

Chapter 325

ZONING

[HISTORY: Adopted by the Village Board of the Village of Hustisford 3-28-1994 as Title 13, Ch. 1 of the 1994 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning Board of Appeals — See Ch. 17.
Building construction — See Ch. 140.
Junked vehicles and appliances — See Ch. 245, Art. II.
Subdivision of land — See Ch. 281.

ARTICLE I

Introduction; Definitions

§ 325-1. Authority.

These regulations are adopted under the authority granted by §§ 61.35 and 62.23(7), Wis. Stats.

§ 325-2. Short title.

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

§ 325-3. Purpose.

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

§ 325-4. Intent.

It is the general intent of this chapter to:

- A. Regulate and restrict the use of all structures, lands and waters.
- B. Regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways.
- C. Secure safety from fire, flooding, panic and other dangers.
- D. Provide adequate light, air, sanitation and drainage.
- E. Prevent overcrowding and avoid undue population concentration.
- F. Facilitate the adequate provision of public facilities and utilities.
- G. Stabilize and protect property values.

- H. Further the appropriate use of land and conservation of natural resources.
- I. Preserve and promote the beauty of the Village.
- J. Implement the Village Master Plan or plan components.
- K. Provide for the administration and enforcement of this chapter and provide penalties for its violation.

§ 325-5. 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, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of the chapter shall govern.

§ 325-6. 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 deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 325-7. Definitions.

For the purposes of this chapter, the following definitions shall be used:

ACCESSORY BUILDING — A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building, not including a garage as defined herein.

ACCESSORY USE — A use subordinate in nature, extent or purpose to the principal use of the building or lot.¹

ALLEY — A way which affords only a secondary means of access to abutting property and which is not more than 24 feet wide.

APARTMENT — A portion of a residential or commercial building used as a separate housing unit.

APARTMENT HOUSE — See "dwelling, multiple."

ARTERIAL STREET — A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

BASEMENT or CELLAR — A story partly underground but having at least 1/2 of its height, or more than five feet, below the mean level of the adjoining ground. See Chs. COMM 20, 21 and 22, Wis. Adm. Code.

¹. Editor's Note: The definitions of "advertising sign" and "advertising structure," which immediately followed this definition, have been moved to Art. VII, Signs, § 325-48.

BED-AND-BREAKFAST ESTABLISHMENT — Any place of lodging that provides four or fewer rooms for rent for more than 10 nights in a twelve-month period, is the owner's personal residence, and is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

BOARDINGHOUSE — A building other than a hotel where meals or lodging and meals are served for compensation for not more than six persons.

BUILDING — A structure having a roof and intended for the shelter, housing or enclosure for persons, animals or chattel.

BUILDING, ALTERATION OF — Any change or rearrangement of the supporting members, such as bearing walls, beams, columns or girders, of a building, an addition to a building, or movement of a building from one location to another.

BUILDING, FRONT LINE OF — A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.

BUILDING, HEIGHT OF — The vertical distance from the mean elevation of a finished grade along the front of the building to the highest point of a flat roof, to the deckline of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs.

BUILDING, PRINCIPAL — A building in which is conducted the main use of the lot on which said building is located.

BUSINESS — Includes the commercial and industrial uses and districts as herein defined.²

CARPORT — See "garage."

CLINIC — A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or nonboarding basis only.

CLUB — A building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.

COMMUNITY LIVING ARRANGEMENT — As defined in § 46.03(22)(a), Wis. Stats. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including §§ 46.03(22), 59.69(15) and 62.23(7)(i) and (7a), and amendments thereto, and also the Wisconsin Administrative Code.³

CONDITIONAL USE — A use of land, water or building which is allowable only after the issuance of a special permit by the Plan Commission under conditions specified in this chapter.

CONFORMING USE — Any lawful use of a building or lot which complies with the

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

provisions of this chapter.

COURT — An open, unoccupied space, other than a yard, on the same lot with a building and which is bounded on two sides by the building.

CURB BREAK — Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.

CURB LEVEL — The level of the established curb in the front of the building measured at the center of such front.

DAY-CARE CENTER — A place or home which provides care for four or more children under the age of seven years for less than 24 hours a day and is licensed as provided for in § 48.65, Wis. Stats.

DWELLING GROUP — A group of two or more multifamily dwellings occupying a lot in one ownership with any two or more dwellings having any yard or court in common.

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

DWELLING, SINGLE-FAMILY — A detached building designed, arranged or used for and occupied exclusively by one family. Shall include specially designed buildings covered by earth.⁴

DWELLING, TWO-FAMILY — A building designed, arranged or used for or occupied exclusively by two families living independently of each other.

DWELLING UNIT — A building or portion thereof used exclusively for human habitation, including single-family, two-family and multifamily dwellings but not including hotels, motels or lodging houses.

EMERGENCY SHELTERS — Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.

FAMILY — One or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit who are living together as a bona fide stable and committed living unit, being a traditional family or the functional equivalent thereof, exhibiting the generic character of a traditional family.⁵

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

FLOOR AREA — The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

FOSTER FAMILY HOME — The primary domicile of a foster parent which is for four or fewer foster children and which is licensed under § 48.62, Wis. Stats., and amendments thereto.

FRONTAGE — All of the property abutting on one side of a street measured along the street line.

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

GARAGE, PUBLIC — A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as "gasoline stations" or "service stations."

GASOLINE STATION — Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances and the sale of motor vehicle accessories and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.

GROUP FOSTER HOME — Any facility operated by a person required to be licensed by the State of Wisconsin under § 48.62, Wis. Stats., for the care and maintenance of five to eight foster children.

HOME OCCUPATION — Any business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building or accessory building thereto.

HOTEL — A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.⁶

JUNKYARD — An open space where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires and bottles. A junkyard also includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

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

⁶. Editor's Note: The definition of "house trailer," which immediately followed this definition, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

street or alley.

LOT — A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

LOT LINES AND AREA — The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

LOT, REVERSED CORNER — A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH — A lot having a pair of opposite lot lines along two or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

LOT WIDTH — The width of a parcel of land measured at the rear of the specified street yard.

LOT, ZONING — A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.⁷

MANUFACTURED HOME — A structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426 which, when placed on the site:

- A. Is set on an enclosed continuous foundation in accordance with Ch. 101, Subch. V, Wis. Stats., and Ch. COMM 21, Subchs. III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
- B. Is installed in accordance with the manufacturer's instructions;
- C. Is properly connected to utilities; and
- D. Meets other applicable standards of this chapter.

MOBILE HOME — See § 325-97.⁸

MOTEL — A series of attached, semiattached or detached sleeping units for the accommodation of transient guests.

MOTOR FREIGHT TERMINAL — A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

MOTOR VEHICLE — Any passenger vehicle, truck, truck trailer, trailer or semitrailer propelled or drawn by mechanical power.

7. Editor's Note: The definition of "marquee or canopy," which immediately followed this definition, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

NONCONFORMING BUILDING OR STRUCTURE — Any building or structure which does not comply with all of the regulations of this chapter or of any amendment hereto regulating any building or structure for the zoning district in which such building or structure is located.

NONCONFORMING USE — Any use of land, buildings or structures which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

NURSERY — Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

NURSERY SCHOOL — Any building used routinely for the daytime care and education of preschool-age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.

NURSING HOME — Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

PARKING AREA, SEMIPUBLIC — An open area other than a street, alley or place used for temporary parking of more than four self-propelled vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE — An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways appurtenant thereto and giving access thereto, except as in § 325-43C(2).

PLACE — An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

PLANNED UNIT DEVELOPMENT — A tract of land which contains or will contain two or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character from that of surrounding areas.⁹

PROPERTY LINES — The lines bounding a platted lot as defined herein.

PUBLIC WAY — Any sidewalk, street, alley, highway or other public thoroughfare.

PROFESSIONAL OFFICES — Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed 1/2 of the area of only one floor of the residence.¹⁰

RAILROAD RIGHT-OF-WAY — A strip of land with tracks and auxiliary facilities for

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

SCHOOL, COMMERCIAL — A school limited to special instruction, such as business, art, music, trades, handicrafts, dancing or riding.

SCHOOL, PRIVATE — An institution with a private educational program that meets all of the criteria under § 118.165(1), Wis. Stats., or is determined to be a private school by the State Superintendent under § 118.167, Wis. Stats.¹¹

SIGN — See § 325-48.¹²

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF — A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET — A public or private thoroughfare which affords the principal means of access to abutting property.

STRUCTURAL ALTERATION — Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.¹³

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.

USE — The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this chapter.

USE, PERMITTED — A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations and performance standards, if any, of such districts.¹⁴

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

VENDING MACHINE — A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.

YARD — An open space on the same lot with a structure, unoccupied and unobstructed

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

13. Editor's Note: The definition of "trailer park," which immediately followed this definition, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

14. Editor's Note: The definition of "use, conditional," which immediately followed this definition, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See the definition "conditional use."

from the ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot.

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

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

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

YARD, REAR — A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE — A yard extending along a side lot line from the front yard to the rear yard.

YARD, STREET — A yard abutting a street.

YARD, TRANSITIONAL — That yard which must be provided on a zoning lot in a commercial district which adjoins a zoning lot in a residential district or that yard which must be provided on a zoning lot in an industrial district which adjoins a zoning lot in either a residential or commercial district.¹⁵

ZONING DISTRICT — An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

ARTICLE II General Provisions

§ 325-8. Jurisdiction and compliance.

- A. Jurisdiction. The jurisdiction of this chapter shall include all lands and water within the corporate limits of the Village.
- B. Compliance. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable Village, county and state regulations.

§ 325-9. Use restrictions.

The following use restrictions and regulations shall apply:

- A. Principal uses. Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.
- B. Unclassified or unspecified uses. Unclassified or unspecified uses may be permitted

¹⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

by the Village Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

- C. Performance standards. Performance standards listed in Article VIII shall be complied with by all uses in all districts.
- D. Conditional uses.
 - (1) Classes of conditional uses. Conditional uses may be denominated either "regular" or "limited."
 - (2) General conditional use provisions. Provisions applicable to conditional uses generally:
 - (a) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Plan Commission in accordance with Article IV of this chapter, excepting those existent at time of adoption of this chapter.
 - (b) 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 chapter require no action by the Plan Commission to continue as valid conditional uses, and the same shall be deemed to be regular conditional uses.
 - (c) A proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Plan Commission and Village Board in accordance with Article IV.
 - (d) A conditional use(s), when replaced by a permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s) or the establishment of a new conditional use(s) shall require review, public hearing and approval by the Plan Commission in accordance with Article IV.
 - (e) Provisions in this chapter relating generally to conditional uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provision would then control), be deemed to be applicable to both regular and limited conditional uses.
 - (3) Specific regular conditional use provisions. Provisions applicable specifically to regular conditional uses:
 - (a) Regular conditional uses, either allowed by action of the Plan Commission or existent at the time of adoption of this chapter, shall be nonlapsing, shall survive vacancies and change of ownership of the properties where located and shall be subject to substitution with another conditional use(s) of the same or similar type without Plan Commission approval. Change to a conditional use of other than the same or similar

type shall require procedures and approval in accordance with Article IV.

- (b) See Subsection D(2)(b) above as to conditional uses existent at the time of adoption of this chapter being deemed to be the regular conditional uses.
- (4) Specific limited conditional use provisions. Provisions applicable specifically to limited conditional uses:
 - (a) Limited conditional uses authorized by Plan Commission resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
 - (b) Limited conditional uses authorized by the Plan Commission shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Commission approval and the procedures required in Article IV.

E. Uses not specified.

- (1) Uses not specified in this chapter which are found by the Plan Commission to be sufficiently similar to specified permitted uses for a district shall be allowed by the Village Clerk-Treasurer/Building Inspector.
- (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 Plan Commission, following public hearing and approval in accordance with Article IV.

§ 325-10. Reduction or joint use.

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

§ 325-11. Site regulations.

- A. 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 and Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the provisions of this subsection, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability when making its

recommendation to the Village Board.

- B. 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 25 feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
- C. Principal structures. All principal structures shall be located on a lot. Only one principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one principal structure per lot in any district where more than one such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board, subject to the recommendation of the Plan Commission, may impose additional yard requirements, landscaping requirements or parking requirements or require a minimum separation distance between principal structures.
- D. 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.
- E. 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. This does not apply to adjacent residential districts. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than 60 feet from the more restrictive district boundary line so that such street yard setbacks shall be no less than the average of the street yards required in both districts.
- 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 1 1/2 horizontal to one vertical, within a distance of 20 feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- G. Decks. For purposes of this chapter, decks shall be considered a part of a building or structure.
- H. Lots abutting two streets. Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
- I. Double frontage lots. 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 shall be complied with.

- J. Open yards. 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.¹⁶

ARTICLE III
Zoning Districts

§ 325-12. Districts established; Zoning Map.

- A. Establishment. For the purposes of this chapter, the Village of Hustisford is hereby divided into the following 10 zoning districts:
- (1) R-1 Residential District.
 - (2) R-2 Residential District.
 - (3) R-3 Residential District.
 - (4) C-1 Central Commercial District.
 - (5) C-2 Highway Commercial District.
 - (6) I Industrial District.
 - (7) A-G Agricultural District.
 - (8) C-O Conservancy District.
 - (9) F-P Floodplain District.
 - (10) R-MH Mobile Home Park District.
- B. Boundaries. Boundaries of these districts are hereby established as shown on a map titled "Zoning Map, Hustisford, Wisconsin," which is on file in the office of the Village Clerk-Treasurer. Such boundaries shall be construed to follow corporate limits; U.S. Public Land survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended, unless otherwise noted on the Zoning Map.
- C. Vacation of public streets and alleys. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- D. Annexations to or consolidations with the Village. Subsequent to the effective date of this chapter, annexations to or consolidations with the Village shall be placed in the district appropriate to the development plan presented upon approval from the Zoning Board of Appeals.¹⁷

16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- E. Zoning Map. A certified copy of the Zoning Map shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the Village President and Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk-Treasurer. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

§ 325-13. R-1 Residential District.

- A. Purpose. This district is primarily intended to provide a suitable environment for single-family residential development.
- B. Lot size regulations. Except as otherwise specifically required or permitted, the minimum lot area shall be 10,000 square feet, and the minimum lot width shall be 100 feet at the building line and 100 feet at the water's edge. The minimum corner lot width shall be 100 feet.
- C. Height regulations. Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: 25 feet.
 - (2) Minimum side yard. Except as otherwise specifically required or permitted, the minimum width of one side yard shall be eight feet. The minimum aggregate width of both side yards shall be 20 feet.
 - (3) Minimum rear yard: 25 feet.
 - (4) Minimum water setback: 75 feet.
- E. Permitted uses.
 - (1) Single-family dwellings, excluding all mobile homes.¹⁸
 - (2) Structures and uses accessory to single-family dwellings.
 - (3) Manufactured homes complying with all of the following requirements and limitations:
 - (a) The home shall be a double-wide of at least 24 feet in width and 36 feet in length.
 - (b) The home shall be installed on an approved foundation system in conformity with the Uniform Building Code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - (c) The home shall be equipped with foundation siding which in design,

¹⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

- (d) The home shall be covered by a roof pitched at a minimum slope of two inches in 12 inches, which is permanently covered with nonreflective material.
 - (e) The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Hustisford.
- (4) Churches.
 - (5) General farming, except farms operated for the disposal of sewage, rubbish, or offal, fur farms, stock farms and poultry farms.
 - (6) Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property.¹⁹
 - (7) Forestry and open spaces.
 - (8) Telephone and power distribution poles and lines and necessary appurtenant equipment and structures.²⁰

F. Conditional uses.

- (1) Home occupations when such occupations are incidental to the residential use of the premises and do not involve any exterior alteration that would effect a substantial change in residential character of the building; provided, further, that no article is sold or offered for sale that is not produced by such home occupation.
- (2) Professional offices, where such office is conducted solely by a member or members of the occupant family entirely within the residence and incidental to the residential use of the premises. Not more than 50% of the floor area of only one story of a dwelling unit shall be occupied by such office.²¹
- (3) Governmental and cultural uses, such as community centers, fire stations and police stations, libraries, public emergency shelters, public and private elementary and secondary schools, parks and playgrounds.
- (4) Utilities.
- (5) Planned unit developments.
- (6) Cemeteries.

19. Editor's Note: Original § 13-1-41(e)(7), which immediately followed this subsection and listed truck gardening, nurseries and greenhouses as permitted uses in the R-1 District, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (7) Golf courses.
- (8) Two-family dwellings.
- (9) Bed-and-breakfast establishments.²²

§ 325-14. R-2 Residential District. ²³

- A. Purpose. This district is primarily intended to maintain the residential character of the existing central residential area.
- B. Lot size regulations.
 - (1) Minimum lot size: 15,000 square feet, 100 feet by 150 feet.
 - (2) Minimum lot width: 100 feet.
- C. Height regulations. Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: 25 feet or the average of the existing front yards of the existing principal structures on abutting lots on each side, whichever is less. If only one abutting lot is occupied by a principal structure, the minimum required front yard shall be the average of 25 feet and the existing front yard of the existing principal structure on the abutting lot.
 - (2) Minimum side yard. The minimum width of one side yard shall be eight feet. The minimum aggregate width of both side yards shall be 20 feet.
 - (3) Minimum rear yard: 25 feet.
 - (4) Minimum water setback: 75 feet.
- E. Permitted uses.
 - (1) Residential uses permitted in the R-1 Residential District.
 - (2) Churches.
 - (3) Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property.
 - (4) Telephone and power distribution poles and lines and necessary appurtenant equipment and structures.
- F. Conditional uses.
 - (1) All conditional uses listed in the R-1 District.
 - (2) Multifamily dwellings with approval of the Plan Commission and the Village

22. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Board. The lot size regulations of the R-3 Residential District shall apply.

§ 325-15. R-3 Residential District.

- A. Purpose. This district is intended to provide a suitable environment for multifamily residential development.
- B. Lot size regulations. Minimum lot area shall be provided as follows:
 - (1) Multifamily uses.

**Multifamily Dwelling Minimum Lot Area per Dwelling Unit
Units Containing (square feet)**

3 or more bedrooms	4,000
2 bedrooms	3,500
1 bedroom	3,000

- (2) Other size regulations. Each single-family dwelling shall have a minimum 1,250 square feet of living area; each duplex or multifamily dwelling unit shall have a minimum 900 square feet of living area. Except as otherwise specifically required or permitted, the minimum lot area shall be 15,000 square feet, and the minimum lot width shall be 100 feet at the building line and 100 feet at the water's edge. Minimum corner lot width shall be 100 feet.²⁴
- C. Height regulations. Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: 25 feet.
 - (2) Minimum side yard. Except as otherwise specifically required or permitted, the minimum width of one side yard shall be eight feet. The minimum aggregate width of both side yards shall be 20 feet.
 - (3) Minimum rear yard: 35 feet.
 - (4) Minimum water setback: 75 feet.
- E. Permitted uses.
 - (1) Uses permitted in the R-1 Residential District.
 - (2) Duplexes.
- F. Conditional uses.
 - (1) Conditional uses listed in the R-1 Residential District.

24. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Multifamily dwellings, provided that there shall be provided not less than 500 square feet of usable open space per dwelling unit plus 100 square feet of additional area for each additional bedroom over two in a dwelling unit.

§ 325-16. 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. Lot size regulations.
 - (1) Minimum area: none.
 - (2) Minimum width: none.
- C. Height regulations. Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: none.
 - (2) Minimum side yard: none, except same as any adjoining district.
 - (3) Minimum rear yard: 10 feet.
 - (4) Minimum water setback: 75 feet.
- E. Permitted uses.
 - (1) Banks and similar financial institutions.
 - (2) Business and professional offices and studios.
 - (3) Dental and medical clinics.
 - (4) Garages for the storage of vehicles used in conjunction with a permitted use.
 - (5) Laundromats.
 - (6) Restaurants.
 - (7) Retail stores and shops offering convenience goods and services.
 - (8) Commercial entertainment facilities.
 - (9) Department stores.
 - (10) Funeral homes.
 - (11) Furniture stores.
 - (12) Furniture upholstery shops.
 - (13) Heating and/or plumbing supply stores.
 - (14) Hotels.

- (15) Laundry and dry-cleaning establishments.
- (16) Office supply stores.
- (17) Pawnshops.
- (18) Pet shops.
- (19) Print shops.
- (20) Private clubs, lodges and meeting places.
- (21) Secondhand stores.
- (22) Sign shops.
- (23) Publishing shops and offices.
- (24) Truck gardening, nurseries and greenhouses only for the propagation of plants.²⁵
- (25) Variety stores.
- (26) Vehicle sales, service, washing and repair stations.
- (27) A dwelling, single-family, only as accessory to a principal use.
- (28) Telephone and power distribution poles and lines and necessary appurtenant equipment and structures.²⁶
- (29) Food stores.

F. Conditional uses.

- (1) Cemeteries.
- (2) Churches.
- (3) Nursery schools.²⁷
- (4) Governmental and cultural uses such as:
 - (a) Community centers.
 - (b) Fire stations and police stations.
 - (c) Libraries.
 - (d) Public emergency shelters.
 - (e) Public and private schools.

25. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

26. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

27. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (f) Parks and playgrounds.
- (5) Public transportation terminals such as bus and rail depots.
- (6) Public or private parking garages and lots.
- (7) Tourist homes.
- (8) Commercial recreation facilities, such as:
 - (a) Arcades.
 - (b) Bowling alleys.
 - (c) Dance halls.
 - (d) Gymnasiums.
 - (e) Marinas.
 - (f) Miniature golf.
 - (g) Physical culture.
 - (h) Pool and billiard halls.
 - (i) Turkish baths.
 - (j) Skating rinks.
 - (k) Theaters.
- (9) Dwelling, single-family or two-family; such use must meet the minimum yard and lot size requirements of the R-2 Residential District.
- (10) Multifamily dwelling; such use must meet the minimum yard and lot size requirements of the R-3 Residential District.
- (11) Utilities.
- (12) Planned unit developments.

§ 325-17. C-2 Highway Commercial District.

- A. Purpose. This district is intended to provide a suitable environment for the commercial development which is generally associated with higher-volume traffic arteries.
- B. Lot size regulations. Except as otherwise specifically required or permitted, the minimum lot area shall be 10,000 feet, and the minimum lot width shall be 100 feet at the building line and 100 feet at the water's edge. The minimum corner lot width shall be 100 feet.
- C. Height regulations. Maximum height: 35 feet.
- D. Yard and setback regulations.

- (1) Minimum front yard: 25 feet.
- (2) Minimum side yard: 10 feet.
- (3) Minimum rear yard: 10 feet.
- (4) Minimum water setback: 75 feet.

E. Permitted uses.

- (1) Dwelling, single-family, only as accessory to a principal use.
- (2) Telephone and power distribution poles and lines and necessary appurtenant equipment and structures.²⁸
- (3) Truck gardening, nurseries and greenhouses only for the propagation of plants.
- (4) Forestry and open spaces.

F. Conditional uses.

- (1) All permitted or conditional uses listed in the C-1 District.
- (2) Drive-in establishments serving food and/or beverages.
- (3) Drive-in theaters.
- (4) Motels.
- (5) Lumberyards.
- (6) Grain and feed mills.

§ 325-18. I Industrial District.

- A. Purpose. This district is intended to provide a suitable environment for industrial development.
- B. Lot size regulations. Except as otherwise specifically required or permitted, the minimum lot area shall be 15,000 square feet, and the minimum lot width shall be 100 feet at the building line and 100 feet at the water's edge.
- C. Height regulations. Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: 25 feet.
 - (2) Minimum side yard: 40 feet.
 - (3) Minimum rear yard: 40 feet.

²⁸ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Original § 13-1-45(e)(3), which immediately followed this subsection and listed general farming as a permitted use, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

(4) Minimum water setback: 75 feet.

E. Permitted uses. All structures associated with all permitted uses shall be located at least 40 feet from any residential zoning district boundary line.

(1) Commercial bakeries.

(2) Commercial greenhouses.

(3) Distributors.

(4) The manufacture and bottling of nonalcoholic beverages.

(5) Trade and contractors' offices.

(6) Warehousing and wholesaling.

(7) Utilities.

(8) Laboratories.

(9) Office, storage, power supply and other such uses normally incidental to the principal use.

(10) Forestry and open spaces.

F. Conditional uses.

(1) The manufacture, fabrication, processing, packaging and packing of:

(a) Confections.

(b) Cosmetics.

(c) Electrical appliances.

(d) Electronic devices.

(e) Food.

(f) Jewelry.

(g) Instruments.

(h) Pharmaceuticals.

(i) Tobacco.

(j) Toiletries.

(2) The manufacture, fabrication, packing, packaging and assembly of products from:

(a) Furs.

(b) Glass.

(c) Leather.

- (d) Metals.
 - (e) Paper.
 - (f) Plaster.
 - (g) Plastics.
 - (h) Textiles.
 - (i) Tobacco.
 - (j) Wood.
- (3) Printing or publishing.
 - (4) The storage and sale of machinery and equipment.
 - (5) Airports, air strips and landing fields.
 - (6) Animal hospitals or pounds.
 - (7) Commercial service facilities such as restaurants and fueling stations if oriented toward serving the surrounding industrial uses.
 - (8) Fairgrounds.
 - (9) Governmental and cultural uses such as:
 - (a) Community centers.
 - (b) Fire stations and police stations.
 - (c) Libraries.
 - (d) Public emergency shelters.
 - (e) Parks and playgrounds.
 - (10) Public passenger transportation terminals, such as heliports and bus and rail depots.
 - (11) Sewage disposal plants.
 - (12) Cold-storage warehouse.
 - (13) Freight yards and depots.
 - (14) Manufacturing and processing of:
 - Abrasives
 - Acetylene
 - Acid
 - Alkalies
 - Ammonia
 - Asbestos

Asphalt
Batteries
Bedding
Bleach
Bone
Cabbage
Candles
Carpeting
Celluloid
Cement
Cereals
Charcoal
Chemicals
Chlorine
Coal
Coffee
Coke
Cordage
Creosote
Dextrine
Disinfectant
Dye
Excelsior
Felt
Fish
Fuel
Furs
Gelatin
Glucose
Gypsum
Hair products
Ice
Ink
Insecticide
Lampblack
Lime
Lime products
Linoleum
Matches
Meat
Oil cloth
Paint
Paper
Peas
Perfume
Pickles

Plaster of paris
Plastics
Poison
Polish
Potash
Pulp
Pyroxylin
Radium
Rope
Rubber
Sausage
Shoddy
Shoe and lampblackening
Size
Starch
Stove polish
Textiles
Varnish

(15) The manufacturing, processing and storage of:

- (a) Building materials.
- (b) Explosives.
- (c) Dry ice.
- (d) Fat.
- (e) Fertilizer.
- (f) Flammables.
- (g) Gasoline.
- (h) Glue.
- (i) Grains.
- (j) Grease.
- (k) Lard.
- (l) Plastics.
- (m) Radioactive materials.
- (n) Shellac.
- (o) Soap.
- (p) Turpentine.
- (q) Vinegar.

- (r) Yeast.
- (16) Animal reduction.
- (17) Bag cleaning.
- (18) Bleacheries.
- (19) Canneries.
- (20) Electric and steam-generating plants.
- (21) Electroplating.
- (22) Enameling.
- (23) Forges.
- (24) Foundries.
- (25) Incinerators.
- (26) Junkyards.
- (27) Lacquering.
- (28) Lithographing.
- (29) The manufacturing and bottling of alcoholic beverages.
- (30) Refineries.
- (31) Road test facilities.
- (32) Slaughterhouses.
- (33) Smelting.
- (34) Stockyards.
- (35) Tanneries.
- (36) Weaving.
- (37) Wrecking yard.
- (38) Planned unit developments.²⁹
- (39) Mineral extraction and quarrying.
- (40) Utility shops.

§ 325-19. A-G Agricultural District.

²⁹. Editor's Note: Original § 13-1-46(f)(41) and (44), which followed this subsection and listed certain types of farms, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. Purpose. This district is intended to provide a suitable environment for agricultural practices.
- B. Lot size regulations.
 - (1) Minimum area: one acre.
 - (2) Minimum width: 150 feet.
- C. Height regulations. Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: 50 feet.
 - (2) Minimum side yard: 30 feet.
 - (3) Minimum rear yard: 30 feet.
 - (4) Minimum water setback: 75 feet.
- E. Permitted uses.
 - (1) General farming and necessary appurtenant structures, except fur farms, stock farms, poultry farms and farms operated for the disposal of garbage, rubbish, offal or sewage.³⁰
 - (2) Dwelling, single-family, and necessary appurtenant structures on any operating farm for occupancy by those employed in connection with the farm operation and their families.
 - (3) Telephone and power distribution poles and lines and necessary appurtenant equipment and structures.³¹
 - (4) Forestry and open spaces.
 - (5) The harvesting of wild crops.
- F. Conditional uses.
 - (1) Those uses listed as conditional uses in the R-1 District.
 - (2) Airports, airstrips and landing fields.
 - (3) Kennels.³²
 - (4) Farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms.³³

30. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

31. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

32. Editor's Note: Original § 13-1-47(f)(4), which immediately followed this subsection and listed mineral extraction and quarrying, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

33. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (5) Radio and television towers.
- (6) Roadside stands for the sale of farm products.
- (7) Sanitary landfill.
- (8) Single-family dwellings.
- (9) Two-family dwellings.

§ 325-20. C-O Conservancy District.

- A. Purpose. This district is intended to protect natural resources. Generally, this district may include swamps, marshlands, river and lake shore and other land of natural aesthetic value.
- B. Lot size regulations.
 - (1) Minimum area for lots not served by public sewer. Except as otherwise specifically required or permitted, the minimum lot area shall be 15,000 square feet, and the minimum lot width shall be 100 feet at the building line and 100 feet at the water's edge, unless percolation rates require larger lot areas and widths pursuant to Ch. COMM 85, Wis. Adm. Code, respectively.
 - (2) Minimum area for lots served by public sewer. Except as otherwise specifically required or permitted, the minimum lot area shall be 10,000 square feet, and the minimum lot width shall be 100 feet at the building line and 100 feet at the water's edge. The minimum corner lot width shall be 100 feet.
- C. Height regulations. Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: 25 feet.
 - (2) Minimum side yard. Except as otherwise specifically required or permitted, the minimum width of one side yard shall be eight feet. The minimum aggregate width of both side yards shall be 20 feet.
 - (3) Minimum rear yard: 35 feet.
 - (4) Minimum water setback: 75 feet.
- E. Permitted uses.
 - (1) General farming, provided that no drainage, filling or dredging takes place and no farm buildings are constructed.
 - (2) The harvesting of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.
 - (3) Sustained yield forestry and open spaces.

- (4) Telephone and power distribution poles and lines and necessary appurtenant equipment and structures.³⁴
- (5) Hunting and fishing.
- (6) Preservation of scenic, historic and scientific areas; wildlife preserves.
- (7) Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl or fish.
- (8) Hiking trails and bridle paths.
- (9) Public and private parks.
- (10) Golf courses.

F. Conditional uses.

- (1) Filling, drainage, and dredging.
- (2) Nonresidential farm structures.
- (3) Dams, power plants, and flowages.
- (4) Ponds.
- (5) The relocation of watercourses.
- (6) The removal of topsoil or peat.
- (7) Piers, docks, and boathouses not for human occupancy.
- (8) Utilities.

§ 325-21. F-P Floodplain District.

- A. Purpose. This district is intended to protect the public health, safety and general welfare and to minimize flood losses in areas subject to flood hazard.
- B. Requirements. The requirements of the Village's Floodplain Zoning Ordinance shall be complied with.

§ 325-22. R-MH Mobile Home Park District.

The requirements of the R-MH District shall be as prescribed in Article XV of this chapter.

ARTICLE IV
Conditional Uses

§ 325-23. Findings.

The development and execution of this article are based upon the division of the Village

34. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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

§ 325-24. General requirements.

- A. The Village Board hereby authorizes the Village Clerk-Treasurer/Building Inspector to issue a conditional use permit for either regular or limited conditional use after review, public hearing, and approval from the Plan Commission, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this chapter and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of limited conditional use, the Plan Commission in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Commission action and the resulting conditional use permit, when for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, and the location and the legal description of the affected premises. Prior to the granting of a conditional use, the Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- B. Any development within 500 feet of the existing or proposed rights-of-way of freeways or expressways and within 1/2 mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the trafficway. The Plan Commission shall request such review and await the highway agency's recommendation for a period not to exceed 20 days before taking final action.
- C. Conditions such as landscaping, architectural design, the type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- D. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses.

§ 325-25. Initiation of conditional use.

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

§ 325-26. Application for conditional use.

An application for a conditional use shall be filed on a form prescribed by the Village. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures and 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 § 325-29 hereinafter. The Plan Commission may require such other information as may be necessary to determine and provide for enforcement of this chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, and specifications for areas of proposed filling, grading, and lagooning; the location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; and plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

§ 325-27. Hearing on application.

All requests for conditional uses shall be to the Plan Commission, or the Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this chapter shall prohibit the Village Board on its own motion from referring the request for conditional use to the Plan Commission. Upon receipt of the application and the statement referred to in § 325-26 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

§ 325-28. 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 Village Clerk-Treasurer/Building Inspector, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected, said notice to be sent at least 10 days prior to the date of such public hearing. The Plan Commission shall report its action to the Village Board within 45 days after a matter has been referred to it.

§ 325-29. Standards for conditional uses.

- A. Standards. No application for a conditional use shall be granted by the Plan Commission unless the Commission shall find that all of the following conditions are present:
- (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
 - (7) The proposed use does not violate floodplain regulations governing the site.
 - (8) Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- B. Application of standards. When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission 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.
- C. Additional considerations. In addition, in passing upon a conditional use permit, the Plan Commission 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 the 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.

§ 325-30. Denial of application.

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

§ 325-31. Conditions and guarantees.

The following conditions shall apply to all conditional uses:

- A. Prior to the granting of any conditional use, the Plan Commission 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 § 325-29 above. In all cases in which conditional uses are granted, the Village shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;

- (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this chapter.
- B. Site review. In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- C. Alteration of conditional use. No alteration of a conditional use shall be permitted unless approved by the Plan Commission.
- D. Architectural treatment. Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the 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 6% and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that 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.

§ 325-32. Validity of conditional use permit.

Where a conditional use application has been approved or conditionally approved, such approval shall become null and void within 24 months of the date of the approval unless the use is commenced, construction is under way or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the Village Clerk-Treasurer/Building Inspector shall notify the holder by certified mail of such revocation. The Plan Commission may extend such permit for a period of 90 days for justifiable cause, if application is made to the Plan Commission at least 30 days before the expiration of said permit.

§ 325-33. 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 Village Clerk-Treasurer/Building Inspector 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 or more of the standards set forth in § 325-29 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 § 325-28 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 § 325-29 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 the standards in § 325-29A(1) and (2) will be met, the Village Board may revoke the subject conditional approval and direct the Village Clerk-Treasurer/Building Inspector 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 therefor.

§ 325-34. 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.³⁵
- B. State standards. Bed-and-breakfast establishments shall comply with the standards of Ch. HFS 197, Wis. Adm. Code.

§ 325-35. Planned unit developments.

- A. Where allowed.
 - (1) Planned unit developments (PUDs) are permitted as conditional uses in all zoning districts except the Conservancy and Floodplain Districts. Planned unit development is intended to permit the development of planned developments containing not less than 10 contiguous acres under one ownership or control.
 - (2) Within such planned communities, the location of all residential, commercial, industrial and governmental uses, school sites, parks, playgrounds, recreation areas, parking areas and other open spaces shall be controlled in such a manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another.

³⁵. Editor's Note: The definition of "bed-and-breakfast establishment" which followed this subsection has been moved to § 325-7, Definitions.

B. Application procedures. The procedure for obtaining authorization for the development of a PUD shall be as outlined in this article, except that the following requirements shall also apply:

- (1) The applicant shall provide proof that the site under consideration contains a minimum land area of not less than 10 acres under one ownership or control. Additional land area may be added to an existing PUD if it is adjacent or forms a logical addition to an existing PUD. The procedure for an addition shall be the same as if an original application were filed, and all of the requirements of this article shall apply, except the minimum acreage requirement of 10 acres.
- (2) The applicant shall furnish with his application for a conditional use permit 15 copies of a preliminary plan, prepared or certified by a surveyor or engineer duly authorized by the state to practice as such, showing the proposed general layout, the general location of the various types of land uses, the proposed densities of population in residential areas, a major thoroughfare plan, a public utility plan if public utilities are proposed or required, a storm drainage plan and a plan showing the location of recreation spaces, parks, schools and other public or community uses.
- (3) Following approval by the Plan Commission and the Village Board of a preliminary plan, the applicant shall furnish 15 copies of a final plan of any section of not less than four acres of the land shown on the preliminary plan, prepared or certified by a surveyor or engineer duly authorized by the state to practice as such, showing the layout of all major and local thoroughfares and local streets; the location of all buildings, parking areas, pedestrianways, utility easements, lot lines, open spaces, parks, recreation areas, school sites, and playgrounds; the proposed use of all buildings; and the metes and bounds of all dedicated areas and lots. The applicant shall also furnish a proposed deed of dedication, including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between buildings. The applicant shall furnish a deed, or deeds, to land determined by the Village to be needed for public elementary and intermediate school purposes. When the final plan and deed of dedication shall have been approved by the Plan Commission and the Village Board as being in conformity with this section and with any changes or requirements of the Plan Commission and the Village Board on the preliminary plan, it shall be approved for recordation and recorded. Thereafter, no modification may be made in any final plan, except by an amended final plan submitted as provided for the original plan.

C. Approval determinations. In granting a permit for the development of a PUD, the Plan Commission and the Village Board shall make the following determinations:

- (1) The overall population density shown on the PUD plan for residential and associated industrial and commercial uses shall not exceed an average density of 11 persons per acre. In computing population density, a factor of 3.7 persons shall be used per single-family dwelling, three persons per garden-type apartment unit or townhouse and 1.5 persons per high-rise apartment

unit.³⁶

- (2) A maximum of three residential density areas are shown on the PUD plan. Such density areas shall be designated low, medium and high.
 - (a) The population density within a low-density area shall not exceed 3.8 persons per acre of gross residential area.
 - (b) The population density within a medium-density area shall not exceed 14 persons per acre of gross residential area.
 - (c) The population density within a high-density area shall not exceed 60 persons per acre of gross residential area.
- (3) In computing average density on any final plan of a part of a PUD, which at the time of its creation was under one ownership or control, any excess in land area over that required to support an average density of 13 persons per acre of gross residential area in any final plan previously recorded may be included. In other words, as each successive final plan is submitted, the overall density of all areas shown on recorded final plans within the proposed PUD as approved by the Plan Commission and Village Board shall be recomputed so that the average population density of the developed areas within the recorded sections of the PUD shall never at any time in the history of the development exceed a density of 13 persons per acre.
- (4) The uses shall be as shown on the preliminary plans.
- (5) The location of all structures and designated building envelopes shall be as shown on final plans. Building envelopes must be protected by adequate covenants running with the land, conveyances, or dedications.
- (6) The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances or dedications. There shall be no minimum lot size, no minimum setback lines, no maximum percentage of lot coverage and no minimum lot width in the PUD. However, every single-family dwelling shall have access to a public street, court, walkway or other area dedicated to public use, and no single-family dwelling (except a townhouse or semidetached dwelling) and no addition to any single-family dwelling shall be erected within a distance of less than 16 feet from any other single-family dwelling.
- (7) The owner has bonded himself and his contractors to make the required improvements within a reasonable length of time.

§ 325-36. Filling, grading and lagooning.

36. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. Prohibition. Filling, grading, lagooning or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation or impairment of fish and aquatic life shall be prohibited.
- B. Filling and grading. A conditional use permit for filling and grading shall be required in the following instances:
 - (1) Any proposed grading or filling in a Floodplain or Conservancy Zoning District or of the bed of a navigable body of water. Such grading or filling shall be carefully evaluated for its impact. The Plan Commission shall evaluate the proposal for conformance with all applicable state and local regulations and may refer the proposal to any state or local governmental agency for advice and/or technical assistance.
 - (2) Any proposed grading or filling of any area which is within 300 feet horizontal distance of the high-water mark of a navigable body of water and which has surface drainage toward the water and on which there is:
 - (a) Filling of more than 500 square feet of any wetland which is contiguous to the water.
 - (b) Filling or grading on slopes of 20% or more.
 - (c) Filling or grading of more than 1,000 square feet on slopes of 12% to 20%.
 - (d) Filling or grading of more than 2,000 square feet on slopes of 12% or less.
 - (3) Any proposed grading or filling of an area of more than 2,000 square feet that would create or alter slopes of 10% or more.
- C. Lagooning and dredging.
 - (1) A conditional use permit shall be required before constructing, dredging or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet of the high-water mark of a navigable body of water or where the purpose is ultimate connection with a navigable body of water. This requirement does not apply to soil conservation practices, such as terraces, runoff diversions and grassed waterways, which are used for sediment retardation.
 - (2) The Plan Commission shall evaluate each application and may request expert assistance from state, federal and local agencies.
- D. Conditions attached to permit. In granting a conditional use permit for filling, grading, or lagooning, the Plan Commission may attach the following conditions in addition to those specified in § 325-31 of this chapter:
 - (1) The smallest amount of bare ground be exposed for the shortest time feasible.
 - (2) Temporary ground cover such as mulch be used and permanent cover such as

sod be planted.

- (3) Diversions, silting basins, terraces and other methods to trap sediment be used.
 - (4) Lagooning be conducted in such a manner as to avoid creation of fish-trap conditions.
 - (5) Fill is stabilized according to accepted engineering standards.
 - (6) Fill will not restrict a floodway or destroy the storage capacity of a floodplain.
 - (7) Sides of a channel or artificial watercourse be stabilized to prevent slumping.
 - (8) Sides of channels or artificial watercourses be constructed with slopes of two horizontal to one vertical or flatter, unless vertical bulkheads or riprapping is provided.
- E. State agency permits. Any state agency permits shall be required as applicable, and the granting of a conditional use permit by the Plan Commission shall not be regarded as necessarily satisfying state and/or local permit requirements.

ARTICLE V

Nonconforming Uses, Structures and Lots

§ 325-37. Existing nonconforming uses.

- A. Continuation. Except as otherwise specially provided in this chapter, the lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; provided, however, that:
- (1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.
 - (2) The total lifetime structural repairs or alterations shall not exceed 50% of the assessed value of the structure at the time of its becoming a nonconforming use, unless it is permanently changed to conform to the use provisions of this chapter.
 - (3) Substitution of new equipment may be permitted by the Plan Commission if such equipment will reduce the incompatibility of the nonconforming use with the neighboring use.
- B. Abolishment or replacement of existing nonconforming use. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this

chapter. From the date of adoption of this chapter, a current file of all nonconforming uses shall be maintained by the Village Clerk-Treasurer/Building Inspector, listing the following:

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

§ 325-38. 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 to 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.

§ 325-39. Changes and substitutions.

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

§ 325-40. Preexisting substandard lots.

A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter may be used as a building site for a single-family dwelling upon issuance of a building permit subject to the following conditions:

- A. Such use is permitted in the zoning district.
- B. The lot is on record in the County Register of Deeds office prior to the effective date of this chapter.
- C. The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this chapter.
- D. All the dimensional requirements of this chapter shall be complied with insofar as practical.
- E. The sanitary provisions of the County Sanitary Ordinance shall apply to those lots not served by public sewer.

ARTICLE VI
Traffic Visibility, Loading, Parking and Access

§ 325-41. 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 2 1/2 feet and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines 15 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 30 feet.

§ 325-42. Loading requirements.

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

Use	Floor Area (square feet)	Loading Space
Retail, wholesale warehouse, service manufacturing, and industrial establishments	2,000 to 10,000	1
	10,001 to 20,000	1
	20,001 to 40,000	2
	40,001 to 60,000	3
	Each additional 50,000	1
Motels, schools, offices, hospitals, places of public assembly	5,000 to 10,000	1
	10,001 to 50,000	2
	50,001 to	2
	100,000	1
	Each additional 25,000	
Funeral homes	2,500 to 4,000	1
	4,001 to 6,000	1
	Each additional	1
	10,000	

- B. Multiple or mixed uses. Where a building is devoted to more than one use or to different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- C. Location. Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30

feet of the nearest point of intersection of two streets or require any vehicle to back into a public street.

- D. Design standards. Each off-street loading space shall have a width of at least 12 feet, a length of at least 40 feet, and a vertical clearance of at least 15 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to 10 feet in width, 25 feet in length, and eight feet in vertical clearance. All loading berths shall be completely screened from residential properties by building walls or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight feet in height.
- E. Surfacing. All open off-street loading berths shall be improved with a compacted gravel base, not less than seven inches thick, surfaced with not less than two inches of asphalt or treated with some comparable all-weather dustless material.
- F. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence district.
- G. Utilization. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- H. Central loading. Central loading facilities may be substituted for loading berths on the individual zoning lots, provided that the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing the number of loading berths.)
 - (3) No zoning lot served shall be more than 300 feet removed from the central loading area.
 - (4) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven feet in width and have a clearance of not less than seven feet.

§ 325-43. Parking requirements.

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

- A. Access. Adequate access to a public street shall be provided for each parking space.

- B. Design standards. Each required off-street parking space shall have a stall width of at least 10 feet and a stall length of at least 18 feet. Such space shall have a vertical clearance of at least 6 1/2 feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: aisles shall be not less than 24 feet wide for ninety-degree parking, 18 feet wide for sixty-degree parking, 15 feet wide for forty-five-degree parking (the angle shall be measured between the center line of the parking space and the center line of the aisle), and 12 feet wide for parallel parking. For parallel parking, the minimum length of the parking space shall be increased to 23 feet. No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- C. Location.³⁷
- (1) Off-street parking is permitted in all yards of all districts, except in the front yards of single-family and two-family residence districts, but shall not be closer than five feet to a side lot line, right-of-way line or rear lot line.
 - (2) Off-street parking in the single-family residence and two-family residence districts is permitted in the front yard in the driveway, even though closer than five feet to a side lot line, provided that the driveway conforms to the requirements in Chapter 160, Driveways and Culverts, of this Code. Parking stalls for single- and two-family residences may be placed one behind the other.
- D. Surfacing. All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds. (Normally, a two-inch blacktop on a four-inch base or five inches of Portland cement will meet this requirement.) Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- E. Landscaping requirements.
- (1) Landscaping. All public and private off-street parking areas which serve five vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this chapter shall be provided with accessory landscape areas totaling not less than 10% of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet.
 - (2) Location. The location of landscape areas, plant materials, protection afforded the plantings, including curbing, and provision for maintenance by the property owner shall be subject to approval by the Village Clerk-Treasurer/Building Inspector.
 - (3) Plans. All plans for such proposed parking areas, at the discretion of the

37. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Village Clerk-Treasurer/Building Inspector, shall include a topographic survey or grading plan which shows existing and proposed grades and the location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.

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

F. Number of stalls. The number of parking stalls required for newly created parking lots is shown in the following table:

Use	Minimum Parking Required
Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Multifamily dwellings	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling, with 1/2 of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Sororities, lodges, clubs, dormitories, rooming houses and boardinghouses	1 stall for each bed plus 1 stall for each 3 employees
Institutions, clubs, and rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees

Medical and dental clinics	3 stalls for each doctor
Churches, theaters, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each student auto permitted
Restaurants, bars, places of entertainment, repair shops, and retail and service stores	1 stall for each 200 square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall for every 2 employees; the number of employees shall be construed to mean the maximum number on the premises at one time
Financial institutions and business, government and professional offices	1 stall for each 200 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for each 300 square feet of outdoor display area for each motor vehicle to be displayed (this requirement does not include service garages; see below)
Automobile repair garages and service stations	1 space for each employee plus 1 space for each 250 square feet of floor area used for repair work
Bowling alleys	5 spaces for each alley

G. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.

H. Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in this Code, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

I. Changes in buildings or use. Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 50% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

J. Off-lot parking.

(1) Required off-street parking spaces shall be located on the same lot with the

principal use, or, when this requirement cannot be met, such parking spaces may be located off lot, provided that the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the Village Attorney.

- (2) Off-lot parking spaces for residential uses shall be within 250 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within 300 feet of the entrance of the establishment.
- (3) Accessory parking may be located in residential districts, provided that said lots or property is immediately adjacent to a commercial or industrial zoning district.³⁸
- (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of 10 feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

§ 325-44. Highway access.

- A. Private access restricted. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- B. Public or private access prohibited. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 - (1) Freeways, interstate highways and their interchanges or turning lanes nor to the intersection of interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
 - (2) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
 - (3) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
- C. Public access barriers. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above-specified streets or highways.
- D. Temporary access. Temporary access to the above rights-of-way may be granted by the Village Clerk-Treasurer/Building Inspector after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.

38. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 325-45. Recreational vehicles.

A. Definitions. For purposes of this section, the following definitions shall apply:

BOAT — Every description of watercraft used or capable of being used as a means of transportation on water.

BOAT OR SNOWMOBILE TRAILER — A vehicle on which a boat or snowmobile may be transported and which is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this section, is termed an "unmounted boat or snowmobile."

RECREATIONAL VEHICLE — Any of the following:

- (1) **TRAVEL TRAILER** — A vehicular, portable structure built on a chassis and on wheels that is between 10 and 36 feet long, including the hitch, and eight feet or less in width, designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called "fifth-wheel units."
- (2) **PICKUP COACH** — A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
- (3) **MOTOR HOME** — A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
- (4) **CAMPING TRAILER** — A canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
- (5) **CHASSIS MOUNTS, MOTOR HOMES and MINI MOTOR HOMES** — Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom.
- (6) **CONVERTED AND CHOPPED VAN** — Recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.

YARD, FRONT — That part of a lot between the front lot line and the front(s) of the principal building on the lot and extended to both side lot lines.

YARD, REAR — That part of a lot between the rear lot line and the back(s) of the principal building on the lot and extended to both side lot lines.

YARD, SIDE — That part of a lot not surrounded by building and not in the front or rear yard.

B. Permitted parking or storage of recreational vehicles. In all residential and commercial districts provided for in this chapter, it is permissible to park and store a recreational vehicle or boat and boat trailer on private property in the following manner:

- (1) Parking is permitted inside any enclosed structure, which structure otherwise

conforms to the zoning requirements of the particular zoning district where located.

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

§ 325-46. Storage of tractors and road machinery.

No person, firm or corporation shall park, keep or maintain on properties zoned as residential or multiple-residential dwellings the following types of vehicles: dump trucks, auto wreckers and road machinery. Said vehicles may not be kept or parked on said premises whether or not they are in enclosed buildings, except for the purposes of

unloading or servicing the premises.

ARTICLE VII
Signs, Canopies, Awnings and Billboards

§ 325-47. Purpose; applicability.

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, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Hustisford; painting, posting and general maintenance are excepted.

§ 325-48. Definitions.

The following definitions are used in this article:

ADVERTISING SIGN — A structural poster panel or painted sign, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.³⁹

ADVERTISING STRUCTURE — Anything constructed or erected, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.⁴⁰

AREA OF SIGN — The perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed, unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of an irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight straight lines.

AWNING — A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.

BILLBOARD — A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

BLANKETING — The unreasonable obstruction of view of a sign caused by the placement of another sign.

39. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

40. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

CANOPY — A shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.

DAY — A day shall be designated as a period of time in terms of calendar days.

DIRECTLY ILLUMINATED SIGN — Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

DIRECTORY SIGN — Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with the advertising of multiple-occupied commercial and industrial buildings.

ELECTRONIC MESSAGE UNIT SIGN — Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic or charitable events or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.

FLASHING SIGN — Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

FREESTANDING (GROUND AND/OR POLE SIGN) — Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

IDENTIFICATION SIGN — Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.

INDIRECTLY ILLUMINATED SIGN — A sign that is illuminated from a source outside of the actual sign.

MARQUEE — A permanent rooflike structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.

MARQUEE SIGN — Any sign attached to and made part of a marquee.

NONCONFORMING SIGN — Any sign which does not conform to the regulations of this chapter.

OFF-PREMISES SIGN — Any sign, device or display which advertises goods other than those commonly available or services other than those commonly performed on the premises on which the sign is located.

POLITICAL SIGN — Any sign displaying a candidate for an election or a current election's subject matter.

PORTABLE SIGN/MESSAGE BOARD — Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.

PROJECTING SIGN — Any sign extending more than 18 inches but less than four feet from the face of a wall or building; such sign may not extend more than three feet into the right-of-way.

REAL ESTATE SIGN — Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

ROOF SIGN — Any sign erected upon or over the roof or parapet of any building.

SIGN — Includes anything that promotes or calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.

TEMPORARY SIGN — Any sign which is erected or displayed for a limited period of time not to exceed 28 consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this chapter, a portable sign is not a temporary sign.

WALL SIGN — Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than six inches from such wall.⁴¹

WINDOW SIGN — Any sign located completely within an enclosed building and visible from a public way.

§ 325-49. Sign permit.

- A. Application. Except for those specified in § 325-50, no signs, billboards, awnings or canopies shall hereafter be located erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Hustisford. If the sign will affect the structural strength of a building, is large enough to require structural supports and bracing, or is to have electrical wiring, a building permit from the Building Inspector shall also be required. Signs shall not be erected or altered until a permit has been issued by the Village Clerk-Treasurer/Building Inspector. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.
- B. Required information. Application for a sign permit shall be made in writing upon forms furnished by the Village Clerk-Treasurer/Building Inspector which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change when no change in business name is involved.
- C. Permit fees. Required permit fees shall be paid to the Village Clerk-Treasurer/Building Inspector for each sign permit issued under this article;

⁴¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

provided, however, that a fee shall not be charged for putting an existing sign in conformity with this article or for a copy change when no change in business name is involved.

- D. Insurance. Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of \$250,000 for bodily injury and \$500,000 aggregate and \$500,000 property damage. Proof of insurance shall be presented to the Village Clerk-Treasurer/Building Inspector before the sign permit is granted.⁴²
- E. Inspection. The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Village Clerk-Treasurer/Building Inspector, who will assure the sign complies with the regulations of this article.⁴³
- F. Exceptions.
 - (1) Temporary signs. Permits are not required for such temporary signs as real estate (which advertises the sale or rental of the premises upon which it is posted) or similar-type signs, provided that such signs do not exceed eight square feet of display surfaces. All temporary signs shall be removed within 10 days after their use has discontinued. Temporary signs shall not be located on a right-of-way terrace and shall not interfere with driveway vision clearance.⁴⁴
 - (2) Window signs. Window signs directing attention to a business or profession conducted on the premises or to a product, service or entertainment sold or offered on said premises shall be permitted without a permit.
- G. Appeals. The Village Clerk-Treasurer/Building Inspector may at any time, for a violation of this article, revoke a permit or require changes so the sign conforms to this article. The holder of a revoked permit shall be entitled to an appeal before the Village Board. Any person, firm or corporation aggrieved by any permit denial or decision by the Village Clerk-Treasurer/Building Inspector relative to the provisions of these sign regulations may appeal and seek review of such decision to the Village Board.

§ 325-50. Signs exempt from permit requirement.

The following signs do not require a sign permit, provided that they are not located over a public road right-of-way or in, on or over public water:

- A. Commercial, industrial and planned unit development (commercial/industrial) districts.
 - (1) Warning signs not to exceed four square feet located on the premises.

42. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

43. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

44. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.
- (3) Official signs, such as traffic control, parking restriction, information and notices.
- (4) Rummage or garage sale signs not to exceed eight square feet in area, but use of this type of sign shall be limited to 72 hours per sale.
- (5) Signs designating entrances, exits, service areas, parking areas, rest rooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
- (6) Signs not exceeding two square feet in area and bearing only property numbers, postbox numbers or names of occupants of the premises.
- (7) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (8) Legal notices, identification information or directional signs erected by governmental bodies.
- (9) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (10) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
- (11) Political signs, which may be posted 60 days before an election and must be removed within 10 days after said election. Said signs shall be a maximum of 32 square feet.
- (12) Window signs.
- (13) Bills, posters and banners.

B. Residential, conservancy and agricultural districts.

- (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and 10 feet in length.
- (2) Memorial signs, tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (3) Official signs, such as traffic control, parking restrictions, information and notices.
- (4) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning

district in which the same are located.

- (5) House numbers or signs identifying parks or country clubs or official bulletin boards.
- (6) Political signs, which may be posted 60 days before an election and must be removed within 10 days after said election. Said signs shall be a maximum of eight square feet.
- (7) Rummage or garage sale signs not to exceed eight square feet in area, but use of this type of sign shall be limited to 72 hours per sale.

§ 325-51. Commercial and industrial signs.

- A. Permitted signs. The following signs shall require a permit to be issued by the Village of Hustisford. Signs may be permitted in all commercial, planned unit development (commercial/industrial) and industrial districts, subject to the following restrictions:
 - (1) Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface, shall not exceed 300 square feet in area for any one premises and shall not exceed 20 feet in height above the mean center-line street grade.
 - (2) Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area for any one premises; shall not extend more than six feet into any required yard; shall not extend more than three feet into any public right-of-way; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
 - (3) Ground signs shall not exceed 20 feet in height above the mean center-line street grade, shall meet all yard requirements for the district in which they are located and shall not exceed 100 square feet on all sides for any one premises.
 - (4) Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located and shall not exceed 300 square feet on all sides for any one premises.
 - (5) Combinations of any of the above signs shall meet all the requirements for the individual sign.
- B. Lighting. Business and industrial signs may be internally lit or illuminated by a hooded reflector; provided, however, that such lighting shall be arranged to prevent glare, and no sign shall be lit by lighting of intermittent or varying intensity. Animated signs or signs having moving parts or signs which may be mistaken for traffic signal devices or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.
- C. Signs causing obstruction. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress or for fire-fighting purposes or placed so as to interfere with

any opening required for legal ventilation is prohibited.

- D. Signs at street intersection. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- E. Canopy signs. Signs shall be permitted to hang from canopies or covered walks in commercial or industrial districts, provided that there shall be only one sign, not to exceed five square feet, for each business and that the sign shall be at least 10 feet above ground level.⁴⁵

§ 325-52. Residential signs.

In addition to those permitted signs not requiring a permit pursuant to § 325-50B, the following nonflashing, nonilluminated signs are permitted under the conditions specified in all residential and planned unit development (residential) districts established by this chapter:

- A. Nameplate and identification signs, subject to the following:
 - (1) Area and content, residential. There shall be no more than one nameplate, not exceeding one square foot in area, for each dwelling unit, indicating the name or address of the occupant or a permitted home occupation. On a corner lot, two such nameplates for each dwelling unit (one facing each street) shall be permitted.
 - (2) Area and content, nonresidential. For nonresidential buildings, a single identification sign, not exceeding nine square feet in area and indicating only the name and address of the building, may be displayed. On a corner lot, two such signs (one facing each street) shall be permitted.
 - (3) Projection. Such signs shall be affixed flat against the wall of the building.
 - (4) Height. No sign shall project higher than one story or 15 feet above curb level, whichever is lower.
- B. "For Sale" and "To Rent" signs, subject to the following:
 - (1) Area and number. There shall be not more than one sign per zoning lot, except that on a corner zoning lot two signs (one facing each street) shall be permitted. No sign shall exceed eight square feet in area nor be closer than 12 feet to any other zoning lot.
 - (2) Height. No sign shall project higher than one story or 15 feet above curb level, whichever is lower, when attached to a building; detached or freestanding signs shall not be more than four feet in height, measured from the soil grade to the top of the signpost.
- C. Signs accessory to a parking area, subject to the following:

45. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Area and number. Signs designating parking area entrances or exits are limited to one sign for each such exit or entrance and to a maximum size of two square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet, shall be permitted. On a corner lot, two such signs (one facing each street) shall be permitted.
 - (2) Projection. No sign shall project beyond the property line into the public way.
 - (3) Height. No sign shall project higher than seven feet above curb level.
- D. Signs accessory to roadside stands, subject to the following:
- (1) Content. The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.
 - (2) Area and number. The signs shall be on the same zoning lot (either zoned agricultural or with a conditional use permit) as the roadside stand, and there shall be not more than two signs per lot. A sign shall not exceed 12 square feet in area or be closer than 50 feet to any other zoning lot.
 - (3) Projection. No sign shall project beyond the property line into the public way.
 - (4) Height. No sign shall project higher than 15 feet above curb level.
 - (5) Permit. A sign permit is required for this type of sign.
- E. Temporary signs accessory to subdivision developments or other permitted improvements in residential districts, subject to the following:
- (1) Content. The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction or for the identification of other nonresidential uses under construction.
 - (2) Area, number and setback. Such signs shall not exceed two in number for each subdivision nor 50 square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least 50 feet from all other boundaries of the site.
 - (3) Height. No sign shall project higher than eight feet above curb level.
 - (4) Time limitations. The sign or signs shall be removed by the applicant or property owner within two years of the date of the issuance of a sign permit.
- F. Subdivision identification signs, subject to the following:
- (1) Content. The signs shall bear only the name of the subdivision or development.
 - (2) Area and number. There shall be not more than two signs located at each entrance to a subdivision. No sign shall exceed 32 square feet in area. Such identification signs shall only be erected after review and approved by the Village Clerk-Treasurer/Building Inspector.

- (3) Height. No sign shall project higher than 12 feet above curb level; the Plan Commission may, however, temporarily authorize a larger sign for a period not to exceed two years.
- (4) Permit. A sign permit is required for this type of sign. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Village Clerk-Treasurer/Building Inspector for approval. The location of any such sign shall be at the discretion of the Village Clerk-Treasurer/Building Inspector based upon the character of the area, the type and purpose of the sign and the length of time permitted.

G. Nonflashing, illuminated church bulletins, subject to the following:

- (1) Area and number. There shall be not more than one sign per lot, except that on a corner lot, two signs (one facing each street) shall be permitted. A sign shall not exceed 16 square feet in area or be closer than eight feet to any other zoning lot.
- (2) Projection. No sign shall project beyond the property line into the public way.
- (3) Height. No sign shall project higher than one story or 15 feet above the curb level, whichever is lower.

§ 325-53. Landscape features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged and shall not be counted as allowable sign area.

§ 325-54. Prohibited signs.

- A. Traffic interference. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- B. Moving or flashing signs. No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. No signs, billboards or other advertising media which create a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- C. Signs on public rights-of-way. Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this chapter, or be located within five feet of a property line.

§ 325-55. Dangerous and abandoned signs.

- A. Removal of dangerous signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises has not been conducted for a period of six months or when, in the judgment of the Village Clerk-Treasurer/Building Inspector, such sign is so old or 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 Clerk-Treasurer/Building Inspector may remove the sign at the cost of the owner, following adequate written notice. The owner may appeal the decision of the Village Clerk-Treasurer/Building Inspector to the Village Board.
- B. Abandoned signs. Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premises sign is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign, the Village Clerk-Treasurer/Building Inspector shall give the owner 60 days' written notice to remove said sign and thereafter, upon the owner's or lessee's failure to comply, may remove such sign, any costs for which shall be charged to the owner of the property or may be assessed as a special charge against the property and/or the Village Clerk-Treasurer/Building Inspector may take any other appropriate legal action necessary to attain compliance.⁴⁶
- C. Signs declared nuisances. All signs constructed or maintained in violation of any of the provisions of this article after the date of adoption are hereby declared public nuisances within the meaning of this Code. In addition to the penalty provisions for violations of this article, the Village Clerk-Treasurer/Building Inspector or Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

§ 325-56. Variances or exceptions.

Variances or exceptions to these sign regulations may be granted by the Village Board following a recommendation from the Village Clerk-Treasurer/Building Inspector, pursuant to the standards of this chapter.

§ 325-57. Construction and maintenance.

- 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 Clerk-Treasurer/Building Inspector.
- B. General requirements.

⁴⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Construction standards. All signs, except flat signs and those signs weighing less than 10 pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice or snow) of the sign.
 - (2) Illuminated signs. Any illuminated signs shall not interfere with surrounding properties or traffic.
 - (3) Roof signs. No sign shall be located so as to project above the parapet line unless approved by the Village Clerk-Treasurer/Building Inspector.
 - (4) Projection. Signs including supports shall not interfere with surrounding properties or traffic.
 - (5) Prohibited mounting. No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
 - (6) Blanketing. Blanketing of signs on buildings shall not be allowed.
 - (7) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times, and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
 - (8) Annexed areas. All signs in newly annexed areas shall comply with this article within two years of annexation.⁴⁷
- C. Location adjacent to residence district. No advertising sign shall be permitted within 75 feet of any residence district boundary line unless:
- (1) Said sign is completely screened from said residence district by a building, solid fence, or an evergreen planting, which planting shall be not more than two feet shorter than the height of the sign at the time said evergreens are planted, said evergreens to be spaced not more than 1/2 the height of the tree for regular varieties and 1/3 the height of the tree for columnar varieties of trees, and said evergreen planting to be continuously maintained; or
 - (2) Said sign is facing away from the residence district and the back is screened as provided below.
- D. Sign mounting. All signs shall be mounted in one of the following manners:
- (1) Flat against a building or wall;
 - (2) Back-to-back in pairs so that the back of the sign will be screened from public view;

⁴⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (3) In clusters in an arrangement which will screen the back of the signs from public view; or
- (4) Otherwise so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with the surrounding environment.

§ 325-58. Special sign requirements.

- A. Electronic message unit signs.
 - (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
 - (2) Segmented messages must be displayed for not less than 1/2 second and not more than 10 seconds.
 - (3) Traveling messages may travel no slower than 16 light columns per second and no faster than 32 columns per second.
- B. Commercial portable signs/message boards. Such signs shall be limited in use to 30 days at a time following approval by the Village Clerk-Treasurer/Building Inspector; provided, however, that the Village Clerk-Treasurer/Building Inspector shall not give approval for placement of a portable sign/message board if it presents a vision obstruction; such signs shall not be displayed more frequently than three times per year at any one location. This restriction shall not apply to public service announcement portable signs. The maximum size of a portable sign/message board shall be 10 square feet on each face, back to back.
- C. Searchlights. The Village Clerk-Treasurer/Building Inspector may permit the temporary use of a searchlight for advertising purposes in any district, provided that the searchlight will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five days in any six-month period.

§ 325-59. Nonconforming signs.

- A. Characterization as legal nonconforming. Any sign located within the Village of Hustisford limits as of the date of adoption of this article hereafter which does not conform to the provisions of this article is eligible for characterization as a legal nonconforming sign and is permitted.
- B. Loss of legal nonconforming status.
 - (1) A sign loses its nonconforming status if one or more of the following occurs:
 - (a) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or act of God or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three months after such calamity,

unless the damage to the sign is 50% or more of its replacement value, in which case the reconstructed sign shall comply with the provisions of this article.

- (b) The sign is relocated.
 - (c) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
- (2) On the date of occurrence of any of the above, the sign shall be immediately brought into compliance with this article with a new permit secured therefor or shall be removed.
- C. Maintenance and repair. Nothing in this article shall relieve the owner or user 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.

§ 325-60. Awnings and canopies.

- A. Permitted awnings. No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (2) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than seven feet above the level of the public sidewalk or public thoroughfare.
 - (3) Setback from curblines. No awning shall extend within one foot of the curblines.
- B. Permitted canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) Support. The structural support of all canopies shall be approved by the Village Clerk-Treasurer/Building Inspector as in compliance with the Building Code of the Village⁴⁸ and shall meet state building codes. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in § 325-57 of this article. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
 - (2) Height above sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight feet above the level of

48. Editor's Note: See Ch. 140, Building Construction.

the sidewalk or public thoroughfare.

- (3) Setback from curb. No canopy shall extend beyond a point two feet from the curbline.

§ 325-61. Enforcement and penalties.

- A. Construction without permit. Any person, firm or corporation who or which begins, erects or completes the erection or construction of any sign, awning or canopy controlled by this article prior to the granting of a sign permit shall pay a penalty double the amount of the permit fee otherwise required.
- B. Compliance notice.
 - (1) If the Village Clerk-Treasurer/Building Inspector finds that any sign, awning or canopy regulated herein is unsafe or insecure or is a menace to the public, he shall give written notice to the sign owner and to the property owner.
 - (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five days after such notice, the Village Clerk-Treasurer/Building Inspector may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this article.
- C. Violations and penalties. Any person who shall violate any of the provisions of this article shall be subject to a penalty which shall be as follows:
 - (1) Any person found guilty of violating any part of this article who has previously been notified of being in violation or been convicted of violating the same article within one year shall, upon conviction thereof, be subject to a forfeiture as prescribed by Chapter 1, § 1-3 of this Code for each such offense, together with costs of prosecution, and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
 - (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this article shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this article.

ARTICLE VIII
Performance Standards

§ 325-62. Intent.

It is the intent of this article to use performance standards for the regulation of uses to facilitate a more objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects. This chapter permits specific uses in specific districts, and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises

or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following environmental performance standards.

§ 325-63. Noise. ⁴⁹

No operation or activity shall transmit any noise exceeding 75 decibels from 7:00 a.m. to 11:00 p.m. and 70 decibels from 11:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:

- A. Noises not directly under the control of the property owner.
- B. Noises from temporary construction or maintenance activities during daylight hours.
- C. Noises from emergency, safety or warning devices.

§ 325-64. Vibration.

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

§ 325-65. Glare and heat.

No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in an industrial district which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

§ 325-66. Odor.

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Ch. NR 429, Wis. Adm. Code.

§ 325-67. Fire and explosive hazards.

All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive material shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that

49. Editor's Note: See also Ch. 240, § 240-8, Loud and unnecessary noise.

range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire-extinguishing system.

§ 325-68. Air pollution.

- A. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Ch. NR 431, Wis. Adm. Code.
- B. No activity or operation shall be established or maintained which by reason of its nature causes emission of any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. In no case shall any activity emit any liquid or solid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mines' Information Circular 7718, in any industrial district.

§ 325-69. Hazardous pollutants. ⁵⁰

- A. Pollutants. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Ch. NR 445, Wis. Adm. Code.
- B. Liquid or solid wastes. No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

§ 325-70. Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

§ 325-71. Refuse.

All waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

ARTICLE IX
Signal Receiving Antennas; Radio or Television Towers

50. Editor's Note: See also Ch. 189, Hazardous Materials.

§ 325-72. 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 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 fire-fighting apparatus and emergency personnel.
- B. Permit required. No person shall, within the Village of Hustisford, build, construct, use or place any type of signal receiving antenna within a commercial or industrial district until a permit shall have first been obtained from the Village Clerk-Treasurer/Building Inspector.⁵¹
- C. Definitions. As used in this section, the following terms shall have the meaning indicated:

OWNER — 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 owner shall be considered an owner.

SIGNAL RECEIVING ANTENNA — 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, communication towers, and AM, FM, ham and shortwave radio antennas, regardless of the method of mounting.⁵²

- D. Application for permit.
- (1) Application for a signal receiving antenna permit shall be made in writing to the Village Clerk-Treasurer/Building Inspector. With such application, there shall be submitted a fee as prescribed in the schedule of fees for building inspection services⁵³ and a sufficient set of mounting plans and specifications, including a general plan showing the location of the proposed

51. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

52. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

53. Editor's Note: See Ch. A330, Fees.

signal receiving antenna with respect to streets, lot lines and buildings.

- (2) Prior to the issuance of a permit for the installation of a satellite television antenna, all owners of residential property adjoining that of the applicant shall be notified of the application, together with copies of any plans or other material filed with the application deemed appropriate. Each property owner shall have 10 days to object to the installation of said antenna.⁵⁴
- (3) 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 Zoning Board of Appeals under Article XIV of this chapter.

E. Installation standards. Signal receiving antennas installed in a commercial or industrial zoning district within the Village shall comply with the following provisions:⁵⁵

- (1) Setbacks.
 - (a) Any signal receiving antenna and its mounting post shall be located a minimum of 15 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 Village Clerk-Treasurer/Building Inspector shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
- (2) Mounting. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Village Clerk-Treasurer/Building Inspector may require engineering calculations.
- (3) Diameter. The diameter of signal receiving antenna shall not exceed 10 feet, and six feet for a roof-mounted antenna, except for systems used to provide community antenna television services.

54. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

55. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (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 10 feet in height, as measured from the ground to the highest point of the antenna.
 - (b) A roof-mounted antenna may not exceed eight feet in height above the surrounding roofline as measured from the lowest point of the existing roofline.
- (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 80 miles per hour.
- (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 installation. If a signal receiving antenna is to be used by two 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 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/Building Inspector of the dates 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 any electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications

Commission regulations.

- (10) Compliance with federal regulations. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
- (11) Aesthetic considerations. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (12) Color. The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Village Clerk-Treasurer/Building Inspector as part of the application,

F. Variances. Requests for variances from the standards established by this section may be made to the Village Board.

G. 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 Clerk-Treasurer/Building Inspector, 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 or which fails to comply with the provisions of this section shall, upon conviction, be subject to the general penalty found in Chapter 1, § 1-3 of this Code.

§ 325-73. Radio or television antenna towers.

- A. No radio or television antenna tower shall be erected or installed within the front yard or side yard. The rear setback and the side setback in rear yards shall be that for the principal structure within the respective zoning district. The exact location of the antenna tower shall be subject to approval by the Village Clerk-Treasurer/Building Inspector.
- B. No radio or television tower shall exceed a height of 20 feet above the roofline of the building on the property upon which the antenna is located or 60 feet above the ground measured at grade level, whichever is the minimum. However, a greater height may be approved by the Village Board if needed to secure an adequate signal.
- C. Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code, Federal Communications Commission and the instructions of the manufacturer; in cases of conflict, the stricter requirements shall govern.

ARTICLE X

Accessory Uses and Structures; Fences and Hedges; Swimming Pools

§ 325-74. Accessory uses and structures. ⁵⁶

- 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 in residential districts. An accessory use or structure in a residential district may be established subject to the following regulations:
 - (1) Accessory building number limits. In any residential district, in addition to the principal building, a detached garage or attached garage and one additional accessory building may be placed on a lot.
 - (2) Accessory building size limits. No attached accessory building or structure shall exceed the height of the principal building or structure.
 - (3) Attached accessory building. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (4) Detached accessory buildings, accessory building yard requirements and detached garages. No detached accessory building shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than 30% of the required rear yard or be located within three feet of any other accessory building or lot line. An accessory building shall not be nearer than 10 feet to the principal structure unless the applicable building code regulations in regard to one-hour fire-resistive construction are complied with. In no event can the accessory uses or structure be forward of the front line of the principal structure. Accessory building yard requirements shall be as prescribed for each zoning district. Detached garages are permitted in the rear yard and side yard only, shall not exceed 15 feet in height, and shall not be closer than three feet to any lot line, nor closer than 15 feet to any alley line, and 25 feet to any street line.
- C. Use restrictions in residential districts. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry, except for home occupations as defined and authorized herein, and shall not be occupied as a dwelling unit.
- D. Use restrictions in nonresidential districts. An accessory use or structure in a commercial or industrial district may be established in the rear yard or side yard and shall have setbacks as prescribed in each zoning district.
- 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 five feet to the side line of the

56. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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 flagpoles, ornamental light standards, lawn furniture, sundials, birdbaths, 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 Village Clerk-Treasurer/Building Inspector and shall be removed within 30 days of occupancy of the project.
- H. Garages in embankments in front yards. Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, following approval by the Plan Commission, provided that:
 - (1) Such private garage shall be located not less than five feet from the front lot line;
 - (2) The floor level of such private garage shall be not more than one foot above the curb level; and
 - (3) At least 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 feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 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, flagpoles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line.
- K. Retaining walls. Retaining walls may be permitted anywhere on the lot; provided, however, that no individual wall shall exceed six feet in height and a terrace of at least three 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 feet to the property line.

§ 325-75. 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 30 days from the date of its delivery.
- B. Firewood should be neatly stacked and may be stacked not closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence" as

used in this subsection shall not include hedges and other vegetation.

- C. All brush, debris and refuse from the processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- D. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.⁵⁷
- E. Not more than 15% of the side and rear yard may be used for storage of firewood at any one time.

§ 325-76. Fences and hedges.

- A. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

ARCHITECTURAL OR AESTHETIC FENCE — A fence constructed to enhance the appearance of the structure or the landscape.

BOUNDARY FENCE — A fence placed on or within three feet of the property lines of adjacent properties.

FENCE — An enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purposes of this section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

HEDGE — A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

PICKET FENCE — A fence having a pointed post, stake, pole or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

PROTECTIVE FENCE — A fence constructed to enclose a hazard to the public health, safety and welfare.

- B. Height of fences regulated.

- (1) Except as provided in § 325-41, a fence, wall, hedge or shrubbery may be erected, placed, grown, or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six feet above the ground level, except that no fence, wall, hedge, or shrubbery that is located in a required front or corner side yard shall exceed a height of three feet. Where such lot line is adjacent to a nonresidentially zoned property, there shall be an eight-foot limit on the height of a fence, wall, hedge or shrubbery along such lot line.

- (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or

⁵⁷. Editor's Note: See Ch. 229, Nuisances.

grown along a lot line on any commercially or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding eight feet.⁵⁸

- (3) In any residence district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three feet above the street grade nearest thereto, within 25 feet of the intersection of any street lines or of street lines projected (see § 325-41).
- C. Setback for residential fences. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
- D. Security fences. Security fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- E. 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 10 feet above the ground or in height and project toward the fenced property and away from any public area.
- F. 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.
- G. 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-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 45 days.
- H. Nonconforming fences and hedges. Any fence or hedge existing on the effective date of this chapter and not in conformance with this section may be maintained, but any alteration, modification or improvement of said fence shall comply with this section.

§ 325-77. 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 24 inches, located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

58. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Exempt pools. Storable children's swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of 15 inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of this section.
- C. Permit required. Before work is commenced on the construction or erection of a private or residential swimming pool or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Village Clerk-Treasurer/Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Village Clerk-Treasurer/Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A fee as prescribed in the fee schedule for building inspection services shall accompany such application.⁵⁹
- D. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Village Clerk-Treasurer/Building Inspector, the Village Clerk-Treasurer/Building Inspector shall not issue a permit for construction as provided for in Subsection C 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 codes 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 or 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.
- E. Setbacks and other requirements.
 - (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
 - (2) Except as hereinafter provided, a swimming pool shall not be located so that

59. Editor's Note: See Ch. A330, Fees.

any portion of the pool shall be within 10 feet of the principal structure, shall not be closer than three feet to any lot line nor 15 feet to any alley line, nor shall it occupy more than 30% of the rear yard area or be within 10 feet of any overhead electrical service or power transmission line.

F. Fence.

- (1) Except as hereinafter provided, every outdoor swimming pool shall be completely surrounded by a fence or wall not less than four feet nor more than six feet in height, which shall be so constructed as not to have any openings, holes, or gaps larger than three inches in any dimension, except for doors and gates. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed, and they shall be kept securely closed at all times when not in actual use.⁶⁰
- (2) Swimming pools which are so constructed as to extend a minimum of four feet above the surrounding grade and are equipped with a removable safety ladder shall be exempt from required fencing. The area surrounding said pools shall be kept free of any chairs, tables or other equipment which may provide access to the pool by unsupervised children.
- (3) These requirements shall be applicable to all swimming pools, other than indoor pools, and shall apply to all existing pools which have a minimum depth of 24 inches of water. No person in possession of land within the Village, either as owner, purchaser, lessee, tenant, or licensee, upon which is situated a swimming pool having a minimum depth of 24 inches shall fail to provide and maintain such fence or wall, except in such cases as are specifically exempted above.
- (4) The Building Inspector may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein. Before the erection of any fence as required by this section, approval of the materials to be used must be obtained from the Building Inspector.

G. Interference with enjoyment of rights prohibited. No swimming pool shall be so located, designed, operated or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool, nor shall water from the swimming pool be permitted to flow or come upon the property of others nor drain into the Village sanitary sewer system.

H. Unnecessary noise. It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool any loud, unnecessary or unusual noise or any noise or sound which annoys, disturbs, injures or endangers the comfort,

⁶⁰. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

health, peace or safety of others.

ARTICLE XI
Modifications

§ 325-78. Height limitations.

The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accord with the following:

- A. Architectural projections. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this chapter.
- B. Special structures. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks are exempt from the height limitations of this chapter.⁶¹
- C. Essential services. Essential services, utilities, water towers, and electric power and communication transmission lines are subject to a conditional use permit.
- D. Communications structures. Communications structures, such as radio and television transmission and relay towers and aerial and observation towers, shall not exceed in height three times their distance from the nearest lot line.
- E. Agricultural structures. Agricultural structures, such as barns, silos and water windmills, shall not exceed in height twice their distance from the nearest lot line.
- F. Public facilities. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of 60 feet, provided that all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

§ 325-79. Yards.

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- A. Uncovered stairs. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six feet and not closer than three feet to any lot line, and must be eight feet or more above the ground.
- B. Architectural projections. Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard (setback requirements), but such projection shall not exceed two feet.
- C. Culs-de-sac and curves. Residential lot frontage on culs-de-sac and curves may be less than 80 feet, provided that the width at the building setback line is at least 80

⁶¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

feet and the street frontage is no less than 45 feet.

- D. Essential services. Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
- E. Street yards. The required street yards may be decreased in any residential or commercial district to the average of the existing street yards of the abutting structures on each side, but in no case less than 25 feet in any residential district and five feet in any commercial district.⁶²
- F. Detached garages. Detached garages are permitted in the rear yard and side yard only.

§ 325-80. Sound-level standards.

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

ARTICLE XII
Administration

§ 325-81. General provisions. ⁶³

Certain considerations, particularly with regard to the granting of permitted conditional uses, planned unit development conditional uses and changes in zoning districts and the Zoning Map and amending the text of this chapter require review and action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the chapter and to avoid arbitrariness.

§ 325-82. Clerk-Treasurer/Building Inspector. ⁶⁴

The Village Clerk-Treasurer/Building Inspector is hereby designated as the primary administrative officer for the provisions of this chapter. The duty of the Village Clerk-Treasurer/Building Inspector shall be to interpret and administer this chapter and to issue all permits required by this chapter. The Village Clerk-Treasurer/Building Inspector shall further:

- A. Issue all zoning certificates and make and maintain records, which records shall be maintained in the Village Hall.
- B. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter.
- C. Maintain permanent and current records of this chapter, including but not limited to all maps, amendments, conditional uses, variances, appeals and applications

62. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

63. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

64. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

therefor.

- D. Provide and maintain a public information function relative to all matters arising out of this chapter.
- E. Receive and file all applications for amendments to this chapter.
- F. Receive, file and forward to the Plan Commission all applications for conditional uses.
- G. Receive, file and forward to the Zoning Board of Appeals all applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to act under this chapter and attend all Zoning Board of Appeals meetings to provide technical assistance when requested by the Village Board.
- H. Initiate, direct and review from time to time a study of the provisions of this chapter and make recommendations to the Plan Commission not less than once a year.

§ 325-83. Plan Commission; Village Board; Zoning Board of Appeals.

- A. Plan Commission. The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this chapter, one of its functions is to make recommendations to the Village Board pursuant to guidelines set forth in this chapter as to various matters and always being mindful of the intent and purposes of this chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
- B. Village Board. The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has ultimate authority to make changes and amendments in zoning districts, the Zoning Map and Supplementary Floodland Zoning Map and to amend the text of this chapter. The Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this article and other provisions therefor elsewhere in this chapter. The Village Board shall act as the Board of Appeals for conditional uses granted by the Plan Commission.
- C. Zoning Board of Appeals. A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this chapter. See Article XIV of this chapter for detail provisions.

§ 325-84. Zoning permit.

- A. Zoning permit required. No building permit for a new structure, new use of land,

water or air, or change in the use of land, water or air shall hereafter be issued and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered unless the application for such permit has been examined by the office of the Village Clerk-Treasurer/Building Inspector and has affixed to it a certificate of the office of the Village Clerk-Treasurer/Building Inspector indicating that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all of the provisions of this chapter.

B. Application. Application for a zoning permit shall be made to the Village Clerk-Treasurer/Building Inspector and shall include the following where pertinent and necessary for proper review:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
- (2) A description of the subject site by lot, block and recorded subdivision or by metes and bounds; the address of the subject site; the type of structure; the existing and proposed operation or use of the structure or site; the number of employees; and the zoning district within which the subject site lies.
- (3) A plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Village Clerk-Treasurer/Building Inspector: the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.
- (4) Additional information as may be required by the Village Clerk-Treasurer/Building Inspector or Plan Commission (if involved).

C. Action.

- (1) A zoning permit shall be granted or denied in writing by the Village Clerk-Treasurer/Building Inspector within 30 days of application, and the applicant shall post such permit in a conspicuous place at the site.
- (2) The permit shall expire within six months unless substantial work has commenced or within 18 months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration the applicant shall reapply for a zoning permit before commencing work on the structure.
- (3) Any permit issued in conflict with the provisions of this chapter shall be null and void.

§ 325-85. Site plan approval.

- A. Site plan approval. Applications for building permits may require site plan approval as provided in Chapter 140, Building Construction, § 140-2C. Applications for zoning permits shall require site plan approval by the Plan Commission in accordance with the requirements of this section.⁶⁵
- B. Application. The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter.⁶⁶
- C. Administration. The Village Clerk-Treasurer/Building Inspector shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Plan Commission within 10 days. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Plan Commission and/or Village Engineer to advise whether the application and plans meet all the requirements applicable thereto in this chapter. Within 30 days of its receipt of the application, the Plan Commission shall authorize the Village Clerk-Treasurer/Building Inspector to issue or refuse a zoning permit.
- D. Requirements. In acting on any site plan, the Plan Commission may impose conditions upon the issuance of site plan approval as it deems necessary to address the following issues:
 - (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; and the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - (4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.
- E. Effect on municipal services. Before granting any site approval, the Plan

65. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

66. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

§ 325-86. Violations and penalties.

- A. Violations. It shall be unlawful to use or improve any structure or land or to use water or air in violation of any of the provisions of this chapter. In case of any violation, the Village Board, Plan Commission, the Village Clerk-Treasurer/Building Inspector or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this chapter or cause a structure to be vacated or removed.
- B. Remedial action. Whenever an order of the Village Clerk-Treasurer/Building Inspector has not been complied with within 30 days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Village Clerk-Treasurer/Building Inspector or the Village Attorney may institute appropriate legal action or proceedings.
- C. Penalties. Any person, firm or corporation who or which fails to comply with the provisions of this chapter or any order of the Village Clerk-Treasurer/Building Inspector issued in accordance with this chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Chapter 1, § 1-3, of this Code.

§ 325-87. Fees.

In order to cover Village costs, the fee for applications for rezonings, variances or conditional use permits shall be as provided in the Village Fee Schedule.⁶⁷

**ARTICLE XIII
Amendments**

§ 325-88. Authority.

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

⁶⁷. Editor's Note: See Ch. A330, Fees.

§ 325-89. Initiation of changes or amendments.

- A. Initiation. A change or amendment may be initiated by the Village Board, the Plan Commission or a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- B. Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk-Treasurer/Building Inspector and 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:
 - (1) A plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
 - (2) The owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
 - (3) Additional information required by the Plan Commission.
- C. Recommendations. The Plan Commission shall hold a public hearing as provided for in § 62.23(7)(d), Wis. Stats., and review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made in writing to the Village Board.
- D. Village Board's action. Following such hearing, the Plan Commission shall make a recommendation on the proposed ordinance effecting the proposed change or amendment. The Village Board shall then review the recommendation and make its determination.

§ 325-90. Protest.

- A. In the event of a protest against amendment to the Zoning Map, duly signed and acknowledged either by the owners of 20% or more of the areas of the land included in such proposed change or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the full Village Board membership.
- B. In the event of protest against amendment to the text of the regulations of this chapter, duly signed and acknowledged by 20% of the number of persons casting ballots in the last general election, it shall cause a three-fourths vote of the full Village Board membership to adopt such amendment.

ARTICLE XIV
Appeals

§ 325-91. Zoning Board of Appeals.

- A. Scope of appeals. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the Village Clerk-Treasurer/Building Inspector. Such appeal shall be taken within reasonable 30 days of the alleged grievance or judgment in question by filing with the Village Clerk-Treasurer/Building Inspector from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The Village Clerk-Treasurer/Building Inspector from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record of appeals upon which the action appealed from was taken.⁶⁸
- B. Stay of proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Clerk-Treasurer/Building Inspector from whom the appeal is taken certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Clerk-Treasurer/Building Inspector from whom the appeal is taken and on due cause shown.⁶⁹
- C. Powers of Zoning Board of Appeals. In addition to these powers enumerated elsewhere in this Code, the Zoning Board of Appeals shall have the following powers:
- (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Village Clerk-Treasurer/Building Inspector.
 - (2) Variances. To hear and grant appeals for variances in accordance with the procedures and requirements of § 325-94. Use variances shall not be granted.⁷⁰
 - (3) Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Board has made a review and recommendation.
 - (4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided that no structural alterations are to be made and the Village Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

68. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

69. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

70. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (5) Unclassified uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and the Village Board has made a review and recommendation.
- (6) Temporary uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Village Board has made a review and recommendation. The permit shall be temporary, revocable, and subject to any condition required by the Zoning Board of Appeals and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- (7) Permits. The Board may reverse, affirm wholly or partly, or modify the requirements appealed from and may issue or direct the issue of a permit.

§ 325-92. Hearing and notice.

The Zoning Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven days prior thereto, and cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five days prior to the hearing to the fee owners of record of all land within 100 feet of any part of the subject building or premises involved in the appeal.

§ 325-93. Decisions.

- A. Time frame. The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Village Clerk-Treasurer/Building Inspector.
- B. Conditions. Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- C. Validity. Variances, substitutions or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

§ 325-94. Variances.

- A. Purpose.
 - (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this chapter would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
 - (2) The Zoning Board of Appeals may authorize upon appeal, in specific cases,

such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.

- (3) For the purposes of this section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- B. Application for variation. The application for variation shall be filed with the Village Clerk-Treasurer/Building Inspector. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
- (1) The name and address of the applicant and all abutting and opposite property owners of record.
 - (2) A statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) The address and a description of the property.
 - (4) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Village Engineer, Village Board, Zoning Board of Appeals or Village Clerk-Treasurer/Building Inspector.
 - (6) Fee receipt.
- C. Public hearing of application. The Zoning Board of Appeals shall conduct at least one public hearing on the proposed variation. Notice of such hearing shall be given not more than 30 days and not less than 10 days before the hearing in one or more of the newspapers in general circulation in the Village and shall give due notice to the parties in interest, the Village Clerk-Treasurer/Building Inspector and the Village Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Zoning Board of Appeals shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.
- D. Action of the Board. For the Zoning Board of Appeals to grant a variance, it must find that:
- (1) Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or

unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed.

- (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
- (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
- (5) The proposed variation will not undermine the spirit and general and specific purposes of this chapter.

E. Conditions. The Zoning Board of Appeals on appeal may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.

§ 325-95. Review by court of record.

Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

**ARTICLE XV
Mobile Homes**

§ 325-96. Location of mobile home parks.

- A. Mobile home parks may be established in the R-MH Mobile Home Park District in accordance with the procedures, requirements and limitations set forth in this article. Within such mobile home parks, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- B. For the purposes of this article, manufactured homes are not mobile homes.
- C. It is the intent of this article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as mobile homes within the definitions of this article and to prohibit units not meeting the requirements for mobile homes as defined herein. Units constructed prior to 1974 are prohibited. Mobile homes meeting the requirements of the One- and Two-Family Dwelling Code shall not be permitted in a mobile home park except as a conditional use.

Permits may be obtained only after approval by the Village Board.

- D. No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of Hustisford, except that:⁷¹
- (1) Unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purpose of sales display; on the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; on the premises leased or owned by the owner of such mobile home for the purpose of sales display for a period not exceeding 60 days, provided that no business is carried on therein; or in an accessory private garage, building or rear yard of the owner of such mobile home, provided that no business is carried on therein.
 - (2) Individual mobile homes may be allowed by the Village Board in R-1 and R-2 Districts as temporary uses not to exceed 60 days under exceptional circumstances, such as to provide temporary housing during reconstruction following a fire.

§ 325-97. Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

FOUNDATION SIDING — A fire- and weather-resistant, prefinished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within 60 days from the date of placement on site.

MOBILE HOME COMMUNITIES (PARKS) — Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.

MOBILE HOME SUBDIVISION — A parcel of land platted for subdivision according to all requirements of the Master Plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.

PRIMARY EXPOSURE — Open areas adjacent to the front wall (or main entrance) of a dwelling unit.

RESIDENTIAL MOBILE HOME — A single-family dwelling built on or after October 1, 1974, in accordance with the American National Standards Institute (ANSI) Code or in accordance with the Housing and Urban Development (HUD) Code, both of which govern the heating and cooling systems, electrical systems, firesafety, body and frame construction, thermal protection and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by §§ COMM 20.12 to 20.17, Wis. Adm.

71. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Code. "Mobile home" also means a dwelling which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used, and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceed 50% of the assessable value of the mobile home. The term "mobile home" shall not include a factory-built structure meeting the following requirements:

- (1) Intended to be set on a foundation by virtue of its construction.
- (2) Normally transported only once, from the factory to the construction site.
- (3) From its very beginning, is designed to be permanently affixed to land.

SECONDARY EXPOSURE — Open areas adjacent to side and rear walls of a dwelling unit.

- B. Statutory definitions. In addition to the above definitions, definitions contained in § 66.0435, Wis. Stats., shall also be applicable.

§ 325-98. Mobile home occupancy permits.

- A. Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the Village Clerk-Treasurer within 60 days after the original effective date of this chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy are otherwise in conformity with the applicable laws and regulations of the state and Village. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for 12 consecutive months or if the total structural repairs and alterations to the mobile home exceed 50% of the net value.
- B. The owner or occupant of a mobile home shall, within five days after entering of a licensed mobile home park or removing to another park within the Village, obtain a permit from the Village Clerk-Treasurer. Such permits shall be issued only for mobile homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A119.1, as originally existing or, if amended, as amended.
- C. Nothing herein shall prevent the owner of a mobile home under Subsection A hereof from replacing the mobile home with a newer model, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit.

§ 325-99. Minimum number of lots or spaces.

- A. Where a mobile home park is to be established for the development of a single mobile home community, the minimum area shall be 10 acres. Minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as 25% of total units permitted on the site.⁷²
- B. These limitations shall not apply where expansion of an existing mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities as set forth herein.

§ 325-100. Permitted uses and structures.

The following principal uses and structures are permitted within authorized mobile home parks:

- A. One-family detached mobile homes (residential mobile home). In mobile home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- B. Permitted accessory uses and structures. Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.

§ 325-101. Mobile home park developer's permit.

- A. No person shall construct or extend any mobile home park or mobile home park building or facility within the limits of the Village without first securing a mobile home park developer's permit from the Village. Such permits shall be issued by the Village Clerk-Treasurer upon approval by the governing body.
- B. Applications for mobile home park developer's permits shall be filed with the Village Clerk-Treasurer with sufficient copies for the Village Clerk-Treasurer to forward one each to the Building Inspector, Fire Chief and Chief of Police, who shall investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the state and Village and report their findings in writing to the governing body within 60 days. Such reports shall be considered by the governing body before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.
- C. Application for a mobile home park developer's permit shall be accompanied by a fee as prescribed in the Village Fee Schedule to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be

⁷². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

erected within the proposed park.⁷³

- D. Applications shall be made on forms furnished by the Village Clerk-Treasurer and shall include the following information:
- (1) Name and address of applicant.
 - (2) Location and legal description of the proposed park, addition, modification or extension.
 - (3) A complete plot plan showing compliance with all applicable provisions of this chapter and the Municipal Building Code,⁷⁴ and Chapter 281, Subdivision of Land.
 - (4) Complete preliminary engineering plans and specifications, including a scale drawing of the proposed park, showing but not limited to:
 - (a) Plans and specifications of all utilities, including sewage collection and disposal, stormwater drainage, water and electrical distribution and supply, refuse storage and collection, lighting, and telephone and television antenna systems.
 - (b) Location and width of roadways and walkways, buffer strips, and recreational and other common areas.
 - (c) The location of mobile home stands with the mobile home spaces, including a detailed sketch of at least one typical mobile home space and stand therein.
 - (d) Landscape plan showing all plantings.
 - (e) Plans and specifications of all park buildings and structures.
 - (5) Interest of the applicant in the proposed mobile home park or extension thereof. If the owner of the tract is a person other than the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make the application.
 - (6) Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator.
- E. Final engineering plans and specifications complying with the provisions of this article and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the Village Clerk-Treasurer and checked by the proper municipal officials for compliance before the license is issued.

73. Editor's Note: See Ch. A330, Fees.

74. Editor's Note: See Ch. 140, Building Construction.

§ 325-102. Standard requirements for mobile home parks.

All mobile home parks and modifications of or additions or extensions to existing parks shall comply with the following:

- A. Chapter COMM 95, Wis. Adm. Code, as now existing or hereafter amended, is hereby made a part of this chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this chapter or any other applicable law or ordinance of the state or Village.
- B. Mobile home spaces shall be a minimum of 50 feet wide and 100 feet in depth, have a setback of 20 feet from all street rights-of-way, and have a side yard setback of 10 feet, except that driveways may extend to within four feet of a property line. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks or attached porches, shall be considered part of the unit for purposes of determining compliance with this provision. No mobile home site shall be rented for a period of less than 30 days. There shall be two surfaced automobile parking spaces for each mobile home. Unless adequately screened by existing vegetative cover, a mobile home park shall be screened around its outer perimeter by a planting of hedges or trees capable of reaching a height of 15 feet or more, the individual trees to be such a number and so arranged that within 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 15 feet when mature.
- C. No mobile home park shall be laid out, constructed or operated without Village sanitary sewer service and Village water service.⁷⁵
- D. All liquid wastes originating at units or service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply with all provisions of the state code and Village ordinances relating to plumbing and sanitation. Each individual space shall be provided with a three-inch watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear 1/3 of the stand, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.
- E. Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the Village Board. Open burning of waste or refuse is prohibited.
- F. All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new, and all parts and installations shall comply with all applicable federal, state and local codes.

⁷⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- G. Each space shall be provided with direct electrical service of not less than 100 amperes for two-hundred-twenty-volt service.
- H. A minimum of two off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of 4,000 pounds shall be provided for each mobile home space.
- I. Condition of soil, groundwater level, drainage and topography shall not create hazards to the property, health or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.
- J. Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- K. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- L. All parks shall be furnished with individual outdoor lot lighting of 25 to 60 watts so spaced and equipped with luminaires placed for the safe movement of pedestrians and vehicles at night, or streetlights as required by the Village Board.
- M. All mobile home spaces shall abut upon a street. All streets shall be provided with a smooth, hard and dense surface which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to ensure adequate surface drainage but not more than 8%, provided a maximum grade of 12% may be used if approved by the Public Works Superintendent as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within 100 feet of an intersection. Intersections of more than two streets at one point shall not be allowed. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets.
- N. All parks shall be provided with pedestrian walks between individual mobile homes, park streets and community facilities of not less than three feet in width. Grade and surfacing of walks shall be approved by the Public Works Superintendent as safe and comparable to sidewalks in other areas of the municipality subject to similar usage, except that, as an alternative, inverted curbing may be used which provides approximately five feet of concrete walking area adjacent to the curbline.⁷⁶
- O. All mobile home parks shall have a greenbelt or buffer strip not less than 10 feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is

⁷⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

also a mobile home park. Compliance with this requirement shall be made within five years from the granting of the mobile home park developer's permit. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.

- P. Mobile home park operators shall, at the time of approval, pay the park development fees required for conventional subdivisions in Chapter 281, Subdivision of Land, of this Code.
- Q. Single-family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one park office and service buildings for exclusive use of park residents shall be the only permitted uses in mobile home parks, provided the Village Board may approve the following uses when designed and limited to exclusive use of park residents:
 - (1) Laundromats.
 - (2) Clubhouses and facilities for private, social or recreation clubs.
 - (3) Swimming pools.
- R. No signs shall be erected in mobile home parks.
- S. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

§ 325-103. Mobile home park operator's license.

- A. It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by him a mobile home park within the Village without a valid, unexpired mobile home park license issued by the Village Clerk-Treasurer and approved by the Village Board upon determination that the standards in this section have been met and payment of the required fees.
- B. Mobile home park licenses shall be issued for a calendar year and shall expire on December 31 next succeeding date of issue. Licenses may be issued after January 1 of any year but no rebate or diminution of the fee shall be allowed therefor.
- C. The annual fee for a mobile home park license shall be as prescribed in the Village Fee Schedule; such fee shall also be paid upon the renewal of such license. Licenses may be transferred during a license year for a fee as prescribed in the Village Fee Schedule.⁷⁷

⁷⁷. Editor's Note: See Ch. A330, Fees.

- D. Licenses granted under this section shall be subject to revocation or suspension by the governing body for cause in accordance with § 66.0435(2), Wis. Stats., and the procedures in that section shall be followed. "Cause" as used in this subsection shall include but not be limited to:
- (1) Failure or neglect to abide by the requirements of this chapter or the laws or regulations of the State or Wisconsin relating to mobile home parks and their operation.
 - (2) Conviction of any offense under the laws of the state or ordinances of the Village relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.
 - (3) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park occupants or the inhabitants of the Village, including but not limited to repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.
 - (4) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations⁷⁸ regardless of the size or number of lots or spaces so transferred or sold.
- E. Except as provided in Subsection F of this section, no mobile home park license shall be granted for any premises or to any person not meeting the following standards and requirements:
- (1) All standards and requirements set forth in § 325-102 except as specifically waived or modified in writing by the Village Board and endorsed on the mobile home developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Commerce that the park complies with the provisions of Ch. COMM 95, Wis. Adm. Code, applicable thereto.
 - (2) Mobile home parks should be used only for the parking and occupancy of single-family nondependent mobile homes and accessory structures and appurtenances and uses.
 - (3) The applicant shall file with the Village Board certificates certifying that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities, including roads, have been constructed or installed in the park as required by this chapter and are in required operating condition at the time of said application. In addition, the Chief of Police, Building Inspector, and the Chief of the Fire Department shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations and ordinances applicable thereto. These officials shall furnish the Village Board in writing the information derived from such

78. Editor's Note: See Ch. 281, Subdivision of Land.

investigation and a statement as to whether the applicant and the premises meet the requirements of the department for which the officer is certifying.

- (4) Location and operation of the park shall comply with all zoning and land use ordinances of the state and Village.
- F. Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of this chapter, including parks in areas hereafter annexed to the Village, shall be exempt from the requirements hereof relating to land use and occupancy, provided that such use and occupancy comply with the applicable laws and ordinances in effect at the time of issuance of the original license, but shall file application for a mobile home park developer's nonconforming use permit and comply with all other provisions of this chapter within six months after the effective date hereof, provided that an existing mobile home park having a density in excess of that provided in § 325-102 shall not increase its density and shall be operated in other respects in accordance with this chapter. The governing body may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety and welfare of park occupants or inhabitants of the Village. All extensions, modifications or additions to lawfully licensed existing parks or facilities or structures therein shall comply with this chapter.

§ 325-104. Responsibilities of park management.

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

any violations of this chapter or any other violations of law which may come to their attention.

- (3) Report to Village law enforcement officials all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.
- (4) Supervise the placement of each mobile home on its stand, which includes securing its stability and installing all utility connections and tie-downs.
- (5) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (6) Maintain the park free from growth of noxious weeds.
- (7) Maintain the park free of litter, rubbish and other flammable materials, provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
- (8) Check to ensure that every mobile home unit has furnished, and in operation, a substantial, flytight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the ordinances of the Village.⁷⁹
- (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the ordinances and regulations of the municipality, including regulations promulgated by the Fire Chief.
- (10) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by § 325-106B of this chapter.

§ 325-105. Responsibilities of park occupants.

- A. Park occupants shall comply with all applicable requirements of this chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- C. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.

⁷⁹. Editor's Note: See Ch. 272, Solid Waste.

- D. Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.
- E. It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or any law or ordinance of the state or Village or lawful regulation or order adopted thereunder.
- F. Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this chapter.
- G. No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.
- H. No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- I. No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this chapter.

§ 325-106. Additional regulations.

- A. Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the Village. The Building Inspector or Village Board shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector or Village Board so determines, he or it shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him, giving the findings upon which this determination is based, and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than 30 days.
- B. Authorized representatives of the Village Board are authorized and directed to inspect mobile home parks not less than once in every twelve-month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the Village as affected thereby and the compliance of structures and activities therein with this chapter and all other applicable laws of the state and ordinances of the Village.
- C. Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
- D. All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the

park shall be in accordance with the regulations of applicable laws, ordinances and regulations of the state and municipality and their authorized agents, and may be performed by a professional mobile home service technician.

- E. All mobile homes in mobile home parks shall be skirted unless the unit is placed within one foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- F. No person shall construct, alter or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the Building Inspector. Construction on, or addition or alteration to, the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This subsection shall not apply to the addition of awnings, antennas or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.
- G. Storage under mobile homes is prohibited.

§ 325-107. Plumbing, electrical and building regulations.

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

§ 325-108. General site planning for mobile home communities.

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

- A. Principal vehicular access points. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- B. Access for pedestrians and cyclists. Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided,

shall be so related to the pedestrianway system that street crossings are combined.

- C. Protection of visibility for automotive traffic, cyclists and pedestrians. At intersections of any streets, public or private, the provisions of § 325-41 shall apply and are hereby adopted by reference.
- D. Ways for pedestrians and/or cyclists in exterior yards. In any exterior yard, required or other, ways for pedestrians and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utility easements.
- E. Internal relationships. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
 - (1) Streets, drives and parking and service areas. Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.
 - (2) Vehicular access to streets. Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves 50 units or fewer. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than 50 dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
 - (3) Ways for pedestrians and cyclists; use by emergency, maintenance or service vehicles.
 - (a) Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed 100 feet.
 - (b) Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and

safeguarded as to minimize contacts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed, may be combined with other easements and used by emergency, maintenance or service vehicles but shall not be used by other automotive traffic.