's long-term responsibility with respect to maintenance of private streets, pedestrian walkways and bicycle trails, storm water management facilities, and other common areas and liability issues?

### **14.143 WELLHEAD PROTECTION (Cr. Ord. 8-2010)**

(1) TITLE. This section shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereinafter referred to as "WHP Ordinance".)

(2) PURPOSE, AUTHORITY AND APPLICATION.

(a) Residents in the Village depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this WHP Ordinance is to institute land use regulations and restrictions to protect the Village's Municipal water supply and wells, and to promote the health, safety and general welfare of the residents of the Village.

(b) Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in ss. 62.23(7)(a) and (c), Wis. Stats. Under these statutes, the Village has the authority to enact this ordinance, effective in the incorporated areas of the Village, to encourage the protection of groundwater resources.

(c) The regulations specified in this WHP Ordinance shall apply within the Village's corporate limits.

(3) DEFINITIONS.

(a) Aquifer. "Aquifer" means a saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

(b) Existing facilities. "Existing facilities" means current facilities, practices and activities as of September 7, 2010, which may cause or threaten to cause environmental pollution within that portion of the Village's wellhead protection area that lies within the corporate limits of the Village. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth.

(c) Recharge Area. "Recharge area" means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area may extend beyond the corporate limits of the Village.

(d) Groundwater Protection Overlay District. "Groundwater Protection Overlay District" (hereinafter referred to as DISTRICT) means the area within 1200 feet of each well contained within the Village boundary limits and shown in the attached map (Exhibit A) and incorporated herein as if fully set forth.

(e) Well Field. "Well field" means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(4) GROUNDWATER PROTECTION OVERLAY DISTRICT.

(a) Intent. The area to be protected as a District is the area within 1200 feet of each well and contained within the Village boundary limits and shown on the attached map (Exhibit A) which is incorporated herein and hereby made a part of this WHP Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this WHP Ordinance as though fully set forth and described herein. These lands are subject to land use and development restrictions because of their close proximity to the well fields and corresponding high threat of contamination.

(b) Separation Distances. The following minimum separation distances shall

be maintained within the Groundwater Protection Overlay District.

(i) Fifty feet between a well and storm sewer main.

(ii) Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.

NOTE: Current AWWA C600 specifications are available for inspection at the office of the Wisconsin Department of Natural Resources, the Secretary of State's office and the office of the Revisor of Statutes.

(iii) Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.

(iv) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.

(v) One thousand feet between a well and land application of municipal, commercial or industrial waste; boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.

(vi) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(c) Conditional uses. The following uses are conditional uses within the

District. Uses not listed shall be considered prohibited uses:

- (i) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
- (ii) Playgrounds.
- (iii) Wildlife areas.
- (iv) Non-motorized trails, such as bike, skiing, nature and fitness trails.
- (v) Residential, commercial and industrial property, which is municipally sewered, and free of flammable and combustible liquid and underground storage tanks (USTs).
- (vi) Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with ch. Comm 10, Wis. Adm. Code.
- (vii) Residential, commercial and industrial property which is municipally sewered or has a state-approved sewer and septic system.

(5) REVIEW OF PERMIT APPLICATION.

(a) The Village of Hazel Green Plan Commission shall review all requests for approval of permits for land uses in the Groundwater Protection Overlay District. The Plan Commission shall make a recommendation to the Village Board for approval or rejection of an application within sixty (60) days of any request for approval, provided however, that this sixty (60) day period of limitation may be extended by the Plan Commission for "good cause", as determined in the sole and absolute discretion of the Village Utilities Commission. The Village Board shall approve or reject the application within sixty (60) days of receipt of the Plan Commission's recommendation. The Village Board may also refer the application back to the Plan Commission if, in the judgment of the Village Board, further review by the Plan Commission is in the best interest of the Village. In the event the application is referred back to the Plan Commission, the limitations periods described herein shall recommence.

(b) Upon reviewing all requests for approval, the Plan Commission shall consider all of the following factors:

- (i) The Village's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.

(ii) The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the Village or the Village's recharge area.

(iii) The economic hardship which may be faced by the landowner if the application is denied.

(iv) The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.

(v) The proximity of the applicant's property to other potential sources of contamination.

(vi) The then existing condition of the Village's groundwater public water wells and well fields, and the vulnerability to further contamination.

(vii) The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.

(viii) Any other hydrogeological data or information which is available from any public or private agency or organization.

(ix) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

(c) Any conditional use permits granted may include requirements for environmental and/or safety monitoring which indicates whether the facility may be emitting any releases or harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs. The Plan Commission may recommend and the Village Board may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.

(d) The applicant shall be solely and exclusively responsible for any and all costs associated with the application, including all of the following:

(i) The cost of an environmental impact study if so required by the Village or its designee.

(ii) The cost of groundwater monitoring or groundwater wells if required by the Village or its designee.

(iii) The costs of an appraisal for the property or other property evaluation expense if required by the Village or its designee.

(iv) The costs of Village's employee's time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the Village, representing the Village's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.

(v) The cost of Village equipment employed.

(vi) The cost of mileage reimbursed to the Village employees.

(e) The requirements if this section are in addition to and not in lieu of the other requirements and provisions of this Code pertaining to applications for conditional uses.

#### (6) REQUIREMENTS FOR EXISTING FACILITIES AND LAND USES.

(a) Existing facilities shall provide copies of all Federal, State and local facility operation approvals or certificates and ongoing environmental monitoring results to the Village.

(b) Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the Village Board, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.

(c) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(d) Existing facilities shall have the responsibility of devising and/or filing with the Village, a contingency plan satisfactory to the Village Board for the immediate notification of the appropriate Village officers in the event of an emergency.

(e) Property owners with an existing agricultural use shall be exempt from requirements of this section as they relate to restrictions on agricultural uses, provided however, that such exemption shall only apply to the property owners in existence at the time of enactment of this section and this exemption shall not constitute a covenant running with the land. This subsection does not permit the expansion of agricultural uses beyond uses in existence at the time of enactment of this ordinance. The Village may obtain copies of any nutrient management plan in effect from property owners with an existing agricultural use upon demand.

#### (7) ENFORCEMENT AND PENALTIES.

(a) In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist, and provide clean-up satisfactory to the Village.

(b) The individual/facility shall be responsible for all costs of cleanup and the Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, including all of the following:

(i) The cost of Village employees' time associated in any way with the clean-up based on the hourly rate paid to the employee multiplied by a factor determined by the Village, representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

(ii) The cost of Village equipment employed.

(iii) The cost of mileage reimbursed to the Village employees attributed to the clean-up.

(c) Following any such discharge, the Village may require additional test monitoring or other requirements as outlined in Section 6 and 7 herein.

(d) Violations: It shall be unlawful to construct or use any structure, land or water in violation of this section. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this section.

(e) Penalties. Any person, firm or corporation who fails to comply with the provisions of this section shall, upon conviction thereof, forfeit not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Five Hundred and 00/100 Dollars (\$500.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

(8) **SEVERABILITY CLAUSE**. If any section, subsection, sentence, clause paragraph or phrase of this section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof. The Village Board of the Village of Hazel Green hereby declares that they would have enacted this section and each section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or

unconstitutional.

(9) **CONFLICTING PROVISIONS.** All provisions of this Code in conflict with this section are hereby repealed or amended to read consistent with this section.”

**14.15 CONDITIONAL USES.** (1) **PERMIT.** The Village Board may authorize the Zoning Administrator to issue a conditional use permit after review and a recommendation by the Plan Commission, provided that such conditional use and structures are in accordance with the purpose and intent of this chapter and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the Village.

(2) **APPLICATION.** Applications for conditional use permits shall be made in duplicate to the Village Board on forms furnished by the Zoning Administrator and shall include the following:

- (a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
- (b) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; the 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.
- (c) A plat or survey prepared by a registered land surveyor showing the lot dimensions and proposed location of buildings and, in addition, the mean and historic high water lines on or within 40 feet of the subject premises, and existing and proposed landscaping. The requirements of this paragraph may be waived by the Plan Commission provided that sufficient identification and description of the property, which is acceptable to the Plan Commission, is submitted.
- (d) Additional information as may be required by the Plan Commission.
- (e) (Am. #9-2004) An application fee in the amount of \$30 to be paid to the Clerk-Treasurer.

(3) **REVIEW AND APPROVAL.** The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation. The Plan Commission shall hold a hearing and thereafter shall recommend approval, denial or condition of approval to the Village Board. The Board shall accept, reject or modify the Plan Commission’s recommendations.

(a) Conditions Required by the Village Board. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be

required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

(b) Compliance With Other Chapter Provisions. 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. Variances shall only be granted as provided in sec. 14.22 of this chapter.

(4) PUBLIC AND SEMIPUBLIC USES. The following public and semipublic uses shall be conditional uses and may be permitted as specified:

(a) Airstrips and landing fields in the M-1 Industrial District and the A-1 Agricultural District provided the site area is not less than 20 acres.

(b) Governmental and cultural uses such as fire and police stations, the Village Hall, community centers, libraries, public emergency shelters, parks, playgrounds and museums in the Residential and Business Districts and the M-1 Industrial District.

(c) Utilities in all districts provided all principal structures and uses are not less than 50 feet from the residential district lot line.

(d) Public, parochial and private elementary and secondary schools and churches in residential districts provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.

(e) Hospitals, sanitariums and religious and charitable institutions in the R-2 District and business districts.

(f) Cemeteries and crematories in the A-1 Agricultural District provided that all principal structures and uses are not less than 50 feet from any lot line.

(5) R-2 RESIDENTIAL USES. The following residential uses shall be conditional uses and may be permitted in the R-2 Residential District as specified:

(a) Two-Family Residences; Lot, Yard and Building Requirements.

Lot frontage	Minimum 70 ft.
Lot area	Minimum 8,400 sq. ft.
Principal building	
Front yard	Minimum 25 ft.
Side yards	Minimum 8 ft.
Rear yard	Minimum 30 ft.
Accessory building	

Front yard	Minimum 25 ft.
Side yards	Minimum 8 ft.
Rear yard	Minimum 8 ft.
Alley	Minimum 15 ft.
Building height	Maximum 35 ft.
Number of stories	Maximum 2-1/2
Percent of lot coverage	Maximum 30%
Lot area per dwelling unit	Minimum 4,200 sq. ft.
Floor area per dwelling unit:	
One bedroom	Minimum 600 sq. ft.
Two bedroom	Minimum 800 sq. ft.
Off-street parking	See sec. 14.16 of this chapter

(b) Multi-Family Residences; Lot, Yard and Building Requirements.

Lot frontage	Minimum 100 ft.
Lot area	Minimum 12,000 sq. ft.
Principal building:	
Front yard	Minimum 25 ft.
Side yards	Minimum 10 ft.
Rear yard	Minimum 30 ft.
Accessory building:	
Front yard	Minimum 25 ft.
Side yards	Minimum 10 ft.
Rear yard	Minimum 5 ft.
Alley	Minimum 15 ft.
Building height	Maximum 35 ft.
Number of stories	Maximum 2-1/2
Percent of lot coverage	Maximum 30%
Lot area per dwelling unit	Minimum 3,000 sq. ft.
Off-street parking	See sec. 14.16 of this chapter

(c) Clubs, fraternities, lodges and meeting places of a noncommercial nature in the R-2 Residential District provided that all principal structures and uses are not less than 25 feet from any lot line.

(d) Rest homes, nursing homes, homes for the aged, clinics and children's nurseries in the R-2 Residential District and the C-1 Central Business District provided all principal structures and uses are not less than 50 feet from any lot line.

(6) HIGHWAY-ORIENTED USES. See sec. 14.14(6)(b) of this chapter.

(7) INDUSTRIAL AND AGRICULTURAL USES. The following industrial and agricultural uses shall be conditional uses and may be permitted as specified:

(a) Animal hospitals in the Agricultural and Industrial Districts provided the lot area is not less than 3 acres and all principal structures and uses are not less than 100 feet from a residential district.

(b) Disposal areas, incinerators and sewage disposal plants in the Agricultural and Industrial Districts. Municipal earth and sanitary landfill operations may be permitted in the Agricultural District.

(c) Commercial raising, propagation, boarding or butchering of animals such as dogs, mink, foxes, goats and pigs; the commercial production of eggs; and hatching, raising, fattening or butchering of fowl in the Agricultural District; pea vineries, creameries and condenseries in the Agricultural District.

(d) Manufacture of processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candles, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickles, plaster of Paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lamp blacking, size, starch, stove polish, textiles and varnish; manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast; manufacture and bottling of alcoholic beverages; bag cleaning, bleacheries, canneries, cold storage warehouses, electric and steam generating plants; electroplating; enameling; forges; foundries; garbage incinerators; lacquering; lithographing; offal, rubbish or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving in the Industrial District provided they are at least 600 feet from residential districts.

(e) Outside storage and manufacturing areas in the Industrial District. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen, completely preventing a view from any other property or public right of way and shall be at least 600 feet from residential districts and be subject to Village Board approval.

(f) Commercial service facilities such as restaurants and fuel stations in the Industrial District provided all such services are physically and sales oriented toward Industrial District users, and employees and other users are only incidental customers.

(8) RECREATIONAL USES. (a) Public. The following public recreational facilities shall be conditional uses and may be permitted as specified: archery ranges, camps, conservatories, driving ranges, golf courses, gymnasiums, skating rinks, sports fields, stadiums and swimming pools in residential districts or business districts provided that the lot area is not

less than 3 acres and all structures are not less than 50 feet from any lot line, with the approval of the Village Board.

(b) Commercial. Commercial recreation facilities such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, rifle ranges, skating rinks and theaters are conditional uses and may be permitted in the business districts.

(9) **CONDITIONAL USE PERMITS IN RESIDENCES**. The conditional use permits permitting uses in residences shall be in effect for a period not to exceed 2 years and may be renewed upon application for a period not to exceed 2 years. Modifications or additional conditions may be imposed upon application for renewal.

(10) **TERMINATION OF CONDITIONAL USES**. When a conditional use previously granted no longer conforms with the conditions of the original grant, the conditional use permit shall be terminated by action of the Village Board and may be deemed a violation of this Chapter.

**14.16 TRAFFIC, PARKING AND ACCESS**. (1) **TRAFFIC VISIBILITY**. No obstructions such as structures, parking or vegetation shall be permitted in any district between the heights of 2-1/2 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right of way lines and a line joining points on such lines located a minimum of 15 feet from their intersection. Where arterial streets intersect with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

(2) **LOADING REQUIREMENTS**. In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(3) **PARKING REQUIREMENTS**. In all districts and in connection with every use, 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, and driveways shall be at least 10 feet wide for one- and two-family dwellings and up to 24 feet for all other uses.

(b) Size. The size of each parking space shall be not less than 9 feet by 20 feet, exclusive of the space required for ingress and egress.

(c) Location. (Am. Ord. 6-2007) The location shall be on the same lot as the principal use, or not over 200 yards from the principal use. No parking stall or driveway, except

in residential districts shall be closer than 25 feet to a residential district lot line or a street lot line opposite a residential district, and no residential driveway shall be closer than 8 feet from any lot line except on cul-de-sacs.

(d) Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for 5 or more vehicles shall be paved with a bituminous surface or equivalent and have spaces and aisles clearly marked.

(e) Curbs or Barriers. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

(f) Parking Stalls Required. (Am. Ord. 6-2007)

Single-family dwellings and mobile homes	2 stalls/dwelling unit
Two-family and multi-family dwellings	2 stalls/dwelling unit
Hotels and motels	1 stall/guest room plus 1 stall/3 employees
Hospitals, clubs, lodges, lodging and boarding houses	1 stall/2 beds plus 1 stall/3 employees
Sanitariums, institutions, rest and nursing homes	1 stall/5 beds plus 1 stall/3 employees
Medical and dental clinics	3 stalls/doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall/5 seats
Secondary and elementary schools	1 stall/2 employees plus 1 stall/student auto permitted
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall/100 square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall/3 employees
Financial institutions and business, governmental and floor professional offices	1 stall/400 square feet of area plus 1 stall/2 employees
Funeral homes	1 stall/4 seats plus 1 stall/vehicle used in the business
Bowling alleys	5 stalls/alley

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

(a) Islands. Islands between driveway openings in business and industrial areas shall be provided with a minimum of 12 feet between all driveways and 6 feet at all lot lines.

(b) Ingress and Egress Openings. Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.

(c) Entrances and Exits. Vehicular entrances and exits to drive-in theaters; banks; restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 200 feet from the pedestrian entrance or exit to a school, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.

(5) **HIGHWAY ACCESS.** (a) Private Access Restricted. 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.

(b) Public or Private Access Prohibited. No direct public or private access shall be permitted to the existing or proposed right of way of the following;

1. Freeway, interstate highways and their interchanges or turning lanes, nor to intersection of interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.

2. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right of way lines.

3. Streets intersecting an arterial street within 50 feet of the intersection of the right of way lines.

(c) Public 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.

(d) Temporary Access. Temporary access to the above rights of way may be granted by the Village Board after review and recommendation by the highway agencies having jurisdiction. Such access permits shall be temporary and revocable and subject to any conditions required, and shall be issued for a period not to exceed 12 months.

**14.17 NONCONFORMING USES, STRUCTURES AND LOTS.** (1) **EXISTING NONCONFORMING USES.** (a) Continuation. The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter, provided, however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or

structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.

2. The total lifetime structural repairs or alterations shall not exceed 50% of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.

3. Substitution of new equipment may be permitted by the Village Board if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(b) Abolishment or Replacement of Existing Nonconforming Use. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. From the date of adoption of this chapter a current file of all nonconforming uses shall be maintained by the Clerk-Treasurer, listing the following:

1. Owner's name and address.
2. Use of the structure, land or water.
3. Assessed value at the time of its becoming a nonconforming use.

(2) EXISTING NONCONFORMING STRUCTURES. (a) General. Any lawful nonconforming structures existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

(b) Exception; Mobile Home. Mobile homes located on individually owned lots prior to the enactment of this chapter may be replaced with a mobile home of equal or greater assessed value.

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

(4) **SUBSTANDARD LOTS.** In any residential district, structures may be erected on any legal lot of record prior to the effective date of this Code provided that the area, the width and the depth of such existing lot shall be no less than 80% of the required minimum set forth in sec. 14.12 of this chapter.

(5) **RESTORATION OF CERTAIN NONCONFORMING STRUCTURES.**

(a) Restrictions that are applicable to damaged or destroyed nonconforming structures as described in this section do not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to s. (b), location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(b) Notwithstanding s. (a), the size of a structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

**14.18 MOBILE HOME PARK REQUIREMENTS. (1) SITE PLAN.** At the time of application for a rezoning to the R-3 District and application for a mobile home park license under sec. 6.03 of this Code, the applicant shall submit a site plan to the Zoning Administrator containing the following:

- (a) The name and address of all owners and developers of the proposed mobile home park.
- (b) The legal description and lot size, in acres, of the proposed mobile home park.
- (c) The location and size of all mobile home spaces, storage areas, recreation areas and facilities, landscaping, existing tree growth, water areas, roadways, sidewalks and parking sites.
- (d) Detailed landscaping plans and specifications.
- (e) Plans for sanitary sewage disposal, surface drainage, water system, electrical service, gas service, street lighting and topography diagrams.

(f) Location and size of all public roadways abutting the mobile home park and all street and sidewalk accesses from such street and sidewalk to the mobile home park.

(g) Preliminary road construction plans, specifications and elevations.

(h) Preliminary floor plans and elevation for all structures.

(i) Description and method of disposing of garbage and refuse.

(j) Detailed description of proposed maintenance procedure and grounds supervision.

(k) Staging and timing of construction program whether or not the entire area will be developed at one time or in stages.

(l) Such other reasonable information as shall be required by the Zoning Administrator.

(2) MOBILE HOME SPACE REQUIREMENTS. Each mobile home space shall have:

(a) At least 5,000 square feet of land area for the exclusive use of the residents of the mobile home located on the space with a minimum width of 50 feet and a minimum depth of 100 feet.

(b) Frontage on approved roadway and the corner of each space shall be marked and each lot shall be numbered.

(3) YARD REQUIREMENTS. All mobile homes shall comply with the following yard requirements:

(a) No mobile home shall be parked closer than 10 feet to the side lot lines, 20 feet to the front lot line nor 15 feet to the rear lot line.

(b) There shall be an open space of at least 20 feet between the sides of adjacent mobile homes.

(4) PARKING. The following are minimum parking requirements for mobile home parks:

(a) Each mobile home space shall have off-street parking space for 2 automobiles.

(b) Each mobile home park shall maintain a hard surfaced off-street parking

lot for guests of occupants of a size equivalent to open space for each 5 mobile home spaces.

(c) Access drives off roads to all parking spaces and mobile home spaces shall be hard surfaced in bituminous concrete or portland cement concrete designed to accommodate normal traffic.

(d) Automobiles shall not be parked nearer than 5 feet from any side lot line unless combined with a contiguous parking area.

(5) UTILITIES. The following minimum requirements for utilities shall be maintained:

(a) There shall be no obstructions impeding the inspection of plumbing, electrical facilities, utilities or other related equipment.

(b) Garbage, waste and trash disposal plans must be approved by the Zoning Administrator and must conform to all State and local health and pollution control regulations.

(c) The owner of a mobile home park shall pay all required sewer and utility connection fees to the Clerk-Treasurer.

(6) INTERNAL STREETS. All internal streets shall meet the following minimum requirements:

(a) Streets shall be hard surfaced with bituminous concrete or portland cement concrete to accommodate the structural requirements in the Village streets as approved by the Village Board.

(b) All streets shall be developed with a roadbed of not less than 30 feet and a street surface of not less than 18 feet. Ancillary parking on one side may be allowed except at parking area entrances if the street width is at least 28 feet wide.

(7) SIDEWALKS. A 30 inch portland cement concrete sidewalk shall be built and maintained by the owner providing access to all recreational areas, common use buildings and storage areas, and to the public street access.

(8) LIGHTING. Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities for occupants' use. The mobile home park grounds, street and pedestrian areas shall be lighted from sunset to sunrise in accordance with a lighting plan approved by the Village Board.

(9) RECREATION AREAS. All mobile home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and shall, where the topography permits, be centrally

located. The size of such recreational area shall be a minimum of 10% of the land area of the mobile home park. All equipment installed in such area shall be owned and maintained by the owner or operator of the mobile home park at his expense.

(10) **LANDSCAPING.** The following minimum landscaping requirements shall be maintained in all mobile home parks.

(a) Each space shall be properly landscaped with at least one tree. All yards shall be sodded or planted in grass. There shall be a minimum of 20 trees per gross acre in all areas of a mobile home park. Tree, grass and landscape materials shall be properly maintained and replaced to conform to the approved landscape plans and specifications.

(b) A visual screen consisting of a compact hedge, redwood fence, coniferous trees or other approved landscape materials or a screen fencing approved by the Zoning Administrator shall be installed and maintained around the periphery of the mobile home park to substantially inhibit the eye level vision from the exterior when adjacent to any R-1 or R-2 District and shall be maintained free of rubbish, debris, weeds and paper.

(c) All areas shall be landscaped and the landscape plan shall be approved by the Zoning Administrator.

(11) **MOBILE HOME STANDS REQUIRED.** All mobile homes shall be placed and leveled on stands consisting of a 16 inch by 16 inch by 4 inches deep square solid base, minimum, with a double tier or alternately crossed 8 inch block ascending; no I-beam or any portion of the mobile home frame shall rest directly on the concrete block. Wood shimming shall be used. No second or medium grade of concrete block may be used and all block must be installed with the hollow core in a vertical position. These stands shall be placed with a minimum spacing of 8 feet.

(12) **TIE DOWNS AND ANCHORS REQUIRED ON ALL MOBILE HOMES.** Straps and anchoring equipment shall be capable of resisting an allowable working load of not less than 3,150 pounds and capable of withstanding a 50% overload (4,750 pounds) without failure. (Example: Type 1 finish B, Grade 1 steel strapping, 1-1/4 inch wide and 0.035 inch thick conforming with Federal specifications. Q-QS78L-H is recommended to meet the above load requirements.) Tie downs and anchors shall be installed as follows:

<u>MOBILE HOME SIZE</u>	<u>NUMBER OF OVER-THE-ROOF TIES REQUIRED</u>	<u>NUMBER OF FRAME TIES REQUIRED</u>		
		2' pier	3' pier	4' pier
44x12	2	4	5	5
52x12	2	5	5	6
54x12	2	5	6	7
60x12	2	5	6	7
65x12	2	6	7	8
70x12	2	6	7	9
74x12	2	6	8	9
54x14	2	4	5	6
60x14	2	5	5	6
65x14	2	5	6	7
70x14	2	6	7	8
76x14	2	6	7	8
80x14	2	7	7	8

(13) **SKIRTING.** All mobile home units shall have skirts around the entire mobile home made of plastic, fiberglass or other comparable noncombustible material approved by the Zoning Administrator and shall be a permanent color or painted to match the appropriate mobile home so as to enhance the general appearance thereof.

(14) **STORAGE BUILDINGS.** Any storage building in a mobile home park shall be anchored.

(15) **REGISTER OF OCCUPANTS.** The owner of a mobile home park shall keep a registration list available to the Village or its agents for inspection at reasonable times.

(16) **INSPECTION.** All mobile homes shall comply with State and Village fire, health and building regulations. Before a mobile home unit may be occupied, the owner must provide the Zoning Administrator with proof of State inspection.

**14.185 PRIVATE SWIMMING POOL REGULATIONS.** (1) **DEFINITION.** The term “private swimming pool” is hereby defined as a receptacle for water, whether above or

below ground, intended for use by the owner, his friends and invited guests for bathing or swimming.

(2) **PERMIT REQUIRED.** No person shall construct or install a private swimming pool of 1,500 gallons or greater without first obtaining a permit from the Building Inspector.

(3) **APPLICATION AND FEE.** Application for a permit shall be made on a form supplied by the Building Inspector. The permit fee is \$1.00.

(4) **LOCATION.** No pool, surfaced terraces, sun decks and walks shall be permitted closer to the lot line than the accessory building setback for that zoning district, and in no case shall it be in the front yard of the principal building.

(5) **FENCING REQUIREMENTS.** (a) In-ground pools shall be completely fenced before filling by a permanent sturdy fence not less than 4 feet. Access to any such pool shall be through a gate or gates in the fence, equipped with a lock or self-closing self-latching device.

(b) Above-ground pools having a height of less than 30 inches above ground at any portion of the pool side wall or any device which can be used to climb up and enter the pool shall be fenced in the same manner as for in-ground pools or covered when not in use by a sturdy and secure pool cover, or emptied.

(6) **ELECTRICAL INSTALLATIONS.** (a) Lights intended to illuminate the pool shall be shielded to direct light only on the pool.

(b) The following parts of swimming pools shall not be placed under the existing service-drop conductors or any other open overhead wiring; nor shall such wiring be installed above the following:

1. Swimming pool and area extending 10 feet horizontally from the inside of the walls of the pool.

2. Diving structure.

3. Observation stands, towers or platforms.

(c) Ground Fault Interrupters shall be installed with all outlets and with all electric circuits associated with storable pools

(7) **NUISANCES PROHIBITED.** All pools designed to keep water throughout the summer shall be maintained in such a way as to not create a nuisance, hazard, eye sore, or

otherwise result in a substantial adverse effect on the neighboring properties, or to be in any way detrimental to public health, safety or welfare. Drainage or draining of any pool shall not be discharged onto abutting property, but must be absorbed on its own site or discharged systematically and regulated onto and into the Village streets or gutters which would then empty into the Village storm system. Equipment of circulating pumps and filters must be located as not to create a nuisance or noise problem.

**14.19 MODIFICATIONS.** (1) **HEIGHT.** The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accordance with the following:

(a) Architectural Projections. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this chapter.

(b) Special Structure Height Limitations. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks are exempt from the height limitations of this chapter.

(c) Essential Services Height Limitations. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.

(d) Communications Structures Height Restrictions. Communications structures such as radio and television transmission and relay towers, aerials and observation towers shall not exceed in height 3 times their distance from the nearest lot line.

(e) Agricultural Structures Height Restrictions. Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

(f) Public Facilities Height Restrictions. Public or semi-public facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

(2) **YARDS.** The yard requirements stipulated elsewhere in this chapter may be modified as follows

(a) Uncovered Stair Restrictions. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed 6 feet and not closer than 3 feet to any lot line, and must be 8 feet or more above ground.

(b) Architectural Projection Restrictions. Architectural projections such as

chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed 2 feet.

(c) Cul-de-Sac and Curve Restrictions. Residential lot frontage on cul-de-sacs and curves may be less than 80 feet provided the width at the building setback line is at least 80 feet and the street frontage is no less than 45 feet.

(d) Residential Fence Restrictions. (Am. Ord #3-2000), (Rep. and Rec. #27-98), (Am. Ord. #7-94). A building permit for fences shall be required when any fence exceeds 20 feet in length. Fences may be placed or erected upon a property line in the rear or side yard, and shall not exceed 72 inches in height. Fences may be placed or erected in the front yard according to the buildings setback lines and shall not exceed 4 feet in height and shall be 90 percent see-through. A fence may encroach upon a vision triangle provided it does not exceed 4 feet, is 90 percent see-through, and does not obstruct the vision of either pedestrians or motorists.

Fences may be constructed of wood, wire, metal, stone or a combination thereof. Wire fences shall be of chain link type. No single strand wire fences are permitted. No barbed wire shall be used in fence construction, except in the Agricultural District and then only where the agricultural district borders adjoining agricultural lands. No fence shall be less than 30 inches in height. All fences shall be kept in good repair and condition, and the finished side or decorative side of a fence shall face adjoining property.

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.

(e) Security Fence Restrictions. (Am. Ord. #3-2000) Security fences are permitted on the property lines in all districts, but shall not exceed 10 feet in height and shall be an open type chain link fence.

(f) Accessory Uses and Structures Restrictions. Accessory uses and detached accessory structures are permitted in the rear yard only, shall not be closer than 10 feet to the principal structure, shall not occupy more than 20% of the rear yard area, and shall comply with district setback, yard and height requirements.

(g) Essential Services Exemptions. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

(h) Street Yard Restrictions. The required street yards may be decreased in

any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in any residential district and 5 feet in any business district.

(3) NOISES EXEMPTED. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this chapter.

**14.20 SIGNS.** ( Rep. & recr. Ord. #1-2009) (1) PERMIT REQUIRED. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit except those signs excepted in sub. (2) below and without being in conformity with the provisions of this chapter.

(a) Application for Sign Permit. See sec. 14.10 of this chapter.

(b) Fee. A fee of \$1.00 shall be paid to the Clerk-Treasurer with the application.

(2) PERMITTED SIGNS - ALL ZONING DISTRICTS. Signs which may be erected in any zoning district without a permit are identified as follows:

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

(b) Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(c) Name, Occupation and Warning Signs not to exceed two (2) square feet located on the premises.

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

(e) Official Signs, such as traffic-control, parking restrictions, information and notices.

(f) Bulletin boards for public, charitable or religious institutions not to exceed 12 square feet in area located on the premises.

(g) Official signs or banners when authorized by the Village Board.

(h) Signs advertising a permitted home occupation or professional office. Such signs shall not exceed 6 square feet in gross area and, if illuminated, shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.

(3) **SIGNS PERMITTED – COMMERCIAL AND INDUSTRIAL DISTRICTS.** The following signs are permitted in all commercial and industrial districts, subject to the following restrictions.

(a) Wall Signs. No wall signs placed against the exterior walls of buildings shall:

1. Extend more than 6 inches outside of a building's wall surface.
2. Exceed 500 square feet in area for any one premises.
3. Exceed 20 feet in height above the mean center line street grade.

(b) Projecting Signs. No projecting sign fastened to, suspended from or supported by structures shall:

1. Exceed 100 square feet in area for any one premises.
2. Extend more than 6 feet into any required yard.
3. Extend more than 3 feet into any public right of way.
4. Be less than 10 feet from all side lot lines.
5. Exceed a height of 20 feet above the mean center line street grade.
6. Be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.

(c) Ground Signs. Ground signs shall:

1. Not exceed 10 feet in height above the roof.
2. Not exceed 300 square feet on all sides for any one premises.

(4) **OFF-PREMISES SIGNS.** Signs advertising products that are not available or businesses that are not carried on the premises on which the sign is located are prohibited.

(5) **SIGNS PROHIBITED ON PUBLIC RIGHT-OF-WAY.** (a) Except for

signs permitted under s. (5)(b) and except for traffic control, all signs are prohibited within the public right-of-way or easements except that a conditional permit to locate signs and decorations on or within the right-of-way may be granted for a specified time not to exceed seven (7) days and they shall be in conformance to the applicable requirements of this ordinance.

(b) A special use permit to locate directional or informational signs on streets may be granted to local governmental entities to guide people to facilities owned or operated by such entities which are located in the Village provided such signs do not exceed an area of 3 square feet in size, except for Village-owned Industrial Park and welcome signs and further provided that the applicant has obtained any permit required by the Wisconsin Department of Transportation.

(6) GENERAL RESTRICTIONS. (a) Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices.

(b) Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices.

(c) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.

(d) No sign shall be placed so as to obstruct or interfere with traffic visibility.

(e) Signs Shall Be Securely Fastened: Except for temporary signs erected for a period of less than thirty (30) days, signs shall not be attached by adhesive to a building or fence. Signs shall be on separate frame or shall be painted on or securely fastened directly to the building or fence or structure.

(f) Condition of All Signs: All signs in all districts must be kept in a safe, neat and readable condition.

(g) Setbacks and Height Restrictions: All signs shall meet the setback and height requirements of the zoning district in which such signs are located.

(7) EXISTING NONCONFORMING SIGNS. Signs lawfully existing at the time of adoption or amendment of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure and the provisions of sec. 14.17 of this chapter shall apply.

**14.21 PLAN COMMISSION.** (1) MEMBERSHIP. The Plan Commission shall consist of the Village President who shall be its presiding officer, one Village Board member and 5 citizens. The Village Board member shall be appointed annually by a 2/3 vote of the Village Board. The citizen members shall be appointed by the Village President, subject to confirmation

by the Village Board, for staggered 3 year terms.

(2) **POWERS AND DUTIES.** The Plan Commission shall have the powers and duties as prescribed in s. 62.23, Wis. Stats., and as otherwise provided by law, and such other powers and duties as shall be vested in it, from time to time, by the Village Board.

**14.22 BOARD OF ZONING APPEALS.** (1) **ESTABLISHMENT.** There is hereby established a Board of Zoning Appeals for the Village for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

(2) **MEMBERSHIP.** The Board of Zoning Appeals shall consist of 5 members and 2 alternate members appointed by the Village President and confirmed by the Village Board for staggered 3 year terms.

(a) The 2 alternate members shall act only when a regular member is absent or refuses to vote because of conflict of interest.

(b) The Chairman shall be designated by the Village President.

(c) The Clerk-Treasurer shall act as secretary for the Board.

(d) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

(3) **ORGANIZATION.** The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

(a) Meetings. Meetings shall be held at the call of the Chairman and shall be open to the public.

(b) Minutes. Minutes of the proceedings and a record of all action shall be kept by the secretary showing the vote of each member upon each question, the reasons for the Board's determination and its finding of facts. These records shall be immediately filed in the office of the secretary and shall be a public record.

(c) Required Vote. (Am. Ord. #1-2007) If a quorum is present, the board of appeals may take action to correct any error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified or substitute use by a majority vote of the members present."

(4) **POWERS AND DUTIES.** The Board shall have the following powers and duties:

(a) Errors. To hear and decide appeals where it is alleged there is an error in

any order, requirement, decision or determination made by the Zoning Administrator.

(b) Variances. To hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.

(c) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Zoning Administrator has made a review and recommendation.

(d) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alternations are to be made and the Zoning Administrator has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

(e) 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 Zoning Administrator has made a review and recommendation.

(f) 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 Zoning Administrator has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.

(g) Permits. The Board may reserve, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

(h) Assistance. The Board may request assistance from other Village officers, departments, commissions and boards.

(i) Oaths. The Chairman may administer oaths and compel the attendance of witnesses.

(5) **APPEALS AND APPLICATIONS**. Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this chapter may be made by any person aggrieved or by an officer, department, board or bureau of the Village. Such appeals shall be filed with the secretary within 30 days after written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the secretary. Such appeals and application shall

include the following:

- (a) Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- (b) Plat or survey prepared by a registered land surveyor showing all of the information required under sec. 14.10 of this chapter for a zoning permit.
- (c) Additional information required by the Board of Zoning Appeals or the Zoning Administrator.
- (d) (Cr. #9-2004) An Application fee in the amount of \$50.00 to be paid to the Clerk-Treasurer.

(6) **HEARINGS.** The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least 10 days prior, and shall give due notice to the parties in interest. At the hearing, the appellant or applicant may appear in person, by agent or by attorney.

(7) **FINDINGS.** No variance to the provisions of this chapter shall be granted by the Board unless it finds, beyond a reasonable doubt, that all of the following facts and conditions exist and so indicates in the minutes of its proceedings.

(a) Exceptional Circumstances. 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 this chapter should be changed.

(b) Preservation of Property Rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and vicinity.

(c) Absence of Detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(8) **DECISION.** The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant.

(a) Conditions may be placed upon any zoning permit ordered or authorized by the Board.

(b) Variances, substitutions or use permits granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

(9) REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after filing of the decision in the office of the Clerk-Treasurer.

**14.23 ZONING ADMINISTRATOR.** (1) APPOINTMENT. The Zoning Administrator shall be appointed by the Village President, subject to confirmation by the Village Board, for a term of 2 years.

(2) GENERAL POWERS AND DUTIES. The Zoning Administrator shall enforce the provisions of this chapter and all other provisions of this Code relating to the use of land and buildings within the Village. He shall also provide technical assistance to the Plan Commission and the Board of Zoning Appeals.

(3) RECORDS. The Zoning Administrator shall keep a record of all applications for zoning permits and the permits issued in numerical order, and shall make a monthly report to the Village Board regarding the permits issued.

**14.24 CHANGES AND AMENDMENTS.** (1) AUTHORITY. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto.

(2) INITIATION. A change or amendment may be initiated by the Village Board or by petition of one or more of the owners or lessees of the property within the area proposed to be changed.

(3) PETITIONS. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Clerk-Treasurer, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

(a) Plot plan drawn to a scale of at least one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

(b) Owners' names and addresses of all properties lying within 200 feet of the

area proposed to be rezoned.

(c) Additional information required by the Village Board.

(d) (Cr. 9-2004) An application fee in the amount of \$50.00 to be paid to the Clerk-Treasurer.

(4) REFERRAL TO PLAN COMMISSION. All proposed amendments to this chapter shall be referred to the Plan Commission. The Plan Commission shall submit its recommendation to the Village Board within 30 days.

(5) HEARINGS. The Village Board shall hold a public hearing upon each recommendation, giving a Class II notice under Ch. 985, Wis. Stats. Written notice of the time, place and purpose of such hearing shall also be given to the owners of every parcel of land within 100 feet of the area to be rezoned as well as to the owners of all land which will be in the district to be rezoned.

(6) VILLAGE BOARD ACTION. Following such hearing and upon consideration of the recommendation of the Plan Commission, the Village Board shall vote to adopt or reject the proposed change or amendment.

(7) PROTEST. In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the full Village Board membership.

**14.25 VIOLATIONS.** It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter or to violate conditions placed on conditional uses. In case of any violation, the Village Board, the Zoning Administrator, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

**14.30 PENALTY.** (Rep. & Recr. Ord. #13-93). Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as provided in sec. 20.04 of this Code plus the costs of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.