

ZONING
ORDINANCE

Village of
Nelsonville,
Wisconsin

PART 1
GENERAL ZONING

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SECTION 1.0 INTRODUCTION

1.1 TITLE

This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" of the Village of Nelsonville, Wisconsin.

1.2 CONFLICTING PROVISIONS REPEALED

The Zoning Ordinance and all amendments thereto, and all ordinances, or parts or sections of ordinances, in conflict herewith, of the Village of Nelsonville, WI are hereby repealed in their entirety and the following Zoning Ordinance is enacted in lieu thereof.

1.3 STATEMENT OF PURPOSE

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

A. INTENT

It is the general intent of this Ordinance 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 danger; 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 land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

1.4 AUTHORITY

These regulations are adopted under the authority granted by Sections 61.35 and 62.23(7) of the Wisconsin Statutes as amended, and said Sections of Wisconsin Statutes are hereby adopted.

1.5 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

A. CONFORMANCE REQUIRED

Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this Ordinance for the district in which the building or land is located.

1.6 EFFECTIVE DATE

This Ordinance shall be effective after a public hearing, adoption by the governing body, and publication, in accordance with Wisconsin State Statutes.

1.7 VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

2.1 STREET FRONTAGE REQUIRED

Except as otherwise permitted in this Ordinance, no lot shall contain any building used in whole or in part for residential purposes, unless such lot abuts for at least 60 feet on a public street.

2.2 ACCESSORY BUILDINGS

Accessory buildings, which are not a part of the main building, shall not occupy more than 30 percent of the area of the required rear yard, shall not be more than 18 feet high, and shall not be nearer than 3 feet to any lot line; when an accessory building has an entrance on an alley, such entrance shall be located not less than 10 feet from the nearest alley right-of-way line. Accessory buildings shall not be permitted within any required front yard area.

When an accessory building is a part of the main building or is substantially attached thereto or is closer than 10 feet thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building. No accessory building shall exceed one story or 18 feet in height, whichever is greater, except as otherwise permitted in this Ordinance.

2.3 CORNER LOTS

The front yard setback requirements shall be observed on each street side of a corner lot; provided, however, that the buildable width of a lot shall not be reduced to less than 50 feet.

2.4 FENCES AND WALLS

A. IN FRONT YARDS -

No fence or wall, other than a retaining wall, shall be higher than 4 feet in any residential or commercial zone. A minimum 2 foot setback from the street right-of-way shall be required for all fences and walls.

B. IN SIDE AND REAR YARDS -

No fence or wall, other than a retaining wall, shall be higher than 6 feet. Fences or walls may be located on the side or rear property lines.

2.5 MORE THAN ONE PRINCIPAL BUILDING ON A LOT

Every building hereafter erected, converted, enlarged, or structurally altered shall be located on a single lot of official record and there shall not be more than 1 principal building per lot, except as provided by the Plan Commission and Village Board.

2.6 SETBACKS FROM WATER

All buildings and structures shall be set back at least 100 feet from the ordinary high water mark of navigable waters.

2.7 NONCONFORMING USES

- A. The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance. However, the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except so as to comply with the provisions of this section or other applicable sections of this Ordinance.
- B. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Ordinance.
- C. Total lifetime structural repairs or alterations shall not exceed fifty (50%) percent of the Village's current assessed value of the structure, unless it is permanently changed to conform to the use provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50%) percent of its current assessed value, it shall not be restored unless it complies with the use provisions of this Ordinance.
- D. Where a structure, which is in existence prior to the enactment of this Ordinance, complies with the use provisions of this Ordinance but is located such that it is nonconforming in terms of lot size or setbacks, such structure may be rebuilt to its original size if damaged or destroyed by fire or other disaster and shall not require action by the Zoning Board of Appeals.

2.8 USE OF EXISTING LOTS OF RECORD

On any lot which has been officially recorded prior to the effective date of this Ordinance, new structures shall be allowed provided all applicable setbacks can be met and provided a sanitary permit can be obtained from the County Health Department.

2.9 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. Number of Stalls - Number of parking stalls required is shown in the following table. All floor areas used in this section are gross floor areas, which shall include the ground floor plus other floor levels where the principal activity or activities of the use are continued. Required parking spaces shall be located on the site of the use requiring such parking spaces unless otherwise approved by the Plan Commission and Village Board.

<u>Use</u>	<u>Minimum Parking Required</u>
Single-family and two family dwellings	2 stalls for each dwelling unit
Hotels, motels	1 1/4 stall for each guest room plus 1 stall for each 3 employees

<u>Use</u>	<u>Minimum Parking Required</u>
Hospitals, dormitories, clubs, lodges sororities, lodging, and boarding houses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	1 stall for each 150 square feet of floor area
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each 15 students of 16 years of age or more
Restaurants, bars, clubs, cafes, cocktail lounges, lodges	1 stall for each 65 square feet of floor area
Manufacturing and processing plants, laboratories, warehouses and other industrial uses	1 stall for every 3 employees plus 1 stall for each vehicle operated in connection with the industry. Number of employees shall be construed to mean the maximum number on the premises at one time
Financial institutions, business, government and professional offices	1 stall for each 150 square feet of floor area
Funeral homes	1 stall for each 4 seats plus 1 stall for each vehicle used with the business
Bowling alleys	1 stall for each 100 square feet
Barber shops and beauty salons	1 space for each 80 square feet
Gas and service stations	2 spaces for each service bay, each space to be in addition to gas pump service area, plus 1 space for each employee on the premises during the maximum employment period

<u>Use</u>	<u>Minimum Parking Required</u>
Department stores, retail stores including grocery, drug, pharmacies, shoes, clothing, candy, gift, florists, jewelry, hardware, dairy products, ice cream shops, meat and fish markets, liquor store, optical stores, watch repair shops, camera shops, photographer's studios, tobacco stores, variety stores, book stores, bakeries, sporting goods and bicycle sales and service, and coin and precious metal dealers	1 space for each 175 square feet

Household equipment sales such as furniture stores, appliances, plumbing, lighting stores, greenhouses, irrigation equipment sales, and automobile glass repair	1 space for each 300 square feet
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USES NOT LISTED - In the case of structures or uses not mentioned, the provision for a use which is similar shall apply and shall be determined by the Village Board.

COMBINED USES - Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use, at the discretion of the Village Board.

EXCEPTIONS - Off-street parking requirements may be reduced or eliminated for business uses in the "B-2" District, at the discretion of the Village Board.

2.10 OFF-STREET LOADING SPACES REQUIRED

A. GENERAL PROVISIONS

In any district, in connection with every building or part thereof hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, funeral home, laundry, dry cleaning or other uses similar, requiring the receipt of distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space, unless additional spaces are deemed necessary by the Plan Commission and Village Board.

2.11 TRAFFIC VISIBILITY

No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two (2) feet and eight (8) feet above the mean curb-grades within the triangular space formed by any two (2) existing or proposed intersecting streets or alley right-of-way lines and line joining points on such lines located a minimum of fifteen (15) feet from their intersection, along the right-of-way lines. This area shall be referred to as the clear vision triangle.

2.12 STREET CLOSURE

Whenever any street, alley, or other public way is vacated by official action of the Village, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

2.13 AREAS UNDER WATER

All areas within the corporate limits of the Village which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoin the water area. If the water area adjoins two or more districts, the boundary of each district shall be construed to extend into the water area in a straight line until they meet the other district at a half-way point.

2.14 ANNEXATION

All territory annexed to the Village of Nelsonville shall automatically become a part of the "A" Agricultural District until definite boundaries and zoning districts are recommended by the Plan Commission and adopted by the Village Board; provided, however, that the Village Board shall adopt definite boundaries and district regulations within 90 days from the date of the annexation. The Plan Commission may recommend a definite zoning district(s) and boundaries to the Village Board prior to or at the time the Board acts on a proposed annexation.

3.1 ZONING DISTRICTS

In order to classify, regulate, and restrict the location of trades and industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings; the Village of Nelsonville, Wisconsin is hereby divided into 7 districts. The use, height, and area regulations are uniform in each class or district, and said districts shall be known as:

- "C" Conservancy Agricultural
- "A"
- "R-1" Single Family Residential (Medium Density)
- "R-2" Single Family Residential
- "B-1" Business
- "B-2" Business

3.2 DISTRICT BOUNDARIES

Boundaries of these districts shall be as established on the "Official Zoning Map" of the Village of Nelsonville. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey Lines; lot or property lines; right-of-way lines of public streets, highways, alleys, centerlines or easements, railroad rights-of-way or such lines extended; unless otherwise noted on the zoning maps, or scaled off these maps.

3.3 ZONING MAP

The responsibility of updating and keeping the zoning maps current shall be that of the Zoning Administrator. The official zoning map of the Village of Nelsonville shall be on a Village base map. This map shall be titled: "Official Zoning Map" and shall be kept in the Village Hall or official municipal building. This "Official Zoning Map" is made a part of this Ordinance by reference.

3.4 "C" CONSERVANCY

A. INTENT

The Conservancy District is established to preserve and perpetuate in an open state, certain areas such as lowland swamps, marshes and wetlands, and other areas of aesthetic value which, because of their unique physical features, are deemed desirable to be retained for the benefit of this and future generations. The regulations of the Conservancy District are intended not only to preserve and perpetuate open space land and water areas consistent with the intent and purpose of this Ordinance, but also to protect the community from costs and consequences which may be incurred when unsuitable development occurs in such areas.

B. PERMITTED USES

1. Grazing
2. The harvesting of any wild crop such as marsh hay, wild rice, berries, and tree fruits
3. Sustained yield forestry
4. Fishing; trapping; preservation of scenic, historic, and scientific areas; and wildlife preserves
5. Trails: hiking, bicycle, equestrian, fitness, nature, skiing
6. Public and private parks, picnic areas, and similar uses

C. CONDITIONAL USES

1. Dams, power plants, flowages and ponds
2. Cranberry bogs
3. Campgrounds
4. Golf courses
5. Man-made water bodies
6. Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows, and other similar lowland animals, fowl, and fish
7. Accessory uses, including piers, docks, and boathouses
8. Boat landings and snowmobile trails
9. Telephone, telegraph, and power transmission and distribution lines and necessary appurtenant structures

D. MINIMUM STANDARDS FOR THE "C" DISTRICT

1. Minimum Lot Size: Area: 1 acre
 Width: 100 feet
2. Maximum Building Height: Structures: 35 feet
3. Non-resident Structure: Minimum floor area 700 square feet
4. Yards: Street Setback: 25 feet from ROW
 Side: 10 feet each side
 Rear: 25 feet
 Setback from Water: 100 feet

3.5 "A" AGRICULTURAL DISTRICT

A. INTENT

This District is established for the purpose of allowing and protecting agricultural activities. The District can provide some assurance to landowners and farmers, so zoned, that they are not subject to urban type regulations which would interfere with their farm operations. This District is further intended to allow low density, rural residential development in locations which would not cause the unnecessary loss of productive farmland or conflict with existing agricultural operations. The Village Board may also guide the location and timing of urban land development by applying this District in remote areas of the Village not immediately serviceable by public utilities and other services.

B. PERMITTED USES

1. Farms, including customary accessory activities and buildings, field crops, and farm animals.
2. Irrigation machinery and operations.
3. Public parks and open space.
4. Public or private forest lands and wildlife lands.
5. Single family farm residences, one of which may be a mobile home.
6. Single family, nonfarm residences on lot of two acres or more.
7. Greenhouses and plant material nurseries.
8. Temporary roadside vegetable and produce stands for sale of such products grown on the same premises.
9. Customary erosion and water control devices, and agricultural land treatment measures.
10. Customary signs associated with farming, but not to include off premise billboards or other off premise advertising devices.
11. Field crops.
12. Customary accessory uses.

C. CONDITIONAL USES

1. Corporate utility structures or substations.
2. Ponds, man-made lakes, borrow pits.
3. Dams, dikes, flood control structures.
4. Trap and sport shooting ranges, gun clubs.
5. Home occupations/professional offices
6. Public and parochial schools.

D. MINIMUM STANDARDS FOR THE "A" DISTRICT

	<u>Nonfarm Residences</u>	<u>Farm Residences</u>
1. Minimum Lot Size:	Area: 2 acres Width: 200 feet	None None
2. Maximum Building Height:	Dwelling: 35 feet Other Structures: 90 feet, excepting farm related buildings which shall have no height limitation.	Dwelling: 35 feet Other Structures: None
3. Yards:	Street Setback: 25 feet from right-of-way Side: 10 feet each side Rear: 25 feet	25 feet from ROW 10 feet each side 25 feet

Except that structures used for the housing of animals must be a minimum of 100 feet from side or rear lot lines.

4. Minimum Floor Area:	Dwellings: 900 square feet	900 square feet
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Provided that this regulation shall not apply to permitted mobile homes on farms.

5. Signs: Nonflashing, nonilluminated exterior signs are permitted for home occupations/ professional offices only, subject to the following regulations for farm and nonfarm uses:
 - (a) 1 freestanding sign not to exceed 32 square feet in area or 5 feet in height.
 - (b) 1 attached sign not to exceed 4 square feet in area or the height of the building on which it is placed.
 - (c) Sign shall not project into the public street ROW.

3.6 "R-1" SINGLE FAMILY RESIDENTIAL

A. INTENT

This District is established to provide locations for and maintain values of single family residential development, in a medium density setting.

B. PERMITTED USES

1. Single family detached dwellings, not including mobile homes or trailers.
2. Churches, convents, chapels, temples, synagogues, parish or rectory houses.
3. Private noncommercial recreational areas and facilities.
4. Customary accessory uses.

C. CONDITIONAL USES

1. Community garden plots.
2. Public or institutional community centers, senior centers, or youth centers.
3. Public and parochial schools.
4. Communication and utility structures or substations of any public utility transmission or pipelines.
5. Group homes exclusive of halfway houses, but not to exceed 2,000 square feet.
6. Fire stations.
7. Home occupations/professional offices.
8. Day care and nursery schools.
9. Two family dwellings or duplexes.
10. Planned Residential Development (See Section 4.6)
11. Parks, playgrounds, athletic fields.

D. MINIMUM STANDARDS FOR THE "R-1" DISTRICT

1. Minimum Lot Size: Area: 1.5 acre
(per dwelling unit) Width: 150 feet
2. Maximum Building Height: 35 feet
3. Yards: Street Setback: 25 feet from right-of-way
Side: 10 feet each side
Rear: 25 feet
4. Minimum Floor Area: Dwellings: 900 square feet
5. Signs: Nonflashing, nonilluminated exterior signs are permitted for home occupations/ professional offices only, subject to the following regulations:
 - (a) 1 freestanding sign not to exceed 6 square feet in area or 5 feet in height.
 - (b) 1 attached sign not to exceed 4 square feet in area or the height of the building on which it is placed.
 - (c) Sign shall not project into the public street ROW.

3.7 "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

A. INTENT

This District is established to provide locations for and maintain values of single family residential development.

B. PERMITTED USES

1. All "permitted uses" in the "R-1" District.

C. CONDITIONAL USES

1. All "conditional uses" in the "R-1" District.

D. MINIMUM STANDARDS FOR THE "R-2" DISTRICT

1. Minimum Lot Size: Area: 7,200 square feet
(per dwelling unit) Width: 60 feet
2. Maximum Building Height: 35 feet
3. Yards: Street Setback: 25 feet from right-of-way
Side: 10 feet each side
Rear: 25 feet
4. Minimum Floor Area: Dwellings: 900 square feet

5. Signs: Nonflashing, nonilluminated exterior signs are permitted for home occupations/professional offices only, subject to the following regulations:
 - (a) 1 freestanding sign not to exceed 6 square feet in area or 5 feet in height.
 - (b) 1 attached sign not to exceed 4 square feet in area or the height of the building on which it is placed.
 - (c) Sign shall not project into the public street ROW.

3.8 "B-1" BUSINESS DISTRICT

A. INTENT

This District is established to provide appropriate areas for retail, service, office, and other compatible uses in appropriate locations, outside the Village's central business district.

B. PERMITTED USES

1. Gas and service stations
2. Motor vehicle sales and repair
3. Department stores and discount variety stores
4. Retail stores and grocery stores
5. Financial, business, professional, and medical institutions
6. Banks, savings and loans, brokerage institutions, insurance companies, credit unions
7. Arts and crafts, antiques, secondhand stores and other specialty sales
8. Laundry and dry cleaning
9. Butcher shops, locker plants
10. Restaurants
11. Commercial and public parking lots
12. Private clubs, lodges, charitable and nonprofit organizations
13. Furniture, carpet, appliance and auto supplier stores
14. Printing, publishing, engraving, and book binding.
15. Photo studios
16. Bicycle sales and service
17. Plumbing, heating, electrical, lighting, and painting sales and service
18. Post office
19. Professional and general office uses
20. Funeral homes
21. Bakery shops
22. Farm implement sales and agricultural related products
23. Repair shops
24. Storage in connection with above uses, when incidental to the retail business
25. Other retail uses similar in character to the above
26. Accessory uses to the above permitted uses
27. Light manufacturing

C. CONDITIONAL USES

1. Wholesale, distributing, and warehousing establishments.
2. Hotel and motel facilities, including directly related facilities.
3. Lumber yards.
4. Salvage yards, recycling centers.
5. Movie theaters.
6. Animal hospitals.
7. Dance hall.
8. Feed store.
9. Accessory uses to the above uses.

D. MINIMUM STANDARDS FOR THE "B-1" DISTRICT

1. Minimum Lot Size: Area: 1 ½ acre
 Width: 150 feet
2. Maximum Building Height: 50 feet
3. Yards: Street Setback: 25 feet
 Side: 10 feet
 Rear: 20 feet
4. Minimum Floor Area: None
5. Signs: Nonflashing, illuminated business signs with no moving parts, awnings and marquees are permitted subject to the following regulations:
 - a. Exterior business signs are permitted to advertise the use, sale or lease of a building or premises and the products or services offered by the business.
 - b. Each freestanding commercial use or building is permitted to have the following number and gross area of signs.
 - One (1) freestanding sign not to exceed thirty-two (32) square feet above the curb level, whichever is lower.
 - One (1) sign attached to the building not to exceed thirty-two (32) square feet in area.
 - c. No sign shall project higher than the building height, or twenty-five (25) feet above the curb level, whichever is lower.
 - d. No sign shall project into a public street right-of-way.
 - e. Signs shall meet the requirements of Section 2.11 when such signs are located within the required vision clearance triangle.
 - f. Exterior, temporary mobile signs that are illuminated, but nonflashing are permitted for up to a maximum of thirty (30) days to advertise the opening of a new business while the proprietor arranges for the installation of a permanent business sign. Temporary mobile signs shall not advertise specific sales or discount offers on specific products being conducted by the business establishment.

3.9 "B-2" BUSINESS DISTRICT

A. INTENT

This District is established to provide appropriate areas for retail, service, office, and other compatible uses within the Village's central business district.

B. PERMITTED USES

1. Single family dwellings.
2. Gas and service stations.
3. Motor vehicle sales and repair.
4. Department stores and discount variety stores.
5. Retail stores and grocery stores.
6. Financial, business, professional, and medical institutions.
7. Banks, savings and loans, brokerage institutions, insurance companies, credit unions.
8. Arts and crafts, antiques, secondhand stores and other specialty sales.
9. Butcher shops, locker plants.
10. Restaurants.
11. Commercial and public parking lots.
12. Private clubs, lodges, charitable and nonprofit organizations.
13. Furniture, carpet, appliance and auto supplier stores.
14. Printing, publishing, engraving, and bookbinding.
15. Photo studios.
16. Bicycle sales and service.
17. Plumbing, heating, electrical, lighting, and painting sales and service.
18. Post office.
19. Professional and general office use.
20. Funeral homes.
21. Bakery shops.
22. Repair shops.
23. Storage in connection with above uses, when incidental to the retail business.
24. Other retail uses similar in character to the above.
25. Accessory uses to the above permitted uses.

C. CONDITIONAL USES

1. Pre-casting
2. Roasting Coffee
3. Light Manufacturing

D. MINIMUM STANDARDS FOR THE "B-2" DISTRICT

1. Minimum Lot Size: Dwellings: Area: 8,712 square feet
Width: 66 feet
Other: As per Wis. Adm. Code Chap. ILHR 83

2. Maximum Building Height : 50 feet

3. Yards: Street Setback:
None Side: None
Rear: None

4. Minimum Floor Area: Dwellings: 900 square feet
Other: None

5. Signs: Nonflashing, illuminated business signs with no moving parts, awnings and marquees are permitted subject to the following regulations:

(a) Exterior business signs are permitted to advertise the use, sale or lease of a building or premises and the products or services offered by the business.

(b) Each freestanding commercial use or building is permitted to have the following number and gross area of signs.

-One (1) freestanding sign not to exceed twenty-five (25) square feet above the curb level, whichever is lower.

-One (1) sign per business in building attached to the building not to exceed twenty-five (25) square feet in area.

-Larger signs need Village Board approval.

(c) No sign shall project higher than the building height, or twenty-five (25) feet above the curb level, whichever is lower.

(d) No sign shall project into a public street right-of-way.

(e) Signs shall meet the requirements of Section 2.11 when such signs are located within the required vision clearance triangle.

(f) Exterior, temporary mobile signs that are illuminated, but nonflashing are permitted for up to a maximum of thirty (30) days to advertise the opening of a new business while the proprietor arranges for the installation of a permanent business sign. Temporary mobile signs shall not advertise specific sales or discount offers on specific products being conducted by the business establishment.

4.1 INTENT

- A. The intent of conditional uses is to allow a use deemed appropriate in some location within a district or group of districts, but only if certain specified conditions are met.

4.2 PROCEDURE

Application - Application must be made to the Village Zoning Administrator for a Conditional Use Permit. The necessary information as determined by the Zoning Administrator will be supplied with such application.

Plan Commission Review - The Conditional Use Permit application shall be considered by the Village Plan Commission and shall make a recommendation to the Village Board on same. Conditions can be attached to the recommended approval of a conditional use consistent with the intent of this section.

Hearing and Final Determination - The Village Board shall make the final determination on a Conditional Use Permit after conducting a public hearing on the matter. Said public hearing shall be publicized as a Class 2 notice as per Chapter 985, Wisconsin Statutes. Notification by ordinary mail shall be sent to all parties of interest, to include the applicant and the owners of land within 300 feet of the property or properties in question at least 10 days prior to the public hearing.

The Village Board and Plan Commission have the right to attach conditions to the issuance of such permits.

Any existing land use which would be included in the "Conditional Use" category of any zoning district after the effective date of this Ordinance shall be entitled to a Conditional Use Permit which shall be issued by the Zoning Administrator.

All Conditional Use Permits shall be valid only for the use specified on said permit and the permit shall expire at the time that any such conditional use shall terminate.

Conditional Use Permits shall not be transferable to other conditional uses on the same site nor shall the permit be transferred by the person or firm having the permit to a different location from that described on the permit for the purpose of changing the location of the permit.

4.3 STANDARDS

- A. If determined necessary by the Plan Commission or Village Board, the applicant for any conditional use can be required to provide any facts, studies, evidence of receipt of other required permits or any other information which is determined to be important in reviewing the conditional use request. No permit for a conditional use shall be granted unless the following standards are satisfied.
1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of adjacent residents, properties, and of the Village in general.

2. That adequate utilities, access roads, drainage, and other necessary site improvements will be provided.
3. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public streets.
4. That the proposed use will not contaminate groundwater.
5. That the proposed use will not convey surface water drainage onto adjacent property to cause a public nuisance.
6. That all solid waste and residue from the use will have adequate disposal.
7. That the proposed use will comply with all applicable County, State, and Federal regulations and have reasonable expectations of receiving all permits required by such other units of government.
8. That the conditional use shall, in all other respects, conform to the application regulations of the district in which it is located.

4.4 DETERMINATION

- A. The Plan Commission shall recommend and the Village Board shall require such conditions and restrictions upon the establishment, maintenance, and operation of the conditional use as it may find necessary.
- B. The Plan Commission shall report its decision to the Village Board as soon as possible after the filing of the application with the Village Zoning Administrator. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and any and all conditions made applicable thereto.
- C. The Village Board may authorize the Village Zoning Administrator to issue a Conditional Use Permit for conditional uses specified in this Ordinance after review and a public hearing, provided such uses are in accordance with the purpose and intent of this Ordinance.

4.5 TERMINATION

- A. Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional permit shall be terminated by action of the Village Board and may be considered by the Board as a violation of this Ordinance.
- B. No application for a conditional use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one year from the date of said denial, except on the ground that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.

4.6 PLANNED RESIDENTIAL DEVELOPMENT

A. INTENT

The Planned Residential Development (PRD) provisions of this section are intended to enable and encourage flexibility in the design of residential neighborhoods, particularly in areas of wooded and rolling terrain, in order to preserve natural and scenic qualities and to facilitate the economical provision and maintenance of streets and public services. It is further intended to provide exceptions from the established development standards on the zoning district (s) which allow PRD.

B. STANDARDS

The owner (s) of any tract of land comprising an area of 2 acres or more may submit a preliminary plan for the residential development of the entire tract of land. Such plan shall meet the following minimum conditions:

1. PRD's shall be permitted only in areas so designated on the Village's official Land Use Plan Map.
2. PRD's shall be permitted only as conditional uses in the R-1 District.
3. Uses shall be limited to single family dwellings and customary accessory uses.
4. The maximum number of lots that may be approved shall not exceed an average density of 1 dwelling unit per 1 ½ acre, as applied to the gross area included in the development plan.
5. Development may not necessarily be required to maintain the minimum dimensional standards under Section 3.6(D), at the discretion of the Plan Commission and Village Board. However, in no case shall the dimensional standards be less than those prescribed under Section 3.7(D), nor less than any applicable Federal, State, County or Village ordinances, codes or requirements.
6. Remaining land not to be used for lots, streets, rights-of-way, or required public facilities, shall be dedicated in perpetuity to remain in open/recreational space. This may be accomplished by conveyance to a legally constituted homeowner's association or similar organization to maintain such lands, or by dedication to and acceptance by the Village Board, or by remaining in private ownership along with protective covenants or deed restrictions providing for the continuance of such open/recreational space(s).
7. PRD's shall be compatible with surrounding uses and consistent with excepted design and landscape principles, other applicable health, safety, and general welfare considerations, including Village financial and public servicing capabilities, and the Village Land Use Plan.

C. PROCEDURES

PRD's shall conform to all requirements and procedures prescribed in Section 4.0 of this Ordinance for conditional uses.

5.1 ZONING ADMINISTRATOR

A. POSITION CREATED

There is hereby created the position of Zoning Administrator, who shall have the powers and duties as outlined herein.

B. TERM OF OFFICE

The Zoning Administrator shall be appointed by the Village Board.

5.2 REQUIRED PERMITS

A. ZONING PERMIT

1. A zoning permit must be obtained from the Zoning Administrator before any building or other structure, including signs, may be built, enlarged, altered, or moved, except as provided below.
2. No zoning permit shall be required for the following situations:
 - a. For any building on which work began prior to the enactment of this Ordinance. This shall not preclude compliance with any ordinances in effect prior to the enactment of this Ordinance.
 - b. For any building with a market value of \$1000 or less.
 - c. For any routine interior or exterior repairs or maintenance, including: painting, wallpapering, replacing floor coverings, replacing the furnace, water heater, central air conditioning, or replacing roof, even if such repairs or maintenance exceed \$1500.
3. Aside from repair and maintenance, all other physical or structural changes to a building which may be considered to be remodeling or improvements and are in excess of \$1500 of market value for materials and labor, shall require a zoning permit. Items such as new siding, drywall, paneling, cabinetry, HVAC, electrical, plumbing, and roofing systems shall be considered improvements and, if greater than \$1500 in value, shall require a zoning permit.
4. The Zoning Administrator is authorized and is responsible for determining when a zoning permit shall be and shall not be required, in accordance with this Section. The Zoning Administrator shall be required to maintain a file of all zoning permits which shall be available for public inspection.
5. All applications for a zoning permit shall be accompanied by location sketches in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon based on an actual survey; the location, size, and dimensions of any proposed building (s); and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Ordinance. The lot and any proposed buildings shall be staked out on the ground before the zoning permit is issued.

6. Except as otherwise provided in this Ordinance, the Zoning Administrator shall, within 10 days after receipt of an application for a zoning permit, take action to issue, deny, or refer said application to the Plan Commission or Village Board. Refusal to issue a zoning permit shall be given in writing, with the reasons for such refusal.
7. A zoning permit shall lapse and become void if the proposed work is not begun within 6 months from the date of permit and issuance and not completed with two years.

B. CONDITIONAL USE PERMIT

As per Section 4.0

5.3 VIOLATIONS AND PENALTIES

- A. It shall be the duty of the Zoning Administrator, with the aid of the Sheriff's Department and Village Attorney, to enforce the provisions of this Ordinance.
- B. Any building or structure hereafter erected, moved, or structurally altered or any use hereafter established in violation of any of the provisions of this Ordinance shall be deemed an unlawful building, structure, or use. The Zoning Administrator shall promptly report all such violations to the Village Attorney, who shall bring action to enjoin the erection, moving, or structural alteration of such building or the establishment of such use, or to cause such building, structure, or use to be vacated or removed.
- C. Any person, firm or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance may also be required, upon conviction, to forfeit not less than \$50 nor more than \$500 for each offense, together with the cost of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

5.4 FEES

The Village Board may, by resolution, adopt fees associated with, but not limited to, the processing and/or publication of the following:

- A. Zoning permits
- B. Conditional use permits
- C. Zoning Ordinance or map amendments
- D. Appeals and Variances

No such application shall be accepted unless accompanied by the appropriate fee schedule.

	<u>Residential</u>	<u>Non-Residential</u>
New Building	\$100	\$100
Accessory Building	\$ 50	\$ 50
Remodeling	\$ 40	\$ 40
Zoning Changes	\$100	\$100
Variance	\$100	\$100

6.1 MEMBERSHIP

The Village President shall appoint a Board of Appeals under Section 62.23(7)(e), Wisconsin Statutes, consisting of five members subject to confirmation by the governing body. The Board of Appeals shall adopt rules for the conduct of their business as required by Section 6.23(7)(e)3., Wisconsin Statutes.

6.2 RULES AND MEETINGS

The Zoning Board of Appeals shall adopt rules for its government and procedure. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, or in his absence, the Acting Chairman, who may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

6.3 MINUTES

The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Board of Appeals and shall be a public record.

In every case where a variance from these regulations has been granted by the Zoning Board of Appeals, the minutes of the Board shall affirmatively show that an "unnecessary hardship" exists and the records of the Board shall clearly show in what particular and specific respect an "unnecessary hardship" is created.

6.4 JURISDICTION AND AUTHORITY

The Zoning Board of Appeals shall have the jurisdiction and authority as specified in Section 62.23(7), Wisconsin Statutes.

6.5 APPEAL PROCESS

Appeals to the Zoning Board of Appeals may be taken by a person aggrieved, or by an officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days, by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- A. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publishing a Class 2 Notice as per Chapter 985, Wisconsin Statutes. Notification by ordinary mail shall be sent to all parties of interest to include the applicant and the owners of the land within 300 feet of the property or properties in question at least 10 days prior to the public hearing.
- B. A decision regarding the appeal shall be made as soon as practicable.

- C. The final disposition of an appeal or application to the Zoning Board of Appeals shall be in the form of a written resolution or order signed by the Chairman and Secretary of the Board. Such a resolution shall state the specific facts which are the basis for the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part; dismiss the appeal for the lack of jurisdiction or prosecution; or grant the application.
- D. A copy of any decision granting a variance shall be mailed to the appropriate office of the DNR, when applicable.
- E. Upon hearing, any party may appear in person or by agent or attorney.

6.6 POWERS OF THE BOARD

- A. The Board of Appeals shall:

Appeals

- (a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Ordinance.

Variations

- (b) May grant, upon appeal, a variance from the dimensional standards of this Ordinance.

- B. The concurring vote of 4 members of the Zoning Board of Appeals shall be necessary in order to effectuate a decision under the above prescribed powers.

6.7 LIMITATIONS OF THE BOARD

Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district, uses prohibited in such district; nor shall the Board consider any appeal nor give any decision on any matter other than those specifically permitted in the Zoning Ordinance.

The Village Board may amend, supplement, or change the district boundaries or regulations originally set forth in this Zoning Ordinance or subsequently established: 1) on its own motion, 2) on original recommendation by the Plan Commission, or 3) on petition by the owner or his agent or a person or corporation holding an option on the land involved. However, all said petitions to amend, supplement, or change this Ordinance shall be first submitted to the Plan Commission for study and recommendation. Proposals originating in the Village Board shall likewise be submitted to the Plan Commission for study and recommendation before further action thereon by the Village Board.

After a recommendation by the Plan Commission on any such proposed amendment, supplement, or change, and a preliminary acceptance of the proposal(s) by a simple majority vote of the Village Board, the Village Board shall order a public hearing on the proposed amendment, supplement, or change. Said hearing shall be held in accordance with the Wisconsin State Statutes.

The Village Clerk shall cause notice of said public hearing to be published as a Class 2 notice under Chapter 985, of the Wisconsin Statutes of the proposed changes or amendment. The notice shall include the proposed amendment, supplement, or change and explain the meaning thereof. The Board shall further direct the Clerk to notify by ordinary mail all property owners whose lands lie within 300 feet of the area proposed for a change in district zoning, whose post office addresses are known or can be ascertained with reasonable diligence, within 10 days prior to the date set for public hearing of such district change. At any public hearing an opportunity shall be given to any person to be heard on the subject or subjects noticed. Following said public hearing, the Board shall take final action to accept or reject any or all proposals heard no later than the next regularly scheduled Board meeting.

In case of protest against a petition for zoning map amendment, signed and acknowledged by the owners of 20 percent or more of the area or areas of land included in such proposed amendment, supplement, or change, or by the owners of 20 percent or more of the land abutting on all sides the land in question and extending 100 feet therefrom, or by the owners of 20 percent or more of the land abutting on all sides of the land in question and extending 100 feet from the street frontage of such opposite land, the proposed amendment, supplement, or change shall not become effective except by the favorable vote of 3/3 (unanimous) of the members of the Village Board.

SECTION 8.0 DEFINITIONS

The following definitions are to be used with all parts and sections of the entire Zoning Ordinance.

In the construction of this Ordinance the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word use shall apply:

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "piece", "plots", and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- E. All "measured distances" shall be to the nearest foot. If a fraction is one-half foot or less, the full number next below shall be taken.

Accessory Building or Use is a building or use which is:

- A. conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance;
- B. clearly incidental to, subordinate in purpose to; and serves the principal use; and
- C. either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers, or visitors of or the principal use.

AGRICULTURE is the use of land for agricultural purposes, including farming, pasturage, agriculture, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities and shall contain a minimum of 3 acres in size.

ALLEY is a public or private right-of-way primarily designated to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

APARTMENT is a room or suite of rooms located in a multiple dwelling or a series of detached units, including apartment motels, which shall include a bath and kitchen accommodations, intended or designed for use as an independent residence by a single family or individual.

APARTMENT BUILDING is a multiple family dwelling originally designed and constructed to accommodate 3 or more apartments, designed with more than 1 dwelling unit connecting a common corridor or entranceway, in contrast to single or two-family dwellings converted for multiple family use or attached row dwelling (party wall type) as defined herein.

APARTMENT HOUSE - See "Dwelling, Multiple".

AUTOMOBILE SALVAGE YARD - See "Junk or Salvage Yard".

BALCONIES are platforms that project from the wall of a building and are enclosed by a parapet or railing, which are large enough to be used for leisure time activities, excluding jump balconies used for fire exit purposes.

BASEMENT is that portion of a building below the first ground floor level with its entire floor below exist discharge grade.

BLOCK is a tract of land bounded by street, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines.

BOARDING HOUSE is a building, other than a hotel where, for compensation and by prearrangement for definite periods, lodging and meals are provided for persons, not members of the same family.

BUILDING is any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

BUILDING HEIGHT is a vertical distance from the grade of the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable, pitch or hip roof.

BUILDING LINE/STREET SETBACK LINE is the minimal horizontal distance between an existing or proposed street right-of-way and the nearest point of a building or any projection thereof, excluding uncovered steps.

BUILDING, DETACHED is a building surrounded by open space on the same lot.

BUILDING, MAIN is a building constituting the principal use of a lot.

BUSINESS is an occupation, employment, or enterprise which occupies time, attention, labor, and materials; or wherein merchandise is exhibited or sold, or where services are offered.

CANOPY is a roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.

CELLAR is that part of a building having more than one-half of its height below the average grade of the adjoining ground.

CHANNEL is a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

CLINICS is a building or buildings used by two or more physicians and/or dentists, osteopaths, chiropractors, and allied professions for outpatient care of persons requiring such professional service.

CLUB OR LODGE, PRIVATE (NONPROFIT) is a nonprofit association of persons, who are bone fide members paying dues, which owns, hires, or leases a building or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chose by the members. It shall be permissible to serve food, meals, and beverages on such premises.

CONDITIONAL USE - See "Use, Conditional".

CONDOMINIUMS mean individual ownership of a unit in a multi-unit structure (as an apartment building).

CONVALESCENT HOME/REST HOME/NURSING HOME is a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases.

DORMITORY is a building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite period lodging and meals are provided.

DWELLING is a building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, multiple family dwellings, and apartment hotels.

DWELLING UNIT is 1 or more rooms in a dwelling or apartment hotel designed for occupancy by 1 family for living purposes and having its own permanently installed cooking, sanitary and sleeping facilities.

DWELLING, ATTACHED (group, row, or townhouses) is a dwelling joined to 1 or more other dwellings by party walls or walls.

DWELLING, DETACHED is a dwelling entirely surrounded by open space, said open space being on the same zoning lot as the dwelling.

DWELLING, EFFICIENCY - See "Dwelling Unit".

DWELLING, MULTIPLE FAMILY is a dwelling containing 3 or more dwelling units, designed with more than 1 dwelling unit connecting to a common corridor or entranceway, originally constructed for said purpose; and not including converted dwellings or attached row dwellings (party wall type) as defined herein.

DWELLING, SINGLE FAMILY is a detached dwelling containing accommodations for and occupied by 1 family only.

DWELLING, TWO FAMILY is a dwelling designed exclusively for occupancy by 2 families living independently of each other.

FAMILY is a group of persons residing in a dwelling unit and functioning as a single housekeeping entity.

FARM is a use of land for agricultural purposes, including customary accessory farm uses.

FARM RESIDENCE is a dwelling occupied by the farm owner, farm operator, farm laborer, or farm family member involved in the farm operation.

FARMER'S MARKET is an area designated by the municipality to be used by producers of farm products for sale of such products.

FENCE is a structure providing enclosure or serving as a barrier, but not protecting against the elements.

FIELD CROPS is the growing of crops such as vegetables, fruit trees, and grain, and the packing or storing of the products produced on the premises.

FRONTAGE - See "Lot Line, Front".

GARAGE, PRIVATE is a detached accessory building or portion of a main building housing the automobiles of the occupants of the premises.

GASOLINE FILLING STATION is any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and other items customarily associated with the sale of such products; for the rendering of services to motor vehicles and the making of repairs to motor vehicles except those of a major type. Repairs of a fender, clutch, transmission, differential, axle, spring, and frame; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; or complete recapping or retreading of tires.

GARDEN PLOTS is a parcel used for the growing of vegetables, flowers, etc. - used for human consumption, but not for commercial trade.

GRADE is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GROSS FLOOR AREA is the square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

GROUP HOME is a facility wherein: 1) the operator is not legally related to the individuals supervised and is licensed by the State of Wisconsin or by a State agency, and wherein 2) 1 or more physically, mentally, or emotionally handicapped individuals is provided with room, board, ordinary care and supervision in a family environment. A "group home" is not a Halfway House.

HALFWAY HOUSE/REHABILITATION CENTER/HOME FOR ADJUSTMENT is a use providing board and room, recreational, counseling, and other rehabilitative services to individuals, of either sex, who by reason of addiction to drugs or alcohol, or social adjustment problems, require specialized attention and care in order to achieve personal independence. Individuals participating in a work release, or similar program from a State institution, and under the supervision of a County, State, or local agency shall be included within this definition.

HOME OCCUPATION/PROFESSIONAL OFFICE is any profit oriented activity conducted within a residence; provided that (1) the activity is secondary to the residential use of the premises; (2) that such activity is operated by a member of the resident family; (3) that no more than one person who is not a member of the resident family is employed on the premises; (4) the dwelling is not altered such that it loses its residential character; and (5) that no substantial amount of stock-in-trade is sold on the premises. Home occupations/professional offices include such uses as home beauty or barber shops, crafts, home offices for doctors, dentists; engineers, and real estate and insurance sales.

HOTEL is an establishment which is open to transient guests, as compared to a boarding, rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service.

INDUSTRIAL PARK is a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

JUNK (OR SALVAGE YARD) is an open area where waste or scrap materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, papers, rags, rubber tires, and bottles. A "junk or salvage yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings. All "junk or salvage yards" shall comply with applicable DNR regulations governing same.

LOADING AREAS are any area where trucks are parked, maneuvered, loaded or unloaded of materials or equipment.

LOADING SPACE is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings and abutting on or affording direct access to a public street or alley, for the temporary parking of a commercial vehicle while loading or unloading cargo. No part of any public street or right-of-way shall be a part of or used as loading space.

LODGING HOUSE (INCLUDING BOARDING AND ROOMING HOUSE) is a residential building or portion thereof, other than a motel, apartment hotel, or hotel, lodging rooms which accommodate persons, who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

LOT is a parcel of land which is either a "lot of official record" or "zoning lot". Every building or use shall be located on a single lot of official record and there shall not be more than one main building on one lot of official record except that the Plan Commission may authorize more than one main building on one lot of official record after their review and approval of such a proposal.

LOT OR PLAT OF OFFICIAL RECORD is a parcel of land or subdivision of parcels which would be recorded in the office of the Portage County Register of Deeds, or a single lot or parcel described by metes and bounds or by a certified survey map, the description and deed of which has been so recorded.

LOT AREA, GROSS is the area on a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a lake or river.

LOT DEPTH is the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT LINE, FRONT is that boundary of a lot which is along any existing or dedicated public street or where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the front lot line. In the case of landlocked or partially landlocked land, the front lot line shall be that lot line that faces the access to the lot.

LOT LINE, REAR is that boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line. If there be an alley abutting on a rear yard, the rear lot line shall be the center line of such alley.

LOT LINE, SIDE is any boundary of a lot which is not a front lot line or a rear lot line.

LOT WIDTH is the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

LOT, CORNER is a lot located at the intersection of 2 streets or a lot bounded on 2 sides by a curving street.

LOT, DOUBLE FRONTAGE is a lot having frontage on 2 nonintersecting streets as distinguished from a corner lot.

LOT, ZONING is a single tract of land which (at the time of filing for a Zoning Permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under the ownership and/or legal control of the person or persons applying for the Zoning Permit. A zoning lot shall be large enough to meet the various yard, area, setback, and parking requirements of this Ordinance. A zoning lot may be composed of one or more "lots of official record" under the ownership of the applicant for a Zoning Permit.

MOBILE HOME is a long term living quarters designed, built, and intended to be transported as a single housing unit, as defined herein. A mobile home is not a modular or double-wide type of housing unit. There shall be no more than one dwelling unit in a single mobile home unit. No commercial business shall be carried on in a mobile home or trailer constructed as a mobile home, except when used as a temporary office upon obtaining a permit for a period of 90 days, or unless authorization is granted by the Village Board after recommendation by the Plan Commission.

MOBILE HOME LOT is a parcel of land rented or sold for the exclusive use of the occupants of a single mobile home, only in a mobile home park.

MOBILE HOME PARK is a tract of land designed, maintained, or intended for the purpose of supplying a long term location or accommodation for one or more mobile homes, and upon which any mobile home, coach, or mobile home coaches are parked, and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a change is made for the use of the mobile home park facilities. Mobile home parks shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection, display and sale.

MODULAR HOMES are a nonmobile housing unit that is basically fabricated at a central factory and transported to a building site where final placement is made, permanently affixing the unit to the site.

MOTEL is a combination or group of 2 or more detached, semi-detached, or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.

NONCONFORMING USE is any use of land, buildings, or structures, lawful at the time of the enactment of this Ordinance, which does not comply with all of the regulations of this Ordinance or of any amendment hereto governing the use of the zoning districts in which such use is located.

ORDINARY HIGH WATER MARK is the highest point on the bank of a normal stage channel at which the water level has been for a sufficient period of time to leave a distinguishable mark including stream bands, limits of vegetation or other obvious indicators.

PARKING LOT is a building or premises containing 1 or more vehicle parking spaces, excluding parking for single and two-family residences.

PARKING SPACE is an unobstructed and clearly marked area not counting turning, ingress and egress areas. Such parking space shall be located off the public street, but accessible thereto. A loading space is not a parking space.

PATIO HOUSE is a single family residence constructed lot line to lot line and oriented about a central court.

PERSON refers to any individual, firm, association, corporation, or body politic and includes any receiver, assignee or similar representative thereof.

PLANNED RESIDENTIAL DEVELOPMENT is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent or planned land uses and zoning districts. The developer or developers may be granted relief from specific use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.

PROFESSIONAL OFFICE is the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. Also see: "Home Occupation, Professional Office".

PUBLICWAY is any sidewalk, street, alley, mall, highway, or other public thoroughfare.

SEPARATION OF ZONING PERMITS BY CLASSIFICATION. Residential or Non-Residential

SEPTIC PERMITS. Septic permits are controlled by Portage County Ordinance. SETBACK is the minimum horizontal distance between the street right-of-way line and the nearest point of a building.

SHOPPING CENTER is a retail center designed primarily for the purpose of retailing and providing a wide range of goods and services of both the "convenience" and the "shoppers of durable" nature such as apparel, furniture, and banking and financial services, for a trade area comprising the entire community and extending beyond such center may include a number of separate businesses and stores within 1 or more structures under the ownership and management by 1 or more individual business and/or by a separate developer or corporation.

SIGN refers to any material, structure or device, or part thereof, upon which lettered or pictorial matter is placed, which is affixed to or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to a product, place, activity, person, institution, organization, or business in view of the general public.

STORY is that part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is 6 feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than 1 dwelling unit for the caretaker of the premises.

STRUCTURE is anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

TOWERS. Areas zoned residential are allowed one 35 foot maximum height television tower for each residence. Areas zoned agricultural shall be allowed a maximum communication tower height of 100 feet. Commercial communication towers are subject to Village Board approval and, if approved, must meet requirements of Portage County Tower Ordinance. See Portage County Towers Ordinance.

TOWNHOUSE is a multiple family dwelling which is one or two stories in height, usually with the living room, dining room, and kitchen on the ground floor, with sleeping rooms on the second floor. Townhouses provide flexibility by allowing several ground floor, single family dwelling units to be constructed in one structure around a street or court. This type of construction provides low-lot coverage with concentrated dwelling units often in combination with unified open space for use by the townhouse residents.

TRAILER is a movable or portable unit to be towed on its own chassis and which is used for recreational purposes, and is not designed for permanent or long-term residence.

TRUCK GARDEN/TRUCK FARM is a farm devoted to the production of vegetables or other field products such as cash crops.

UNNECESSARY HARDSHIP is a circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as area, setbacks, frontage, or height) unnecessarily burdensome or unreasonable in light of the purpose of this Ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

USE refers to the "use" of property as the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY is a use subordinate to the principal use on a lot and used for purposes customarily incidental to those of the principal use.

USE, CONDITIONAL is a use, either public or private, which because of its special characteristics, cannot be allowed as a permitted use in a particular district or districts, and requires a public hearing. After due consideration, in each case, of the impact of such use upon neighboring land, such "conditional use" may or may not be granted, subject to the terms of this Ordinance and the intent of the respective district.

USE, PERMITTED is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

USE, PRINCIPAL is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "conditional".

VARIANCE is a modification or variation of the provisions of this Ordinance, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a variance. Variances can be considered and granted by the Zoning Board of Appeals only.

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

YARD is an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

YARD, CORNER SIDE is a side yard which adjoins a public street.

YARD, FRONT is a yard extending along the full length of the front lot line between the side lot lines.

YARD, INTERIOR SIDE is a yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

YARD, REAR is a yard extending the full width of the lot between the rear lot line and the nearest part of the main building, excluding uncovered steps; provided that if there be an alley abutting on a rear yard, the rear lot line shall be the center line of such alley.

YARD, SIDE is a yard extending from the front yard, or the front lot line if there be no front yard, to the rear yard, being the minimum horizontal distance between a building and the side lot line.

ZONES refers to all zones established by this Ordinance and as shown on the Village's Official Zoning Map, which is incorporated herein by reference thereto. Zoning districts apply to all lands in the Village except public rights-of-way improved for public travel.

ZONING ADMINISTRATOR is the officer and assistants designated by the Village Board as responsible for enforcing and administering all requirements of this Zoning Ordinance.

ZONING PERMIT refers to the written approval of the Zoning Administrator certifying that the applicant's plans and proposed use comply with all applicable provisions of this Ordinance. The "zoning permit" may consist of a standardized independent form bearing the signature of the Zoning Administrator or it may be integrated with the building permit application.