

TITLE 13

Land Use Regulations

Chapter 1 Zoning Code
Chapter 2 Floodplain Zoning

CHAPTER 1

Zoning Code

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ARTICLE A

Introduction

SEC. 13-1-1 AUTHORITY.

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

State Law Reference: Section 62.23(7), Wis. Stats.

SEC. 13-1-2 TITLE.

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

SEC 13-1-3 GENERAL PURPOSE.

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

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

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

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- {c} Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, salutation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;

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

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

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

SEC 13-1-6 INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Neosho.

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

- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

SEC 13-1-8 REPEAL AND EFFECTIVE DATE.

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

SEC 13-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

General Provisions

SEC 13-1-10 JURISDICTION AND GENERAL PROVISIONS.

- (a) **Jurisdiction** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Neosho.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- {c} **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **Yard Reduction or Joint Use.**
- (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Code. 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.
- (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required for another building.

SEC. 13-1-11 USE REGULATIONS.

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

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

{c) Conditional Uses.

- (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Village Board in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.
- (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Village Board for them to continue as valid conditional uses, and the some shall be deemed to be "regular" conditional uses.
- (3) Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
- (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
- (5) Limited conditional uses authorized by Village Board resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.

(d) Uses Not Specified in Code.

- (1) Uses not specified in this Chapter which are found by the Village Board to be sufficiently similar to specified permitted uses for a district shall be allowed by the Zoning Administrator.
- (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board after consideration and recommendation by the Village Board, public hearing and approval in accordance with Article E of this Chapter.

SEC. 13-1-12 SITE REGULATIONS.

- (a) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of twenty-five (25) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.

- (b) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- {c} **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (d) **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (e) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, poor soil conditions for a sanitary system or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Village Board, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.

- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (g) **Decks.** For purposes of this Chapter, decks and porches shall be considered a part of a building or structure.

SEC. 13-1-13 HEIGHTS AND AREA EXCEPTIONS.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- (a) Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet nor five (5) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- (b) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the height regulations of this Code and may be erected in accordance with other regulations or codes of the Village.
- {c} Residences in the residential zoning districts may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot when such building exceeds the height limit of the district in which it is located.

- (d) Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.
- (e) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than thirty-six (36) inches.
- (f) Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet and into a required court not more than three and one-half (3-1/2) feet, provided it is located so as not to obstruct light and ventilation.
- (g) The minimum front yard setback may be reduced to 25 feet in the original plat area as shown on the original Village Plat on file in the Village Hall.

SEC 13-1-14 DIMENSIONS OF BUILDING SITES

Minimum Area, Width and Side Yard for Lots Not Served by Public Sewer

Except as otherwise specifically required or permitted, the minimum lot area shall be 25,000 square feet and the minimum lot width 100 feet at the building setback line and 100 feet at the water's edge unless soil tests require larger lot areas and widths pursuant to State Statutes or the Wisconsin Administrative Code.

Except as otherwise specifically required or permitted, the minimum width of each side yard shall be 10 feet

SEC 13-1-15 REDUCTION OR JOINT USE.

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

SEC. 13-1-16 THROUGH SEC. 13-1-19 RESERVED FOR FUTURE USE.

ARTICLE C

Zoning Districts

SEC 13-1-20 ZONING DISTRICTS AND MAP.

Six (6) zoning districts are provided in the Village of Neosho as follows:

- (1) R-1 Residential District.
- (2) R-2 Residential District.
- (3) C-1 Central Commercial District.
- (4) C-2 Highway Commercial District.
- (5) I Industrial District.
- (6) C-0 Conservancy District.

B The official zoning map is an integral part of this Chapter. The single official copy of this map entitled "Official Zoning Map, Neosho Wisconsin", effective July 3, 1974, as amended, together with a copy of this Chapter, shall be available for public inspection during office hours. The map shall be certified by the Village President and attested by the Village Clerk. Any changes in zoning district boundaries shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

C The district boundaries are either streets or alleys unless otherwise shown and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.

D Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.

E For property not subdivided, the district boundary shown on the map shall be determined by use of the scale shown on such map.

SEC 13-1-21 R-1 RESIDENTIAL DISTRICT

- a) **Purpose.** This district is primarily intended to provide a suitable environment for single family residential development.
- b) **Permitted Uses**
1. Single family dwellings and accessory buildings, including private garages and buildings clearly incidental to the residential use of the property.
 2. Telephone and electrical power distribution poles and lines and necessary accessory equipment and structures.
 3. Agricultural uses.
 4. Churches.
- c) **Conditional Uses**
1. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds;
 2. Home occupations;
 3. Golf courses;
 4. Public, parochial and private elementary and secondary schools;
 5. Planned Unit developments;
 6. Utilities;
 7. Cemeteries
 8. Any similar use subject to the approval of the Village Board.
- d) **Area, Height and Yard Requirements**
- | | | | |
|-----------------|--|---|-----------------------------|
| Lot: | Width and area of all lots to be determined in accordance with Section 13-1-14 (a) | | |
| Maximum Height: | 35 Feet | | |
| Minimum Yards: | | | |
| | Rear | - | 35 Feet |
| | Side | - | 10 Feet |
| | Front | - | 50 Feet; except 13-1-13 (g) |
| | Water setback | | 75 Feet |
- e) **Off-Street Parking Requirements**
- Off-Street parking shall be provided in accordance with Section 13-1-92.

SEC. 13-1-22 R-2 RESIDENTIAL DISTRICT

a) **Purpose.** This district is intended to provide a suitable environment for two-family or multi-family residential development.

b) **Permitted Uses.**

1. Uses permitted in the R-1 Residential District.
2. Duplexes.

c) **Conditional Uses.**

1. Uses listed as conditional uses in the R-1 Residential District.
2. Mobile Home Parks.
3. Multi-family dwellings provided there shall be provided not less than 500 square feet of useable open space per dwelling unit plus 100 square feet of additional area for each additional bedroom over two in a dwelling unit.

d) **Area, Height and Yard Requirements**

Minimum lot area for Multi-family dwellings shall be provided as follows:

Multi-family dwelling units containing:	Minimum lot area per dwelling unit:
(1) three or more bedrooms	12,000 square feet
(2) two bedrooms	10,000 square feet
(3) one bedroom	8,000 square feet

See Section 13-1-14 (a) for uses other than multi-family dwellings.

Minimum Lot Width. See Section 13-1-14 (a)
Maximum Height: 35 Feet
Minimum Yards:
 Rear - 35 Feet
 Side - 10 Feet
 Front - 25 Feet
 Water setback 75 Feet

e) **Off-Street Parking Requirements**

Off-Street parking shall be provided in accordance with Section 13-1-92

SEC. 13-1-23 C-1 CENTRAL COMMERCIAL DISTRICT.

- a) **Purpose.** This district is intended to provide a suitable environment for commercial development associated with a central community location.
- b) **Permitted Uses**
1. Parking lots;
 2. Personal and business service establishments, excluding motor vehicle and farm equipment repair, with no more than 3,500 square feet of floor space;
 3. Professional offices with no more than 3,500 square feet of floor space;
 4. Retail businesses, excluding motor vehicle and farm equipment sales, with no more than 3,500 square feet of floor space;
 5. Single family dwellings, only as accessory to a principal use.
- c) **Conditional Uses**
1. Retail businesses, professional offices and personal and business service establishments exceeding 3,500 square feet in floor space;
 2. Contractors storage yard;
 3. Farm equipment sales and service;
 4. Hospitals, clinics and nursing homes;
 5. Motor vehicle sales and service;
 6. Single family, two family, and multi-family dwellings provided the minimum lot size requirement of the Residential districts is met.
 7. Single family, two family, and multi-family dwellings in the same building as an allowed commercial use.
 8. Self-service storage facility;
 9. Governmental and cultural uses such as a police or fire station, Village hall, library, park, school, church, or a cemetery.
 10. Commercial recreational facilities.
 11. Planned Unit Developments
 12. Any similar use subject to the approval of the Village Board.
- d) **Area, Height and Yard Requirements**
- | | | | |
|---------|-------------------------------|---|-----------------|
| Lot: | No minimum lot size or width. | | |
| Height: | 35 Feet Maximum | | |
| Yards: | Rear | - | Minimum 10 Feet |
| | Side | - | None |
| | Street | | None |
- e) **Off-Street Parking Requirements**
- There shall be no off-street parking requirements for commercial uses. All other uses shall comply with Section 13-1-92.

SEC. 13-1-24 C-2 HIGHWAY COMMERCIAL DISTRICT

- a) **Purpose.** This district is intended to provide a suitable environment for commercial development which is generally associated with higher volume traffic arteries.
- b) **Permitted Uses**
1. All permitted uses listed in the C-1 Central Commercial District.
- c) **Conditional Uses**
1. All conditional uses listed in the C-1 Central Commercial District.
- d). **Area, Height and Yard Requirements**
- | | |
|-----------------|--|
| Lot: | Width and area of all lots to be determined in accordance with Section 13-1-14 (a) |
| Maximum Height: | 35 Feet |
| Minimum Yards: | |
| Rear | - 10 Feet |
| Side | - 10 Feet |
| Front | - 40 Feet |
| Water setback | 75 Feet |
- e) **Off-Street Parking Requirements**
- Off-Street parking shall be provided in accordance with Section 13-1-92.

SEC. 13-1-25 I INDUSTRIAL DISTRICT.

a) **Purpose.** This district is intended to provide a suitable environment for industrial development.

b) **Permitted Uses**

1. Manufacturing establishments engaged in the fabrication, processing, assembly or packaging of a product which is not specified as a conditional use in the Industrial District;
2. Agricultural use;
3. Contractors office and/or storage yard;
4. Feed mills, granaries and elevators;
5. Freight yards and trucking terminals;
6. Nurseries, greenhouses and landscaping businesses;
7. Parking lots;
8. Recycling collection point;
9. Warehousing, except the storage of chemicals, explosives, flammables and radioactive materials;
10. Wholesale establishments;
11. Retail sale of products if accessory to and in the same structure as the principal use.
12. Self-Service storage facilities
13. Trucking terminals
14. Vehicle repair facilities

c) **Conditional Uses**

1. Manufacturing, processing, packaging or storage of chemicals, explosives, batteries, asphalt, cement, flammables, paint, poison, rubber, dyes, plastics and radioactive materials;
2. Airports, aircraft landing fields and hangars;
3. Salvage yards and storage of inoperable vehicles;
4. Mineral extraction, quarrying;
5. Planned unit developments;
6. Sanitary landfill operations;
7. Sewage treatment facilities;
8. Utilities;
9. One single family residence or watchman's quarters per site for the owner or proprietor, caretaker/watchman and their family, which is incidental to a permitted or conditional use;

d) **Area, Height and Yard Requirements**

Lot:	Width and area of all lots to be determined in accordance with Section 13-1-14 (a)		
Maximum Height:	50 Feet		
Minimum Yards:			
	Rear	-	40 Feet
	Side	-	40 Feet
	Front	-	75 Feet
	Water setback		75 Feet

e) **Off-Street Parking Requirements**

Off-Street parking shall be provided in accordance with Section 13-1-92.

SEC. 13-1-26 (Deleted)**SEC. 13-1-27 C-0 CONSERVANCY DISTRICT.**

a) **Purpose.** This district is intended to protect natural resources. This district may include wetlands, floodplains, river, lakeshore and other significant natural areas.

b). **Permitted Uses**

1. Agricultural use provided no farm buildings are constructed,
2. Harvesting of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds;
3. Hiking trails, bridle paths and walkways, including those built on pilings;
4. Hunting and fishing preserves, waterfowl blinds;
5. Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl and fish;
6. Piers and docks;
7. Parks, picnic areas, golf courses and similar uses;
8. Sustained yield forestry;
9. Telephone and electrical power transmission lines;
10. Wildlife ponds.

c). **Conditional Uses**

1. Boat houses;
2. Dams;
3. Filling, drainage or dredging;
4. Relocation of any watercourse;
5. Removal of top soil or peat;
6. Utilities.

d). **Area, Height and Yard Requirements**

Lot: Width and area of all lots to be determined in accordance with Section 13-1-14 (a)

Maximum Height: 35 Feet

Minimum Yards:

Rear	-	35 Feet
Side	-	10 Feet
Front	-	25 Feet
Water setback		75 Feet

SEC. 13-1-28 THROUGH SEC. 13-1-49 RESERVED FOR FUTURE USE.

ARTICLE D

Planned Unit Development (PUD) Conditional Use

13-1-50 PLANNED UNIT DEVELOPMENT CONDITIONAL USE – INTENT.

- (a) The planned unit development conditional use is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The planned unit development under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district.
- (b) The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under Section 13-1-57 of this Chapter and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section of the Chapter have been met.

SEC 13-1-51 TYPES OF PLANNED UNIT DEVELOPMENTS.

This Article contemplates that there may be a Residential Commercial, Industrial Planned Unit Developments and Mixed Compatible Use Developments.

SEC. 13-1-52 GENERAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

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

SEC. 13-1-53 PHYSICAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

(a) **Minimum Area Requirements.** Areas designated as planned unit developments shall contain a minimum development area as follows:

<u>Principal Uses</u>	<u>Minimum Area of PUD</u>
Residential PUD	3 acres
Commercial PUD	5 acres
Industrial PUD	10 acres
Mixed Compatible Use	10 acres

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

(c) **Building Height and Area Requirements.**

(1) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.

(2) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.

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

SEC. 13-1-54 REQUIREMENTS AS TO PUBLIC SERVICES AND FACILITIES.

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

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

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

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

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

SEC. 13-1-55 SUBSEQUENT LAND DIVISION.

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

SEC 13-1-56 PROCEDURAL REQUIREMENTS – INTENT.

Sections 13-1-50 through 13-1-55 set forth the basic philosophy and intent in providing for Planned Unit Developments, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

SEC. 13-1-57 PROCEDURAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

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

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

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

- a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
- b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features
- c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
- d. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.
- e. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.

(2) A General Development Plan Including:

- a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
- b. The location of public and private roads, driveways, sidewalks and parking facilities.
- c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
- d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
- e. The type, size and location of all structures.
- f. General landscape treatment.
- g. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.

- h. The existing and proposed location of all private utilities or other easements.
- i. Existing topography on the site with contours at no greater than two (2) foot intervals.
- j. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
- k. If the development is to be staged, a staging plan.
- l. A plan showing how the entire development can be further subdivided in the future.

SEC. 13-1-58 BASIS FOR APPROVAL OF THE PETITION FOR PLANNED UNIT DEVELOPMENT.

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

- (1) That the general requirements made and provided in Section 13-1-52 will be met;
- (2) That the applicable physical requirements made and provided in Section 13-1-53 will be met;
- (3) That the requirements as to public services and facilities made and provided in Section 13-1-54 will be met.

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

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

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

- (2) The total net residential density within the planned unit development will be compatible with the Village master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
- (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, structure type shall be limited as follows:
 - a. Planned residential developments in the R-1 District shall not exceed sixteen (16) dwelling units per structure.
- (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
- (5) Provision has been made for adequate, continuing fire and police protection.
- (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
- (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.

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

- (1) The economic practicality of the proposed development can be justified.
- (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
- (3) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

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

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

(e) **Industrial PUD, Considerations.** The Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:

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

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

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

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

(f) **Mixed Use PUD, Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:

(1) The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.

- (2) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
- (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

SEC 13-1-59 DETERMINATION OF DISPOSITION OF THE PETITION.

- (a) **General.** The Village Board, following public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Village Board may impose.
- (b) **Approval.** The general and detailed approvals of a planned unit development shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Village Board.
- (1) General Approval. The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provided it is in sufficient detail to satisfy the Village Board as to the general character, scope and appearance of the proposed development. Such plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development plan, by way of approval of the petition, shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.
- (2) Detailed Approval. Detail plans must be furnished to the Village Board for its consideration and the detailed approval by the Village Board of any part or stage of the proposed development shall be required before construction of such part or stage of the development may be commenced. Before plans submitted for detailed approval within the corporate limits will be approved, the petitioner shall give satisfactory proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Village Board.

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

ARTICLE E

Conditional Uses

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

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

SEC. 13-1-61 AUTHORITY OF THE VILLAGE BOARD; REQUIREMENTS.

- (a) The Village Board may, by resolution, authorize the Zoning Administrator to issue a conditional use permit after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Prior to the granting of a conditional use, the Village Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (c) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

SEC 13-1-62 INITIATION OF CONDITIONAL USE.

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

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

An application for a conditional use shall be filed on a form prescribed by the Village, along with a fee as determined by the Village Board. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The Village Board may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

SEC. 13-1-64 HEARING ON APPLICATION.

Upon receipt of the application and statement referred to in Section 13-1-63 above, the Village Board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Village Board. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Village Board shall, by rule, prescribe from time to time.

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

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.

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

No application for a conditional use shall be granted by the Village Board unless such the Board shall find all of the following conditions are present:

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted In the district.
- (d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- (f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (g) That the proposed use does not violate flood plain regulations governing the site.
- (h) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (i) That, in addition to passing upon a Conditional Use Permit, the Board shall also evaluate the effect of the proposed use upon:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

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

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

SEC. 13-1-68 CONDITIONS AND GUARANTEES.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

- (b) **Site Review.** The Village Board shall evaluate each application and may request assistance from any source which can provide technical assistance. The Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board.

- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.

- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading.

SEC. 13-1-69 VALIDITY OF CONDITIONAL USE PERMIT.

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

SEC. 13-1-70 COMPLAINTS REGARDING CONDITIONAL USES.

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use.

In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefore.

SEC. 13-1-71 BED AND BREAKFAST ESTABLISHMENTS.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.
- (b) **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
- (c) **State Standards.** Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

SEC. 13-1-72 THROUGH SEC. 13-1-79 RESERVED FOR FUTURE USE.

ARTICLE F

Nonconforming Uses, Structures and Lots

SEC. 13-1-80 EXISTING NONCONFORMING USES AND STRUCTURES.

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land 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.
- (b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this Chapter; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
- (c) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

SEC 13-1-81 ABOLISHMENT OR REPLACEMENT.

- (a) **Termination.** 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 Chapter.
- (b) **Building Destroyed by Fire.** Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than fifty percent (50%) of its fair market value, the same may be rebuilt; but where such a building is destroyed to the extent of more than fifty percent (50%) of its fair market value, a permit may be granted for its reconstruction within twelve (12) months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands.

SEC. 13-1-82 EXISTING NONCONFORMING STRUCTURES.

The lawful nonconforming structure 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.

Additions and Enlargements to existing nonconforming structures are allowed so long as they do not increase the extent of the nonconformity. Additions and enlargements shall conform to the required provisions of this Code.

Existing Nonconforming Structures which are damaged or destroyed by fire, explosion, flood or any other event, to the extent of more than 50 percent of the fair market value of the structure at the time the damage occurred, shall not be reconstructed except in compliance with all requirements of this Code.

SEC 13-1-83 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 Board of Zoning appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

SEC. 13-1-84 REDUCED BUILDING SETBACKS.

(a) A setback less than the setback required may be permitted by a variance where there are existing principal buildings within two hundred (200) feet of the proposed building site that are built to less than the required setback. In such cases, the setback shall be no less than the average of the setbacks of the nearest principal building on each side of the proposed site or, if there is no principal building within two hundred (200) feet on one (1) side, the average of the setback for the principal building on the one (1) side and the setback required in each zoning district. The average is not to include any building now within ten (10) feet of the right-of-way.

(b) Any modification of other setbacks, including water line setback, may only be permitted by the Board of Appeals.

SEC. 13-1-85 VACANT NONCONFORMING LOTS

(a) In any zoning district, except the Commercial and Industrial Districts, a single family dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Code subject to the following requirements:

1. The lot must be in separate ownership from abutting lands. If abutting lands and the nonconforming lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the area requirements of this Chapter;
2. The lot must be at least fifty (50) feet wide and seven thousand five hundred (7,500) square feet in area;
3. All the dimensional requirements of this Chapter shall be complied with;

(b) If a parcel of land is occupied by two or more residential dwelling units and if said dwellings were constructed prior to the effective date or amendment of this Code and if the size of such parcel prevents the creation of conforming lots for each dwelling unit, then the owner of such parcel may create a substandard lot for each residential dwelling unit which need not comply with the lot size requirements of this Code provided the following conditions are met:

1. The lot must be at least fifty (50) feet wide and seven thousand five hundred (7,500) square feet in area;
2. Each proposed substandard lot must contain an existing residential dwelling unit conforming to this Chapter in all respects other than those specifically stated in this section.

SEC. 13-1-86 THROUGH SEC. 13-1-89 RESERVED FOR FUTURE USE.

ARTICLE G

Traffic Visibility, Loading, Parking and Access

SEC. 13-1-90 TRAFFIC VISIBILITY.

- (a) On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a hue joining the points along said street lines twenty-five (25) feet from the point of intersection.
- (b) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

SEC. 13-1-91 LOADING REQUIREMENTS.

In all districts adequate loading areas shall be provided so that all vehicle loading, maneuvering or unloading does not project into traffic lanes.

SEC. 13-1-92 PARKING REQUIREMENTS.

Each use shall provide the following minimum off-street parking spaces. Each parking space shall be at least two hundred (200) square feet in area.

Dwellings - Two (2) spaces for each dwelling unit.

Restaurants, Taverns and Similar Establishments - One (1) space for each fifty (50) square feet of floor space devoted to patrons.

Motels and Resorts - One (1) space for each unit.

Retail Business and Service Establishments - One (1) space for each two hundred (200) square feet of floor area.

Industrial Uses and Warehouses - One (1) space for each two (2) employees on the premises at a maximum employment on the main shift.

Convenience Stores - One (1) space for each two hundred (200) square feet of floor area; plus two (2) spaces for each gas pump.

Any Use Not Specifically Named - shall be assigned to the most appropriate classification by the Zoning Administrator.

Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.

Location of off-street parking shall be on the same lot as the principal use, or on a lot adjacent to the principal use.

SEC. 13-1-93 DRIVEWAYS.

All driveways installed, altered, changed, replaced or extended after the effective date of this Chapter shall meet the following requirements and must be approved as to location by the Zoning Administrator:

- (a) Island between driveway openings shall be provided with a minimum of six (6) feet between all driveways.
- (b) The maximum number of driveway openings for vehicular ingress and egress permitted for lots with a width less than one hundred (100) feet shall be one (1) and for lots with a width greater than one hundred (100) feet shall be two (2).
- (c) Vehicular entrances and exits to commercial and industrial uses shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, or other place of public assembly.

SEC. 13-1-94 (Deleted)

SEC. 13-1-95 THROUGH SEC. 13-1-99 RESERVED FOR FUTURE USE.

ARTICLE H

Signs and Billboards

SEC. 13-1-100 PURPOSE OF SIGN AND BILLBOARD REGULATIONS.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs and billboards.

SEC. 13-1-101 PROHIBITED CHARACTERISTICS OF SIGNS.

- (a) No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- (b) No sign shall contain, include, or be illuminated by flashing lights. No sign will be permitted that resembles the size, shape, form, or color of official traffic control signs, signals, or devices.
- (c) No sign shall contain, include, or be composed of any conspicuous animated or moving part.
- (d) No sign shall contain more than one hundred (100) square feet in gross area.
- (e) No sign shall be painted directly on the building walls, except water towers which may display the name or symbol of the owner or operator.
- (f) No sandwich signs.
- (g) No abandoned signs.
- (h) Temporary signs: Two double-faced sandwich or movable signs are permitted when meeting all other applicable requirements and when their use is limited to thirty (30) days from date of permit issuance. Such signs shall be set back at least five (5) feet from the street property line and shall not be larger than eight (8) square feet per face except that the area of one such sign may be increased by one (1) square foot for each three (3) lineal feet of frontage over fifty (50) feet on a street to a maximum of twenty-four (24) square feet per face. Application for a temporary sign shall be made in writing to the Village Board. With such application there shall be submitted a fee of \$5.00 and a sketch of the proposed sign, including a general plat plan showing the location of the proposed sign with respect to lot lines, streets and buildings.

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

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

SEC. 13-1-102 EXCEPTIONS TO SIGN REGULATIONS.

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

- (a) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.
- (b) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (c) Legal notices, identification information or directional signs erected by governmental bodies.
- (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (f) Signs erected by National, State, County or Municipal Governmental Agencies, including traffic and informational signs.
- (g) Signs not exceeding one (1) square feet in area displayed in connection with a household rummage sale displayed for not more than 7 days.

SEC. 13-1-103 DANGEROUS AND ABANDONED SIGNS; VIOLATIONS.

- (a) **Removal.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six (6) months or when, in the judgment of the Village Board, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Village Board may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Village Board's decision to the Board of Appeals.
- (b) **Alterations.** Any sign which was erected before the adoption of this sign Article shall not be rebuilt or relocated without conforming to all of the requirements of this Article.
- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Article are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

SEC. 13-1-104 VARIANCES OR EXCEPTIONS.

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

SEC 13-1-105 CONSTRUCTION AND MAINTENANCE REGULATION FOR SIGNS.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Village Board or Building Inspector.
- (b) **Prohibitions.**
- (1) No sign shall be erected so that any portion of the sign or its supports attached to or interfere with the free use of any fire escape, exit, any required stairway, door, ventilator or window.

(2) No sign shall be erected that will interfere with, obstruct, confuse or mislead traffic.

(3) At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety.

(4) No sign located within one hundred fifty (150) feet of a highway or street right-of-way shall contain, include or be illuminated by a flashing or rotating beam of light.

(c) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this Chapter.

SEC. 13-1-106 NONCONFORMING SIGNS.

(a) **Signs Eligible For Characterization as Legal Nonconforming.**

Any sign located within the Village of Neosho limits of the date of adoption of this Chapter or located in an area annexed to the Village of Neosho hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted.

(b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:

(1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Article than it was before alteration;

(2) The sign is relocated;

(3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;

(4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article or shall be removed.

(c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

SEC. 13-1-107 WIND PRESSURE AND DEAD LOAD REQUIREMENTS.

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

SEC 13-1-108 ABANDONED BILLBOARDS AND SIGNS.

Except as otherwise herein provided, all billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign/billboard is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign/billboard, the Village Board shall give the owner sixty (60) days' written notice to remove said sign/billboard and thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Village Board may take any other appropriate legal action necessary to attain compliance.

SEC 13-1-109 THROUGH SEC. 13-1-119 RESERVED FOR FUTURE USE.**ARTICLE I**

Performance Standards

SEC. 13-1-120 PROHIBITED ACTIVITIES

All activities and business operations shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor, glare, heat or lighting which is detrimental to the public health, safety, comfort or general welfare of the immediate surrounding area or community. A violation of this Section shall constitute a nuisance and shall be the subject of a nuisance action brought by the Village officials.

SEC. 13-1-121 SOUND.

- a) No activity or operation subject to this Code shall exceed the maximum permitted sound levels as set forth below at the property line of the receiving premises, except as may be provided in this section.

Table 8.5.3-1: Maximum Sound Pressure Levels

Source of Sound and Time	Premises Receiving Sound/Sound Level db(A)		
	Residential	Commercial/Institutional	Industrial
Residential			
Day	55	60	60
Night*	50	50	50
Commercial/Institutional			
Day	55	60	65
Night	50	50	55
Industrial			
Day	55	60	70
Night	50	50	60

* Night shall mean the hours between 10:00 p.m. and 7:00 a.m.

- b) In all zoning districts, the sound shall be measured at the lot line of the property on which the sound is generated.
- c) The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standard Association.

SEC. 13-1-122 THROUGH SEC. 13-1-126 (Deleted)

SEC. 13-1-127 THROUGH SEC. 13-1-129 RESERVED FOR FUTURE USE.

ARTICLE J

Signal Receiving Antennas; Wind Energy Systems

SEC. 13-1-130 SIGNAL RECEIVING ANTENNAS.

- (a) **Purpose.** This Section regulating the placement of signal receiving antennas is adopted to:
- (1) Provide uniform regulation of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and
 - (4) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Permit Required.** No owner shall, within the Village of Neosho, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Village Zoning Administrator.
- (c) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, and FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.

(d) Application.

- (1) Application for a signal receiving antenna permit shall be made in writing to the Village Board. With such application, there shall be submitted a fee of Ten Dollars (\$10.00) and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings.
- (2) a. Prior to the issuance of a permit for the installation of a satellite television antenna over 3 feet in diameter/circumference, all owners of property adjoining that of the applicant shall be notified of the application together with copies of any plans or other material filled with the application deemed appropriate. Each property owner shall have ten (10) days to object to the installation of said antenna.
 - b. If any adjoining property owner objects to the installation of said antenna, no permit shall be issued, and the application, plans and any objection thereto shall be referred to the Board of Appeals under Article N of this Chapter.

(e) Installation Standards. Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:**(1) Setbacks.**

- a. Any signal receiving antenna and its mounting post shall be located a minimum of six (6) feet from any property line.
- b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.

- c. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
- (2) Mounting. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
- (3) Diameter. The diameter of the signal receiving antenna shall not exceed fifteen (15) feet in diameter, except for systems used to provide community antenna television services.
- (4) Height.
- a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen (18) feet in height, as measured from the ground to the highest point of the dish.
 - b. A roof-mounted antenna may not exceed fifteen (15) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
- (5) Wind Pressure. All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
- (6) Electrical Installations. Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines,

cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.

- (7) Temporary Placement. No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Village Clerk/Treasurer of the date when such placement shall begin and end.
- (8) Advertising. No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
- (9) Interference with Broadcasting. Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (10) Compliance with Federal Regulations. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted there under.
- (11) Compliance with Manufacturer's Specification and Guidelines. The installation and use of every signal receiving antenna shall be in conformity with the manufacturer's specifications and guidelines.
- (12) Aesthetic Considerations. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

(f) Enforcement.

(1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.

(2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

SEC. 13-1-131 WIND ENERGY SYSTEMS.

No wind energy systems shall be allowed in the Village of Neosho.

SEC. 13-1-132 THROUGH SEC. 13-1-139 RESERVED FOR FUTURE USE.

ARTICLE K

Accessory Uses and Structures; Fences and Hedges

SEC. 13-1-140 ACCESSORY USES OR STRUCTURES.

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions.** Accessory buildings which are not a part of the main building shall not be more than twenty five (25) feet high and shall not be nearer than ten (10) feet to each other or to the side lot line in the rear yard or to the rear lot line. They are not permitted in the front yard. Accessory buildings and structures such as storage buildings, garages, swimming pools, heating-air conditioning equipment, wind and solar energy conversion equipment, antenna structures including those mounted on towers or masts or those employing parabolic, satellite dish, or similar reflectors, provided such buildings, structures or equipment are permitted as follows:
- (1) In the aggregate, shall not occupy more than thirty-five percent (35%) of any required rear yard areas.
 - (2) Shall be located no closer than ten (10) feet from any part of any other building or structure.
 - (3) Shall comply with all applicable Village and state code provisions.
- (c) **Use Restrictions – Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit.
- (d) **Placement Restrictions – Nonresidential District.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three (3) feet to any side or rear lot line.
- (e) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.

- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
- (1) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (2) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (i) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted within setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed three (3) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.
- (l) **Agricultural Structures.** Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

SEC. 13-1-141 OUTSIDE STORAGE OF FIREWOOD.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of within fifteen (15) days and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than thirty percent (30%) of the side and rear yard may be used for storage of firewood at any one (1) time.

SEC 13-1-142 FENCES.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (b) **Fences Categorized.** Fences shall be categorized into five (5) classifications:
 - (1) Boundary Fence. A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (2) Protective Fence. A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) Architectural or Aesthetic Fence. A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) Picket Fence. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(c) Height of Fences Regulated.

- (1) A fence or wall may be erected, placed, maintained or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level and be no closer than three (3) feet to a public right-of-way, except that no such fence or wall which is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence or wall along such lot line.
- (2) No fence or wall shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (3) No woven, twisted, welded or interlaced wire fence shall be located in the Residential District, unless such fencing is ornamental in character.
- (4) Wood slat or plastic snow fences are permitted in Residential Districts from November 1st through April 1st only.

(d) **Setback for Residential Fences.** Fences in or adjacent to a residential property are permitted on lot lines. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.

(e) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(f) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.

(g) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

- (h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (i) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.

SEC. 13-1-143 SWIMMING POOLS.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, having an area greater than one hundred fifty (150) square feet, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum diameter of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (c) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
- (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.

(2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

(3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village Ordinances regulating electrical installations.

(d) Setbacks and Other Requirements.

(1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

(2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than six (6) feet from any lot line.

(e) Location. Swimming pools constructed in the R-1 District shall be located on the same lot as, and in either the rear or the side yard of, a principal building; however, they shall not be constructed in the front yard or in a required corner side yard in such districts. Swimming pools either open or enclosed shall be considered the same as accessory buildings for purposes of calculating the maximum area they may occupy in a required rear yard.

(f) Protection. So as to prevent unauthorized access, swimming pools shall be protected by means of a fence, wall or other permanent barrier so designed, constructed and maintained as to completely surround the swimming pool extending to the height of not less than four (4) feet above actual grade. Such barrier shall prevent the passage of an object with a diameter larger than nine (9) inches. All gates provided in such barrier shall be equipped with hardware designed to automatically close and latch said gate.

SEC. 13-1-144 THROUGH SEC. 13-1-149 RESERVED FOR FUTURE USE.

Article L

Administration

Sec. 13-1-150 Zoning Administrator

There is hereby created the office of Zoning Administrator of the Village of Neosho. The Zoning Administrator shall bear primary responsibility for enforcing this Code, and for processing Zoning Permit Applications, and issuing Zoning Permits.

Sec. 13-1-151 Zoning Permits

Any application for a Zoning Permit shall be granted or denied in writing by the Zoning Administrator within forty-five (45) days. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. The permit shall expire within twelve (12) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Code shall be null and void.

Applications for a Zoning Permit shall be made to the Zoning Administrator on forms furnished by his or her office and shall include the following where applicable:

- (a) Sketch showing dimensions of the lot and locations of proposed and existing buildings from the lot lines, center line of abutting highways and the high water mark of any abutting water course.
- (b) Additional Information as may be required by the Zoning Administrator.
- {c} Fee in the amount as set by the Village Board.

Sec. 13-1-152 Certificate of Zoning Compliance

No land or building, or addition thereto, constructed after the effective date of this Code and no addition, alteration, reconstruction, extension, enlargement, conversion or structural alteration to a previously existing building shall be occupied or used for any purposes unless in conformity with the plans and specifications upon which the Zoning Permit was issued.

A Certificate of Zoning Compliance may be issued by the Zoning Administrator upon request. Every Certificate of Zoning Compliance shall state that the use or occupancy complies with all the provisions of this Code.

- (a) **Application for Certificate of Zoning Compliance.** Every application for Certificate of Zoning Compliance for a new use or change in use of land or building shall be made directly to the office of the Zoning Administrator on forms provided by his or her office.
- (b) **Issuance of Certificates of Zoning Compliance.** No Certificate of Zoning Compliance for a building or portion thereof, constructed, after the effective date of this Ordinance, shall be issued until construction is substantially completed, and the premises inspected and certified by the office of the Zoning Administrator to be in conformity with the plans and specifications upon which the Land Use Permit was issued.
- {c} **Issuance of Certificates of Nonconforming Uses.** Any person, firm or corporation having a legal or equitable interest in a property which is nonconforming as to standards may request a Certificate of Zoning Compliance. The applicant shall present documentary proof that said use was a permitted use at the time it originated and was made nonconforming by the adoption of this Code or amendment thereto. After verifying the use in question is in fact a nonconforming use, the Zoning Administrator shall issue a Certificate of Zoning Compliance stating the use in question and the zoning of the property.

Sec. 13-1-153 Violations

It shall be unlawful to construct any structure or building or to use any structure, building, land or water in violation of any of the provisions of this Code. In case of any violation, the Village Plan Commission, Village Board, Zoning Administrator or any property owner who would specifically be damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Code. When called upon to do so, the Zoning Administrator shall inspect structures and investigate uses to determine compliance with this Code. To this end, the Zoning Administrator shall have reasonable access to any structure or property located within the Village Limits. If the Zoning Administrator finds that a violation of this Code has occurred, the Zoning Administrator may draft a Notice of Violation that contains a description of the property (by lot number, address, or similar description), a description of the violation, and a reference to the Code section violated. The Zoning Administrator may then mail a copy of the Notice of Violation to the owner of the property at the owner's address as shown on the tax bill. The mailing of such a Notice shall constitute conclusive evidence (as of two days after mailing) that the owner is aware of the violation.

Sec. 13-1-154 Penalties

Any person, firm or corporation who fails to comply with the provisions of this Code shall upon conviction thereof, forfeit not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) and cost 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, for a period not to exceed thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

Sec. 13-1-155 Official Zoning Map

A certified copy of the Official Zoning Map is adopted and approved with the text of this Code. Said map and any certified amendments or changes thereto are as much a part of this Code as this text and shall have full force and effect on the adoption of this Code.

Article M

Changes and Amendments

Sec. 13-1-160 Authority

Whenever the public necessity, convenience, health, safety or general welfare require, the Village Board may by Ordinance, change the district boundaries or amend, change or supplement the regulations established by this Code or amendments thereto in accordance with Wisconsin Statutes.

Such Change or Amendment shall be subject to the review and recommendation of the Village Plan Commission.

Sec. 13-1-161 Initiation

A petition for amendment may be made by any property owner in the area to be affected by the amendment, by the Village Board or by the Village Plan Commission.

Sec. 13-1-162 Petitions for Amendment

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, who shall refer them to the Village Plan Commission. Such petitions shall 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:

Plot Plan draw to a scale of one (1) inch equals a hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within one hundred (100) feet of the area proposed to be rezoned.

Owners' Names and Addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.

Additional Information required by the Village Plan Commission or the Village Board.

Fee in the amount as set by the Village Board.

Sec. 13-1-163 Hearings

The Village Plan Commission shall hold a public hearing on each petition received. Notice of the time and place of such a hearing shall be given by publication of a Class Two (2) Notice, under Chapter 985 of the Wisconsin Statutes. The Village Clerk shall also give notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

Sec. 13-1-164 Recommendations

As soon as possible after the public hearing the Village Plan Commission shall act on such petition either approving, modifying or disapproving the petition. The recommendation shall be made in writing to the Village Board.

Sec. 13-1-165 Action by the Village Board

After careful consideration of the Village Plan Commission recommendation, the Village Board shall vote on the passage of the proposed change or amendment.

Sec. 13-1-166 Protest

In case of a protest against an amendment proposed duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the land included in such proposed amendment, or by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the Board voting on the proposed change.

Article N

Appeals

Sec. 13-1-170 Establishment

There is hereby established a Board of Appeals for the Village of Neosho. The Board of Appeals shall consist of five (5) members appointed by the Village President and confirmed by the Village Board.

- (a) **Terms:** Terms shall be for three (3) years, except that of those first appointed; one (1) shall serve one (1) year, two (2) shall serve two (2) years and two (2) for three (3) years.
- (b) **Chairman:** The Chairman shall be designated by the Village President.
- {c} **Alternate:** Two (2) alternate members shall be appointed by the Village President for staggered terms of three (3) years. Annually, the Village President shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a regular member is absent or refuses to vote because of a conflict of interest. The 2nd alternate shall act only when the 1st alternate refuses to vote or is absent or when more than one member of the Board refuses to vote or is absent.
- (d) **Secretary:** Secretary may be as designated by the Board of Appeals.
- (e) **Vacancies:** Vacancies shall be filled for the unexpired term in the same manner as appointment for a full term.

Sec. 13-1-171 Organization

The Board of Appeals shall organize and adopt rules of procedure in conformance with Wisconsin Statutes.

Sec. 13-1-172 Rules

- (a) **The Board of Appeals** shall meet at the call of the chairperson, and at such other times as the Board of Appeals may determine, at a fixed time and place.
- (b) **All meetings** of the Board of Appeals shall be open to the public.

- {c} **The Board of Appeals** shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, 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 Board of Appeals and shall be a public record.
- (d) **The Board of Appeals** may adopt such other rules as are necessary to carry into effect the regulations of the Village Board.
- (e) **In the case of all appeals,** the Board of Appeals may call upon the Village Board, Plan Commission or Zoning Administrator for all information pertinent to the decision appealed from.

Sec. 13-1-173 Powers

The Board of Appeals shall have the following powers:

- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by administrative official in the enforcement of this Code.
- (b) To hear and decide special exception to the terms of the Ordinance upon which such board is required to pass under this Code.
- {c} To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (d) The Board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (e) The Board may reverse, affirm, or wholly or partly modify the requirements appealed from and may issue or direct the issuance of a permit.

Sec. 13-1-174 Assistance -

The Board may request assistance from other village or county officers, departments, commissions and boards.

Sec. 13-1-175 Oaths -

The chairperson may administer oaths and compel the attendance of witnesses.

Sec. 13-1-176 Appeals

Appeals from the decision of the Zoning Administrator, Plan Commission or the Village Board concerning the literal enforcement of this Code may be made by any person aggrieved or by an officer, department, board or bureau of the Village. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. Such appeals shall include the following:

- (a) **Names and Addresses** of the appellant and all abutting and opposite property owners of record.
- (b) **Sketch** showing all the information required for a Zoning Permit.
- {c} **Additional Information** which was required for the decision appealed from or may be required by the Board of Appeals.
- (d) **Fee** in the amount as set by the Village Board.

Sec. 13-1-177 Hearings

The Board of Appeals shall fix a reasonable time and place for the hearing, give a Class One (1) notice thereof as provided in Chapter 985 of the Wisconsin Statutes, and give due notice to the parties in interest. At the hearing the applicant or the appellant may appear in person, by agent, or by attorney.

Sec. 13-1-178 Decisions

The Board of Appeals shall decide all appeals within a reasonable time period after the final hearing and shall transmit a copy of the Board's decision to the appellant.

Sec. 13-1-179 Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Appeals may commence an action seeking the remedy available by certiorari. Such action shall be commenced within thirty (30) days after the filing of the decision in the office of the Board of Appeals.

ARTICLE O

Mobile Homes

SEC. 13-1-180 STATE STATUTES AND DEFINITIONS ADOPTED BY REFERENCE.

The provisions of Sec. 66.058, Wis. Stats., and the definitions therein are hereby adopted by reference.

SEC. 13-1-181 PARKING OUTSIDE LICENSED MOBILE HOME PARKS.

(a) **Restricted.** No mobile home shall be permitted to be located, parked, or occupied in the Village unless the same is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of this Article.

(b) **Exceptions.**

(1) Subsection (a) above is not intended to restrict the location of one and two-family manufactured homes which meet the applicable one and two-family standards set forth in Chapter 101, Wis. Stats., and the requirements of the Neosho Zoning Code.

(2) Notwithstanding other provisions of this Subsection, the Village Board may, upon application, issue a special permit for the location of a mobile home outside a mobile home park for temporary use solely as a field office, and such permit shall specifically state the expiration date thereof which shall not exceed twelve (12) months.

SEC. 13-1-182 PARK LICENSE REQUIRED.

No person shall establish or operate upon property owned or controlled by him within the Village a mobile home park without having first secured a license therefrom from the Village Board. The application for such a license shall be made to the Village Clerk-Treasurer and shall be accompanied by a fee of \$2.00 for each space in the existing or proposed park, but not less than Seventy-five Dollars (\$75.00). Such park shall comply with Ch. H77, Wis. Adm. Code, which is hereby adopted by reference. (a) The annual license fee for such mobile home park shall be Twenty-five Dollars (\$25.00) for the first fifty (50) spaces; Two Dollars (\$2.00) per space thereafter.

SEC. 13-1-183 REVIEW OF APPLICATION.

Before approval of any site, a public hearing shall be held and the Village board shall view the proposed site and shall consider such evidence as may be presented at the hearing bearing upon the general purpose and intent of this Article to promote the public health, safety and general welfare and the specific purpose of the Chapter to prevent the overcrowding of land and the development of housing blight.

SEC. 13-1-184 ADDITIONS TO PARK.

Licensee of mobile home parks shall furnish information to the Village Clerk-Treasurer on such homes added to the park within five (5) days after the arrival on forms furnished by the Village Clerk-Treasurer.

SEC. 13-1-185 PARKING PERMIT FEES.

There is imposed on each mobile home located in the Village a parking permit fee, such amount to be determined in accordance with Sec. 66.058, Wis. Stats. The fee shall be paid to the Village Clerk-Treasurer on or before the tenth (10th) day of the month following the month for which they are due. It shall be the full and complete responsibility of a licensee of a mobile home park to collect such fees from each mobile home therein and to remit such fees to the Village Clerk-Treasurer. Failure to do so is to be treated like a default in the payment of personal property taxes and subject to all procedures and penalties applicable under Chapters 70 and 74, Wis. Stats.

SEC. 13-1-186 MOBILE HOME PARK REQUIREMENTS.**(a) Park Requirements.**

- (1) A minimum of five (5) acres.
- (2) A minimum setback of twenty (20) feet on all sides.
- (3) A hard surface road no less than twenty-four (24) feet wide serving all mobile home spaces. This shall be either a concrete or bituminous hard surfaced.
- (4) Electricity, cable television, natural gas and public sewer and water servicing all mobile home spaces.
- (5) Two (2) parking spaces for each mobile home which shall be hard surfaced with concrete or bituminous pavement.

(6) Laundry hook-ups will be required to be made available in each mobile home unit.

(7) An on-site manager's office.

(b) Space Requirements.

- | | |
|--------------------|--|
| (1) Space frontage | Minimum 40 feet |
| (2) Space area | Minimum 7,000 square feet |
| (3) Front yard | Minimum 15 feet at hitch and
18 feet from house |
| (4) Side yards | Minimum 10 feet |
| (5) Rear yard | Minimum 20 feet |

(c) Parking Area. Each parking space to be not less than twenty (20) feet wide and four hundred (400) square feet in area.

(d) Yards.

- (1) Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard which shall contain a temporary planting of fast growing material capable reaching a height of fifteen (15) feet or more such as lombardy poplar; and
- (2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.

SEC. 13-1-187 MAINTENANCE OF FACILITIES.

It shall be a condition of the granting of a permit for the establishment of any mobile home park, and a continuing condition for the operation of the same, that:

- (a) All parking spaces, walks and driveways be constructed and maintained so as to prevent the accumulation of surface water and the formation of substantial muddy areas;
- (b) The planting screen required by the previous subsection be established and maintained.

SEC. 13-1-188 THROUGH SEC 13-1-199 RESERVED FOR FUTURE USE.

ARTICLE P
Definitions

SEC. 13-1-200 DEFINITIONS.

(a) For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for in a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.

- (1) Abutting. Have a common property line or district line.
- (2) Accessory Use or Structure. A use or detached structure subordinate to the principal use of a structure, parcel of land or water and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure. Including, but not limited to, garage, prefabricated metal buildings for storage, carport, greenhouses, screened enclosures, swimming pool, bathhouse and filter equipment shed, playhouse and gazebo.
- (3) Acre, Net. The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.
- (4) Alley. A public way not more than twenty-one (21) feet wide which affords only a secondary means of access to abutting property.
- (5) Apartment. A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.
- (6) Arterial Street. A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
- (7) A Zones. Areas of potential flooding shown on the Village's "Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These zones may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

- (8) Basement. A space having 0.5 or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet.
- (9) Block. A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (10) Boarding House. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three (3) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
- (11) Buildable Lot Area. The portion of a lot remaining after required yards have been provided.
- (12) Building. See Structure definition.
- (13) Building, Detached. A building surrounded by open space on the same lot.
- (14) Building, Heights of. The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure along the street yard face of the structure to the highest point of the roof. On corner lots, the building height shall be enforced along both street yards.
- (15) Building Setback Line. A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.
- (16) Building, Principal. A building in which the principal use of the lot on which it is located is conducted.
- (17) Business. An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- (18) Campground. A privately or municipally owned parcel or tract of land, maintained, intended or used for the purposes of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles, or sleeping bags, and may include structures to provide services to the patrons, such as restrooms, bathing and laundry facilities.

- (19) Channel. Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (20) Community Living Arrangement. The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies, group foster homes and community-based residential facilities, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin State Statutes, and amendments thereto, and also the Wisconsin Administrative Code.
- (21) Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (22) Controlled Access Arterial Street. The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- (23) Corner Lot. On corner lots, the setback shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal to seventy-five percent (75%) of the setback required on residences fronting on the side street -- but the side yard setback shall in no case restrict the buildable width to less than thirty (30) feet. Said corner lots shall be consisting of a parcel of property abutting on two (2) or more streets at their intersection providing that the interior angle of such intersection is less than one hundred thirty-five degrees (135°).
- (24) Conservation Standards. Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for Dodge County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.

- (25) Development. Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
- (26) District, Basic. A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (27) District, Overlay. Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- (28) Dwelling. A 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.
- (29) Dwelling Unit. A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family.
- (30) Dwelling, Efficiency. A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (31) Dwelling, Single-Family. A dwelling containing one dwelling unit.
- (32) Dwelling, Two-Family. A dwelling containing two dwelling units.
- (33) Dwelling, Multiple-Family. A dwelling containing three or more dwelling units.
- (34) Equal Degree of Hydraulic Encroachment. The effect of any encroachment into the floodway is to be computed by assuming an equal degree of hydraulic encroachment on the opposite side of a river or stream for a significant hydraulic reach, in order to compute the effect of the encroachment upon hydraulic conveyance. This computation assures that the property owners up, down or across the river or stream will have the same rights of hydraulic encroachment.

- (35) Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- (36) Family. Any number of persons related by blood, adoption, or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity
- (37) Farmstead. A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (38) Flood. A temporary rise in stream flow or stage in a stream or lake level that results in water overtopping the banks and inundating the areas adjacent to the stream channel or lake bed.
- (39) Flood Insurance Study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mud flow) and/or floor-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.
- (40) Flood Profile. A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
- (41) Flood Protection Elevation. A point two (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action and obstructions of bridge openings.

- (42) Flood Stage. The elevation of the floodwater surface above an officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Floodland Zoning Map.
- (43) Floodlands. For the purpose of this Code, the floodlands are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the floodway district, the floodplain conservancy district and the floodplain fringe overlay district.
- (44) Floodplain Fringe. Those floodlands, outside the floodway, subject to inundation by the 100-year recurrence interval flood. For the purpose of this Code, the floodplain fringe includes the floodplain conservancy district and the floodplain fringe overlay district.
- (45) Floodproofing. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (46) Floodway. A designated portion of the 100-year flood area that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.1 foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
- (47) Floor Area --Area in square feet of all floors in a building including elevators and stairways, measured by perimeter or outside walls multiplied by the number of floors, including basements which are used in the primary function of the building.
- (48) Foster Family Home. The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin State Statutes and amendments thereto.
- (49) Frontage. The smallest dimension of a lot abutting a public street measured along the street yard.

- (50) Garage - Private. A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.
- (51) Garage - Public. Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.
- (52) Group Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 and amendments thereto for the care and maintenance of five (5) to eight (8) foster children.
- (53) Home Occupation. A gainful occupation conducted by members of the family only, within their place of residence; provided that the area used does not exceed twenty-five percent (25%) of the total floor area, excluding attached garage, and that no article or service is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, and that no sign other than one (1) unlighted name plate not more than one (1) square foot is installed. The use is to be clearly incidental to the use of the dwelling unit for residential purposes and shall not endanger the public health or safety. No articles shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use. Persons operating a home occupation shall employ no more than one (1) nonresident employee. No material or equipment shall be stored outside the confines of the home. No mechanical equipment may be used which creates a disturbance such as noise, dust, odor or electrical disturbance. The home may not be altered to attract business. No motors shall be utilized which exceed one (1) horse power each and not exceeding five (5) horsepower in total such activity being deemed a public nuisance. Repairing of motor bicycles, motorcycles and motor driven cycles, other than those licensed and owned by the occupants of a home in a residential area is strictly prohibited. For the purpose of this Subsection, the definitions of the above-mentioned vehicles shall be as set forth in Chapter 340 of the Vehicle Code of the Wisconsin State

Statutes. Such repairing is deemed a public nuisance. It is immaterial for the purpose of this Subsection whether or not such repairing is done in return for remuneration.

- (54) Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- (55) Kenel. An area or structure for breeding, rearing, boarding or training of three (3) or more dogs over the age of five (5) months.
- (56) 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.
- (57) Lodging House. A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- (58) Lot. A contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public street, occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other space provisions of this Code. For zoning and subdivision purposes, tax parcel identification numbers shall not be used in defining a lot.
- (59) Lot, Corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.
- (60) Lot, Interior. A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.
- (61) Lot, Through. A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

- (62) Lot, Nonconforming. A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Code as pertaining to the district wherein located.
- (63) Lot Coverage (residential). The area of a lot occupied by the principal building or buildings and accessory building.
- (64) Lot Coverage (except residential). The area of a lot occupied by the principal building or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- (65) Lot Line. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- (66) Lot Area. The area contained within the exterior boundaries of a lot excluding public streets and land under navigable bodies of water.
- (67) Lot Width. The horizontal distance between the side lot lines measured at the building setback line.
- (68) Manufactured Home. A structure certified and labeled as a manufactured home under 42 U.S.C. Secs. 5401 to 5426, which, when placed on the site:
- a. Is set on an enclosed foundation in accordance with Sec. 70.043(1), Wis. Stats., and Subchapters III, IV and V of Ch. ILHR, Wis. Adm. Code.
 - b. Is set on a comparable enclosed foundation system approved by the Village Board, upon the recommendation of the Building Inspector and/or Village Engineer; the Village Board may require a plan to be certified by a registered architect or engineer to ensure proper support for the home;
 - c. Has an area of at least nine hundred sixty (960) square feet of living space, with a minimum of fourteen (14) feet in width, and is used exclusively as a single-family residence;
 - d. Is installed in accordance with the manufacturer's instructions, provided that more restrictive requirements herein shall prevail; and

- e. Is properly connected to utilities; the use of a private well or private septic or sewage system is not prohibited until public utilities are available within the village; and
- f. Has a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village.

- (69) Minor Structures. Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four (4) feet in height.
- (70) Mobile Home. A manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a readily transportable structure, except a manufactured home, intended for human habitation, which by its inherent design may be moved from site to site as necessary; which may have an oversized width for normal traffic allowances and thereby require a special permit from state or county highway officials; and which may have its undercarriage removed to facilitate a better location on a slab, piers or foundation. Recreational vehicles and travel trailers are not classified as mobile homes and may not be used as a residence.
- (71) Mobile Home Lot. A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (72) Mobile Home Park. A parcel of land which has been developed for the placement of two or more mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.
- (73) Mobile Home Subdivision. A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any Village Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.
- (74) Modular Unit. A modular unit is a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

- (75) Nonconforming Uses. Any land or water, lawfully used, occupied, or erected at the time of the effective date of this Code or amendments thereto, which does not conform to the regulations of this Code or amendments thereto.
- (76) Official Letter of Map Amendment. Official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
- (77) Parking Lot. A structure or premises containing five (5) or more parking spaces open to the public.
- (78) Parking Space. A graded and surfaced area of not less than one hundred eighty (180) square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (79) Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (80) Public and Semi-Public Uses. Governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums. Public, private and parochial preschool, elementary and secondary schools, and churches. Cemeteries, private clubs and lodges and storage garages.
- (81) Professional Office. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, engineer, lawyer, author, musician or other recognized trade. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than twenty-five percent (25%) of the floor area of one (1) story of a dwelling unit shall be occupied by such office and only one (1) unlighted nameplate, not exceeding one (1) square foot in area, containing the name and profession of the occupant of the premises shall be exhibited.
- (82) Public Airport. Any airport which complies with the definition contained in Section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

- (83) 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 (1) of the street yards on a corner lot.
- (84) Regional Flood. This regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years; this means that in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence.
- (85) Retail. The sale of goods or merchandise in small quantities to the consumer.
- (86) Salvage Yard. Site used for the storage or sale of salvageable materials or for the purposes of salvage, wrecking, dismantling, or demolition of salvageable materials. This includes the collection and/or dismantling of automobiles or other objects of transportation, re-use or resale.
- (87) Setback. The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. Any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.
- (88) 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.

- (89) Signs. Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (90) Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (91) Story, Half. That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (92) Street. Property other than an alley or private thoroughfare or traveled way which is subject to public easement or right-of-way for use as a thoroughfare and which is twenty-one (21) feet or more in width.
- (93) Street Yard. A yard extending across the full width of the lot, the depot of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) street yards.
- (94) Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (95) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

- (96) Temporary Structure. A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (97) Use. The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (98) Use, Accessory. A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- (99) Use, Principal. The main use of land or building as distinguished from subordinate or accessory use.
- (100) Utilities. Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, communication towers and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (101) Vision Clearance. An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.
- (102) Wind Energy System. Wind Energy System (WES) shall mean equipment that converts and then stores or transfers energy from the wind into usable forms of energy.
- (103) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.
- (104) Zero Lot Line. The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.

(105) Zoning Permit. A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.