

CHAPTER 17

ZONING CODE

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**17.01 AUTHORITY**

This chapter is adopted under the authority granted by §§61.35 and 62.23, Wis. Stats.

**17.02 PURPOSE**

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

**17.03 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.

**17.04 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.

**17.05 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.

**17.06 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.

## **17.07 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of the Village inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

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## **17.08 TITLE**

This chapter shall be known as, referred to or cited as the "Zoning Code, Village of Blanchardville, Wisconsin."

## **17.09 GENERAL PROVISIONS**

(1) **JURISDICTION.** The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Blanchardville.

(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 50 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. No zoning permit shall be issued for a lot which abuts a public street dedicated only to a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

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

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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. 17.21 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.

(e) **Temporary Uses.** Temporary uses such as real estate field offices or shelters for materials and equipment being used for the construction of a permanent structure may be granted by the Board of Zoning Appeals.

(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 or mobile home subdivision. (See also secs. 17-15 of this chapter and sec. 12.08 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.

## **17.10 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 or 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.

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(c) Plat of 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 approved plans by the Wisconsin Department of Work Force Development.

(e) A \$5 fee shall be paid to the Clerk-Treasurer. See Construction and Remodeling Permit in sec. 14.02 of this Code.

(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.

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### 17.11 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.

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(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.

(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.

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(24) FAMILY. Any number of persons 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-premise 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 notions 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 occupations 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 second hand 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.

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(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 §70.043(1), Wis. Stats., and Wis. Adm. Code COMM Ch. 21, subchs. 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.

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(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 112 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, business, 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 foundations, bearing walls, members of a structure such as 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

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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 around upward, except for vegetation. The street and rear yards extend the full width of the lot.

## 17.12 COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES

(1) STATE LAWS ADOPTED. The provisions of §§62.23(7)(i) and 66.1017, Wis. Stats., are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this chapter.

(2) PERMITTED USES; RESTRICTIONS.

COMMUNITY LIVING  
ARRANGEMENT (CLA);

FAMILY DAY CARE HOMES    DISTRICTS PERMITTED    STATUTORY RESTRICTIONS

(a) Foster family home (domicile licensed under §48.62, Wis. Stats., up to 4 children)	All residential districts	None
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(b) Other foster homes	All residential districts	§62.23(7)(i)l. and 2., Wis. Stats.
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(c) CLA, up to 8 persons	All residential districts	§62.23(7)(i)l., 2. and 9., Wis. Stats.
(d) CLA, 9 to 15 persons	Multi-family districts	§62.23(7)(i)l., 2. and 9., Wis. Stats.
(e) Family day care home licensed under §48.65, Wis. Stats., up to 8 children	All 1- and 2-family districts and planned residential development districts	§66.1017, Wis. Stats.

(3) **CONDITIONAL USES.** All community living arrangements and family day care homes not permitted in sub. (2) above. See sec. 17.21 of this chapter.

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### **17.13 ZONING DISTRICTS**

(1) **ESTABLISHED.** For the purposes of this chapter, the Village is hereby divided into the following zoning districts:

- (a) R-1 Single-Family Residential District
- (b) R-2 Mobile Home Park and Mobile Home Subdivision District
- (c) C-1 General Commercial District
- (d) M-1 Limited Industrial District
- (e) A Agricultural District
- (f) CON Conservancy District
- (g) Floodplain Districts

(2) **INCORPORATION OF ZONING MAP.** The locations and boundaries of the district town on the Village Zoning Map, dated April 5 1982 and referred to by reference as the Official Zoning Map, Village of Blanchardville, Wisconsin. Such Map, together with all explanatory matter and regulations thereon, is an integral part of this chapter and all amendments thereto. Official copies of the Zoning Map, together with a copy of this chapter, shall be kept by the Clerk-Treasurer and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries shall not be effective until recorded and the certified change is filed with the Map.

(3) **DISTRICT BOUNDARY AND MAP AMENDMENTS.** Ordinances:

(4) BOUNDARIES OF DISTRICTS. When uncertainty exists with respect to the boundaries of the various districts as shown on the Map, the following rules shall apply:

(a) When width or length of boundaries are not clear, the scale of the Map shall determine the approximate dimensions.

(b) When the Floodplain Zoning Code and the Zoning Code regulations conflict with one another, the most restrictive combination of such regulations shall control.

(c) District boundaries are normally lot lines and center lines of streets, highways, railroads or alleys.

### **17.14 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family, 2-family and multi-family dwellings protected from traffic hazards and intrusion. Further, it is intended that 2-family and multi-family dwellings be dispersed throughout the District on a conditional use basis.

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(1) PERMITTED USES. (a) Single-family dwellings

(b) Attached or detached garage, 900 square feet and 20 feet in height maximum.

(c) Garden and yard equipment shed, 120 square feet maximum.

(d) Boarding houses, up to 4 paying guests or boarders, including bed and breakfast establishments.

(2) CONDITIONAL USES. See also sec. 17.21 of this chapter.

(a) Two-family dwellings.

(b) Multi-family dwellings.

(c) Funeral homes.

(d) Public hospitals and rest homes.

(e) Private clubs, fraternities and lodges, except those whose chief activity is customarily carried on as a business.

(f) Churches, synagogues and similar places of worship and instruction, including parsonages.

(f) Municipal buildings, except sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.

(g) Utility offices, provided there is no service garage or storage yard.

(h) Public, parochial and private elementary and secondary schools.

(i) Public park, recreation areas, playgrounds and community centers.

(j) Home occupations and professional offices.

(3) LOT, YARD AND BUILDING REQUIREMENTS.

(a) Single-Family Dwellings.

Lot frontage at setback	Minimum 65 ft.
Lot area	Minimum 8,500 sq. ft.
Principal building:	
*Front yard	Minimum 25 ft.
Side yards	Minimum 8 ft.
Rear yard	Minimum 25 ft.

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Floor area	Minimum 1,300 ft.
Building height	Maximum 25 ft.
Accessory buildings:	
*Front yard	Minimum 25 ft.
Side yards	Minimum 8 ft.
Rear yard	Minimum 3 ft.
Floor area	Maximum 900 feet
Building height	Maximum 15 ft.
Off-street parking	Minimum 2 spaces per unit. (See also sec. 17.23 of this chapter)

(b) Two-Family Dwellings.

Lot frontage	Minimum 90 ft.
Lot area	Minimum 12,500 sq. ft.
Principal building:	
*Front yard	Minimum 25 ft.
Side yards	Minimum 8 ft.
Rear yard	Minimum 25 ft.

Building height	Maximum 25 ft.
Accessory building:	
*Front yard	Minimum 25 ft.
Side yards	Minimum 8 ft.
Rear yard	Minimum 3 ft.
Building height	Maximum 15 ft.
Floor area per dwelling unit	Minimum 1,000 sq. ft.
Off-street parking	Minimum 2 spaces per unit. (See also sec. 17.23 of this chapter)

(c) Multi-Family Dwellings.

Lot frontage	Minimum 100 ft.
Lot area	Minimum 15,000 sq. ft.
Principal building:	
Front yard	Minimum 25 ft.
Side yards	Minimum 15 ft.
Rear yard	Minimum 30 ft.
Building height	Maximum 35 ft.
Accessory building:	
*Front yard	Minimum 25 ft.
Side yards	Minimum 10 ft.
Rear yard	Minimum 10 ft.
Building height	Maximum 15 ft.
Number of stories	Maximum 2
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Lot area per dwelling unit	Minimum 3,000 sq. ft.
Floor area per dwelling unit:	
1 bedroom unit	Minimum 600 sq. ft.
2 bedroom unit	Minimum 800 sq. ft.
3 bedroom unit	Minimum 1,000 sq. ft.
Off-street parking	1-1/2 spaces per unit. See also sec. 17.23 of this chapter.

\*NOTE: More restrictive requirements may be applicable where lots abut State or county highways.

**17.15 R-2 MOBILE HOME PARK AND MOBILE HOME SUBDIVISION DISTRICT**

(1) PERMITTED USES.

- (a) Mobile home parks.
- (b) Mobile home subdivisions.

(2) CONDITIONAL USES. None.

(3) MOBILE HOME PARK REQUIREMENTS. See also ch. 12 of this Code.

(a) Park Requirements.

1. A minimum of 3 acres.
2. 40 foot minimum setbacks on all sides.
3. A hard surface road no less than 24 feet wide serving all mobile home spaces.
4. Electricity, cable television and public sewer and water servicing all mobile home spaces.
5. A central hard surface parking lot with one parking space for each 3 mobile home spaces.
6. Mobile homes shall meet State construction standards.
7. An on-site manager's office.

(b) Space Requirements.

Space frontage	Minimum 40 ft.
Space area	Minimum 4,000 sq. ft.
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Front yard	Minimum 20 ft.
Side yards	Minimum 10 ft.
Rear yard	Minimum 25 ft.
Off-street parking	2 spaces per mobile home

(4) 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

**17.16 C-1 GENERAL COMMERCIAL DISTRICT**

The C-1 District is intended to provide an area for the business and commercial needs of the Village.

(1) PERMITTED USES.

(a) Post offices.

(b) General business and commercial uses which do not generate noise, smoke or odors that would create a public or private nuisance. These uses generally include the following:

1. Appliance shops
2. Art and school supply stores
3. Automotive parts sales stores
4. Automobile sales lots and showrooms and lots, including incidental servicing and repair, provided, however, that all vehicles be in operative condition
5. Automotive servicing and repairs
6. Banks and other financial institutions, including loan and finance companies
7. Barber shops and beauty parlors
8. Business offices
9. Candy and ice cream stores
10. Clinics
11. Clothing repair shops
12. Clubs
13. Cocktail lounges

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14. Department stores
15. Drug stores
16. Electrical supply
17. Food lockers
18. Furniture stores
19. Gasoline stations
20. Grocery stores
21. Hardware stores
22. Hotels
23. Insurance agencies
24. Jewelry stores
25. Liquor stores
26. Lumber yards
27. Medical clinics
28. Opticians and optical stores
29. Parking facilities
30. Photographic studios
31. Professional offices
32. Publishers
33. Residences, existing only

- 34. Restaurants
- 35. Taverns
- 36. Undertaking establishments
- 37. Variety stores

(2) CONDITIONAL USES.

(a) Any other uses similar in character with the permitted uses and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.

(b) Apartments. See sub. (3) below.

(3) ADDITIONAL RESTRICTIONS. Uses permitted in the C-1 District are subject to the following conditions:

(a) Except for existing residences as of May 1999, 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 are not established.

(b) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

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

(4) LOT, YARD AND BUILDING REQUIREMENTS AND EXCEPTIONS.

(a) Requirements.

Lot width:	
Fireproof construction	Minimum 25 ft.
Nonfireproof construction	Minimum 45 feet
Building height	Maximum 45 ft.
Front yard setback	None
Rear yard setback:	
Fireproof construction	None
Nonfireproof construction	Minimum 11 feet
Truck unloading area	Sufficient space so that no streets or alleys need be blocked.

(b) Exceptions.

1. Setback For New Commercial Development. All new commercial development on Blake Street (S.T.H. 78) from Lien Court to School Street, and Oak Street (S.T.H. 78) from Wilson Street to the Village limits, will have setbacks to conform to existing setbacks with a minimum of 25 feet.

2. Off-Street Parking For New Commercial Development. All new commercial development on Blake Street (S.T.H. 78) from Lien Court to School Street, and Oak Street (S.T.H. 78) from Wilson Street to the Village limits, will provide for off-street parking.

### **17.17 M-1 LIMITED INDUSTRIAL DISTRICT**

The M-1 District is intended to provide for manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of noise, dirt, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably insure compatibility in this respect. Outdoor storage of raw materials or finished products is not allowed.

(1) PERMITTED USES.

(a) Automotive repair, service and storage of automobile accessories, except the wrecking of motor vehicles.

(b) Blacksmithing, tinsmithing and sheet metal work.

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(c) Bottling plants.

(d) Enameling and painting.

(e) Knitting mills and the manufacture of products from finished fabrics.

(f) Manufacture, fabrication, packing and packaging and assembly of products from furs, glass, leather (but not tanning of hides or manufacture of leather), metals, paper (but not the manufacture of paper or pulp), plaster, plastic (but not the manufacture of plastic), textiles and wood (but not the manufacture of paper or pulp).

(g) Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food (except meat and meat products, fish and fish products, cabbage products or the vining of peas).

(h) Manufacture of furniture, home supplies and appliances, instruments, jewelry, office supplies, pharmaceuticals, sporting goods, tobacco products and toiletries.

- (i) Laboratories.
- (j) Warehousing.
- (k) Welding shops.
- (l) Wholesaling.

(3) LOT, YARD AND BUILDING REQUIREMENTS.

Lot frontage	Minimum 100 ft.
Lot area	Minimum one acre
Front yard	Minimum 30 ft.
Side yards:	
Principal building	Minimum 20 ft.
Accessory building	Minimum 10 ft.
Rear yard	Minimum 40 ft.
Building height	Maximum 45 ft.

(4) OFF-STREET PARKING AND LOADING REQUIREMENTS. See sec. 17.23 of this chapter.

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**17.18 A AGRICULTURAL DISTRICT**

The A Agricultural District provides exclusively for agricultural uses. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services.

- (1) PERMITTED USES.
  - (a) General farming and dairying.
  - (b) In-season roadside stands for the sale of farm products produced on the premises.
  - (c) Water storage; and sewage disposal plants and power stations, when surrounded by an 8 foot or more woven fence.
  - (d) Nurseries, greenhouses and other agricultural uses.

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

(2) **CONDITIONAL USES.** See also sec. 17.21 of this chapter.

(a) Single-family residences on parcels of not less than 15,000 square feet.

(b) Mineral extraction.

(c) Cheese factories and other food processing plants.

(3) **LOT, YARD AND BUILDING REQUIREMENTS.**

Lot frontage	Minimum 500 ft.
Lot area	Minimum 10 acres
Residence:	
Yard and building requirements	Same as R-1 District
Farm buildings:	
Front yard	Minimum 50 ft.
Side yards	Minimum 50 ft.
Rear yard	Minimum 50 ft.
Building height	Maximum 50 ft.

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### **17.19 CON CONSERVANCY DISTRICT**

The CON District is intended to preserve scenic and natural areas in the Village and to prevent uncontrolled, uneconomical spread of residential development, and to help discourage intensive development of marginal lands so as to prevent potential hazards to public and private property.

(1) **PERMITTED USES.**

(a) Public parks and playgrounds.

(b) Management of forestry, wildlife and fish.

(c) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.

- (d) Hunting, fishing and trapping.
- (e) Dams, power stations and transmission lines.
- (f) Gravel or sand pits and quarries, including the washing and grading of products.

(g) Upon written permission from the Village Board, based on the purposes of this chapter and on the recommendation of the Plan Commission following a public hearing, sewage disposal plants and water pumping or storage facilities, amusement parks, golf courses and driving ranges, and public camping grounds.

- (g) Uses customarily incident to any of the above uses.

(2) LOT, YARD AND BUILDING REQUIREMENTS. None applicable.

## **17.20 FLOODPLAIN DISTRICTS**

See ch. 18 of this Code.

## **17.21 CONDITIONAL USES**

(1) GENERAL USES APPLICABLE TO ONE OR MORE DISTRICTS. The following uses shall be conditional uses and may be permitted as specified:

(a) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums and historical landmarks or restorations may be permitted in all residential and commercial districts.

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(b) Utilities in all districts, provided all principal structures and uses are not less than 50 feet from any residential lot line.

(c) Incinerators, sewerage disposal plants and earth or sanitary landfill operations may be permitted in A Agricultural and M-2 Districts.

(d) Golf courses may be permitted in any residential or agricultural district.

(e) Cemeteries may be permitted in any residential or commercial district.

(f) Skating rinks, sports fields, swimming pools and tennis courts may be permitted in any district.

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

(a) Names and address 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; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees, if any; and the zoning district within which the subject site lies.

(c) Site plan showing the location of any buildings and all proposed provisions for off-street parking and loading.

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

(e) The fee is \$25 and shall accompany such application.

(3) NOTICE. Notice of such application and the subsequent hearing thereon before the Village Board shall be published as a Class I notice.

(4) APPEARANCES AT HEARINGS. Either the applicant or his agent or attorney shall attend the public hearing of the Village Board at which such application is to be considered unless such attendance has been excused by the Village Board.

(5) REVIEW AND APPROVAL. The Village Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations,

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highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

(6) ISSUANCE OF PERMIT. If such permit is issued, the Village Board may attach conditions thereto such as, but not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, hours of operation, traffic circulation or parking requirements, highway access restrictions, or increased yards.

## **17.22 MINERAL EXTRACTION**

Mineral extraction operations, including washing, crushing or other processing, are conditional uses and may be permitted in the Agricultural District provided:

(1) APPLICATION. The application for the conditional use permit shall include an adequate description of the operation; a list of equipment, machinery and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical topographic map of the site showing existing contours with minimum vertical contour interval of 5 feet, trees, proposed and existing access roads, the depth of all existing and proposed excavations; and a restoration plan.

(2) RESTORATION PLAN. The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Village's inspection and administrative costs and the necessary sureties which will enable the Village to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Village Engineer, and the form and type of such sureties shall be approved by the Village Attorney.

(3) PERMIT CONDITIONS. The conditional use permit 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.

(4) VILLAGE BOARD CONSIDERATIONS. The Village Board shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the practicality of the proposed restoration of the site.

### **17.23 TRAFFIC, PARKING AND ACCESS**

(1) TRAFFIC VISIBILITY. No obstructions such as structures, fences, 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

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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.** The location shall be on the same lot as the principal use, or not over 400 feet 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 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 dustfree 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.**

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	1 stall/2 beds plus ZONING CODE 17.23 (con't)
Boarding houses	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 professional offices	1 stall/200 square feet of floor 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

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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 Restricted. No direct public or private access shall be permitted to the existing or proposed rights 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.

## **17.24 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.

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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. 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.

(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 secs. 17.14 through 17.19 of this chapter.

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## **17.25 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.

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(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. Residential fences are permitted on the property lines in residential districts, but shall not, in any case, exceed a height of 6 feet, and shall not exceed a height of 4 feet in any street yard.

(e) Security Fence Restrictions. 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 similar to woven wire or wrought iron fencing.

(f) Accessory Uses and Structures Restrictions. Accessory uses and attached 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.

## **17.26 SIGNS**

(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. 17.10(l) of this chapter.

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

(2) SIGNS EXCEPTED. All signs are prohibited in all residential, agricultural and conservancy districts, except the following:

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(a) Signs over show windows or doors of a nonconforming establishment announcing, without display or elaboration, 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 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 2 square feet located on the premises.

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

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

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

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

(3) **SIGNS PERMITTED.** 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 no 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.

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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.
3. Meet all the yard and height requirements for the district in which they are located.

(4) 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.

(5) 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. 17.24 of this chapter shall apply.

## **17.27 PLAN COMMISSION**

(1) MEMBERSHIP. See sec. 1.03(2) of this Code.

(2) POWERS AND DUTIES. The Plan Commission shall have the powers and duties as prescribed in §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.

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## **17.28 BOARD OF ZONING APPEALS**

(1) MEMBERSHIP. See sec. 1.03(3) of this Code.

(2) 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. The concurring vote of 4 members of the Board shall be necessary to correct any error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified or substitute use.

(3) 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. A fee of \$25 shall be paid with the application for a variance.

(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 alterations 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.

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(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 reverse, 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.

(4) **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. 17.10 of this chapter for a zoning permit.

(c) Additional information required by the Board of Zoning Appeals or the Zoning Administrator.

(5) **HEARINGS.** The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least 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.

(6) **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.

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(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 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.

(7) **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.

(8) **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.

## **17.29 ZONING ADMINISTRATOR**

(1) **APPOINTMENT.** See sec. 1.02(4) of this Code.

(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.

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## **17.30 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.

(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

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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.

### **17.31 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.

### **17.32 PENALTY**

Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 and 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.