

COMPREHENSIVE ZONING
DISTRICT PLAN AND REGULATIONS
FOR THE VILLAGE
OF
ROSENDALE, WISCONSIN

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ARTICLE 1 TITLE, PURPOSE AND SCOPE

Section 1.1 This Ordinance shall be known and may be cited as the Zoning Ordinance of the Village of Rosendale, Wisconsin.

Section 1.2 Purpose

These regulations are made for the purpose of promoting health, safety, morals and the general welfare of the Village and to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements and to minimize flood losses in areas subject to flood hazards.

Section 1.3 Scope

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by this ordinance or amendments hereto, or with private restriction placed upon property by covenant, deed, or other private agreement, or with restrictive covenants running with the land to which the Village is a party. Where this ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract, or deed, the provisions of this ordinance shall control.

ARTICLE 2 RULES OF CONSTRUCTION AND GLOSSARY OF TERMS

Section 2.1 Rules of Construction

The following rules shall apply in the construction and interpretation of this Ordinance and of the terms used herein:

- 2.11 The present tense includes the future tense.
- 2.12 The masculine gender includes the feminine and the neuter.
- 2.13 The singular number includes the plural, and vice versa.
- 2.14 The word shall is always mandatory; the word may is always permissive.
- 2.15 The word person includes partnership, association, firm, trust, club, company, or corporation as well as the individual.
- 2.16 The word used or occupied or located as applied to any land, building, use, structure, or premise shall be construed to include the words intended, arranged, or designed to be used or occupied or located.
- 2.17 The word lot shall include the words plot and parcel.

Section 2.2 Definitions

Unless otherwise expressly stated, for the purpose of this ordinance the following terms, phrases, words, and their derivations, shall have the meaning herein indicated:

2.21 Governmental Units, Boards, and Officials:

- 2.211 Village shall mean the Village of Rosendale, County of Fond du Lac, Wisconsin.
- 2.212 Village Board shall mean the governing body of the Village.
- 2.213 Planning Commission shall mean the Planning Commission of the Village, or if there be none, they shall mean the Fond du Lac County Planning Agency.
- 2.214 Zoning Officer shall mean the officer designated by the Village Board to enforce this Ordinance.
- 2.215 Board shall mean the Board of Appeals of the Village.
- 2.216 "Building Inspector" shall mean a State certified individual employed by the Village to carry out the duties as specified in the State of Wisconsin one and two-family dwelling code.

2.22 General Terms:

- 2.221 ACCESSORY: As applied to a building, structure, or use, one which on the same lot with, incidental and sub-ordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.
- 2.222 ALTER:
ALTERATION: Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one (1) location or position to another.
- 2.223 BLOCK FRONT: Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, un-subdivided area, or other definite boundary.
- 2.224 BUILDING: An enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.
- 2.225 CHANNEL: A natural or artificial watercourse of perceptible extend, with definite bed and banks to confine and conduct continuously or periodically flowing water.

- 2.226 DWELLING: A detached building, also called a duplex, designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes. Each dwelling unit shall contain a stove, sink and other kitchen facilities.
- 2.2261 MULTI-FAMILY: A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- 2.2262 SINGLE-FAMILY: A detached building designed for or occupied exclusively by one (1) family.
- 2.2263 TWO-FAMILY: A detached building containing two (2) separate dwelling units, designed for occupancy by not more than two (2) families. Also known as a Duplex.
- 2.227 ENCROACHMENT LINES: The lateral limit or line along each side and generally parallel to the stream or other bodies of water, within which no structure or fill may be added. Their purposes are to preserve the flood carrying capacity of the stream or other body of water and its flood plain, and to assure attainment of the basic objective of improvement plans that may be considered or proposed. Their location, if along a stream, should be such that the floodway between them will effectively carry and discharge a flood not less than the regional flood.
- 2.228 FAMILY: Either
(a) an individual; or,
(b) two (2) or more persons related by blood, marriage, or adoption; or,
(c) a maximum of five (5) persons not so related;
together with his or their domestic servants and gratuitous guests
maintaining common household in a dwelling unit or lodging unit.
- 2.229 FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas caused by:
(a) The overflow or rise of inland waters; and
(b) The rapid accumulation or runoff of surface waters from any source.
- 2.230 FLOODFRINGE: That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and generally associated with standing water rather than flowing water.
- 2.231 FLOOD PLAIN: That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the floodfringe, and may include other designated floodplain areas for regional flood.

- 2.232 FLOODWAY: The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood.
- 2.233 HEIGHT: The vertical measurement from the average level of the surface or the ground immediately surrounding a structure to the highest point of such structure.
- 2.234 HOME OCCUPATION or PROFESSIONAL HOME OFFICE: A permitted accessory use, not requiring a building permit, provided that:
- (A) The use of the residential dwelling for the home occupation or professional home office shall be clearly incidental and subordinate to its residential use and shall not occupy more than 25 percent of the first floor area.
 - (B) No home occupation or professional home office shall be located in or conducted in any accessory structure.
 - (C) No person, other than members of the family residing on the premises, shall be employed or engaged in such home occupation or professional home office.
 - (D) Home occupations shall use only household equipment and no stock in trade shall be kept or sold except that made on the premises.
 - (E) No traffic shall be generated by the home occupation or professional home office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided off the street and other than in the required street yard.
 - (F) No outdoor storage of equipment or product shall be permitted.
 - (G) One non-illuminated wall-mounted sign shall be permitted on the premises, a maximum of two (2) square feet in area.
 - (H) Home occupations, which comply with the conditions set forth above, may include, but are not limited to baby sitting, canning, crafts, desktop publishing and other computer services, dressmaking, insurance sales, laundering, millinery, piano instruction, photography offices/processing, real estate sales, and word processing.
 - (I) Home occupations shall not include auto body or engine repair, barbering, beauty shops, construction trades, dance studios or photographic studios.
- 2.235 JUNK YARD: A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale of parts therefrom.
- 2.236 LOT, CORNER: A lot located:
- 2.2361 At the junction of and abutting two (2) or more intersecting streets; or
 - 2.2362 At and abutting the point of abrupt change of a single street where the interior angle is less than one hundred and thirty five (135) degrees and the radius of the street is less than one hundred (100) feet.

- 2.237 LOT, INTERIOR: A lot other than a corner lot.
- 2.238 LOT, ZONING: A single property, parcel, unit, tract, plot, or otherwise designated to be used, as a unit under single ownership or control, and which may be occupied by one (1) or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A zoning lot may or may not coincide with a lot of record.
- 2.239 LOT DEPTH: The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- 2.240 LOT WIDTH: The width of a parcel of land measured at the setback line.
- 2.240(a) MANUFACTURED HOME: A fully detached , single family dwelling which is in complete compliance with the State of Wisconsin regulations regarding manufactured homes (SS. 101.90-96), which is located on an individual lot. A Manufactured Home is distinguished by its construction, otherwise, it closely resembles a conventional single family dwelling. All manufactured Homes must meet the building width and height regulations of this ordinance.
- 2.241 MOBILE HOME: Any portable or mobile vehicle or mobile home, vehicle or structure intended for or capable of human habitation living purposes by a family. For the purpose of this Ordinance such vehicle shall be classified as a mobile home whether or not its wheels, rollers, skids, or other rolling equipment have been removed, or whether or not any addition thereto has been built on the ground.
- 2.242 MOBILE HOME PARK: A park, court, site, lot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. Mobile Home Park shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.
- 2.243 PREMISE: A lot or tract of land and any structure located thereon.
- 2.244 PUBLIC WATER SUPPLY: A system of providing a potable water supply to two or more premises including all associated structures, wells, distribution system and which is approved by the Wisconsin Division of Environmental Protection, Department of Natural Resources as a public water supply.
- 2.245 SANITARY SEWER: A constructed conduit for the collection and carrying of liquid and solid sewage wastes from two or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Division of Environmental Protection, Department of Natural Resources.

- 2.246 SETBACK LINE: The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a structure located on said lot and the nearest street right-of-way line or center line or the nearest shoreline or high water line of a storm or floodwater runoff channel or basin.
- 2.247 SIGN: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign. Sign area is measured by calculating all faces or sides of a sign.
- 2.248 SPECIAL USE: A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District. Special Use as applied is synonymous with the term special exception.
- 2.249 STREET: A thoroughfare within the right-of-way which affords the principal means of access to abutting property. A street may be designated as; an avenue, a boulevard, drive, lane, parkway, place, road, or by other appropriate names. Streets are identified according to use.
- 2.2491 Arterial Street: A Street designated on the Official Zoning Map and representing a state trunk highway facility serving local as well as through traffic.
- 2.2492 Collector Street: A Street designated on the Official Zoning Map and generally meant to serve secondary traffic generators, to collect and distribute traffic between highway and minor streets.
- 2.2493 Minor Street: A Street designated on the Official Zoning Map and primarily designed to provide access to abutting property; and to gather individual trips for delivery to a Collector Street.
- 2.250 STRUCTURE: Anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground, including but not limited to: buildings, walls, swimming pools, fences, billboards, signs, poles, machinery and equipment.
- 2.251 STRUCTURE: MAIN OR PRINCIPAL: The structure in or on which is conducted the main or principal use of the lot on which it is located.
- 2.252 SUBDIVISION: Subdivision includes any division of a parcel of land by the owner or his agent for the purpose of sale or building development where:
- 2.2521 The act of division creates two or more parcels of one and one-half acres or less each.

2.2522 Two or more parcels of one and one-half acres or less each are created by successive divisions within a five-year period.

2.253 USE: The specific purpose for which land, a structure or premise, is designed, arranged, intended or for which it is or may be occupied or maintained. The term permitted Use or its equivalent shall not be deemed to include any non-conforming use.

2.254 YARD: An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

2.2541 FRONT YARD: A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.

2.2542 REAR YARD: A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.

2.2543 SIDE YARD: A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE 3 ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Section 3.1 Establishment of Districts

For the purpose of promoting the public health, safety, morals, and general welfare, the Village is hereby divided into the following zoning districts:

R1-Suburban Residential District
R2- Village Residential District
C-Commercial District
I-Industrial District

A-Agricultural District
R3- Multi-family Residential District
F-Flood Plain District

Section 3.2 Official Zoning Map

The location and boundaries of the districts established by this Ordinance are as shown on the zoning map herein referred to as identified by the title, Village of Rosendale, Wisconsin, Official Zoning Map. All explanatory matter thereon is hereby adopted and made a part of this Ordinance.

ARTICLE 4 RULES FOR INTERPRETATION OF DISTRICTS AND BOUNDARIES

Section 4.1 Rules for Boundaries

Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following rules shall apply:

- 4.11 Streets and Alleys: Boundaries indicated as approximately following the centerline of streets or alleys shall be construed to follow such centerlines.
- 4.12 Lot Lines: Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.
- 4.13 Village Limits: Boundaries indicated as approximately following City or Village limits shall be construed as following such Village limits.
- 4.14 Parallels or Extensions of Above: Boundaries indicated as parallel to or extensions of features indicated in subsections 4.11 through 4.13 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 4.15 Other: Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections 4.11 through 4.14 above, the Zoning Board shall interpret the district boundaries.

Section 4.2 Annexed Territory

All territory which may hereafter be annexed to the Village shall be considered as being classified in accordance with the following schedule until otherwise changed by ordinance.

Classifications in Unincorporated Areas.

Classifications in Villages.

Residential Districts	RI	Residential District
Commercial Districts	C	Commercial District
Industrial Districts	I	Industrial District
Agriculture Districts	A	Agriculture District
Conservation Districts	F	Flood Plain District
Flood Plain Districts	F	Flood Plain District
No Classification	A	Agriculture District

ARTICLE 5 DISTRICT REGULATIONS AND STANDARDS

Section 5.1 Uniformity of Application

The regulations and standards set by this Ordinance within each district shall be minimum regulations and standards and shall apply uniformly to each class, kind, or type of structure, use, or land except as hereinafter provided.

Section 5.2 Conformity with District Regulations and Standards

No structure or land shall hereafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended, or moved unless in conformity with all the regulations and standards herein specified for the district in which it shall be located.

Section 5.3 Structures

No structure shall hereafter be constructed, erected, altered, remodeled, extended, or moved:

- 5.31 to exceed the height;
- 5.32 to occupy or house a greater number of families;
- 5.33 to occupy a greater percentage of the lot area;
- 5.34 to exceed the density;
- 5.35 to have smaller or less habitable floor area per dwelling unit or lodging unit;
- 5.36 to exceed the maximum floor area;

than hereinafter required or in any manner contrary to the regulations and standards of the district in which it is located.

Section 5.4 Accessory Uses and Structures

No accessory use shall be established prior to the establishment of the main or principal use, and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment of construction of the main or principal structure except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principal structure.

Section 5.5 Access

No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a public street at least sixty-six (66) feet in width unless said street on the date of passage of this Ordinance had a lesser width.

Section 5.6 Existing Structures

Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date of this Ordinance, provided that such structure shall be completed within one calendar year from the effective date of this Ordinance. Any structure existing prior to the effective date of this Ordinance may be converted to any use permitted by the zoning district in which such structure is located.

Section 5.7 Compliance with Requirements - Limited Applicability

No part of a yard, buffer strip, or other open space, off-street parking space or loading berth, or lot area required about or in connection with any structure or use for the purpose of complying with the regulations and standards of this Ordinance shall be included as part of a yard, buffer strip, or other open space, off-street parking space or loading berth, or lot area similarly required for any other structure or use, except as provided for herein.

Section 5.8 Minimum Dimensions

No yard, buffer strip, or other open space, off-street parking space or loading berth, or lot existing on the effective date of this Ordinance shall be reduced in dimension or area below the requirements set forth hereinafter. Yards, buffer strips, or other open spaces, off-street parking spaces or loading berths, or lots created or established after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 5.9 Permitted Excess

The height of any main or principal structure or accessory building may exceed the maximum permitted height by two (2) feet for each additional foot by which the width of each yard exceeds the minimum yard dimension for the district in which such structure is located. However, no structure may exceed fifty (50) feet in height.

Section 5.10 Non-Applicability of Standards

Height regulations and standards shall not apply to spires, belfries, penthouses, or domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, silos, grain elevators and other necessary mechanical appurtenances provided their location shall conform where applicable to the regulations and standards of the Wisconsin Industrial Commission, Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction. Cellular communications and transmission towers, television antennae and other communications towers are not included in the waivers of Section 5.10 if they exceed fifty (50) feet in height.

Section 5.11 Required Open Space

Lots hereafter platted or created shall have adequate lot area, width and lot depth to provide for off-street parking spaces and loading berths, yards, buffer strip, and other open spaces required.

Section 5.12 Depth and Width

No lot hereafter platted or created shall be less than one hundred (100) feet in depth nor less than eighty (80) feet in width.

Section 5.13 Regulations and Standards Applicable to Structures

The following yard regulations and standards shall apply to all lots or tracts of land on which a structure is located:

5.131 Yards shall be kept unobstructed for their entire depth except as specified hereinafter.

5.132 Private driveways, service drives, easements, sidewalks, flag poles, arbors, trellises, fences, walls, columns, light poles, hydrants, patios, accessory signs, and other decorative recreational and utility devices and equipment may be placed in any yard.

5.133 Notwithstanding any other provisions of this Ordinance, the following visibility regulations and standards shall apply:

5.1331 Interior Lot: Residential fences, walls and/or hedges are permitted on property lines but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the front yard and shall not be closer than one (1) foot to any public right-of-way. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

5.1332 Corner Lot: On a corner lot nothing shall be constructed, erected, placed, planted, or allowed to grow in any district between the heights of two and one-half (2-1/2) feet to ten (10) feet above the mean curb grades within the triangular (vision clearance) space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection. 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 50 feet.

Section 5.14 Mobile Homes

Except as permitted under the provisions of Section 13.33, no occupied mobile home shall be permitted on any lot or tract of land outside of a mobile home park except the mobile home of a bona fide guest of the occupant of a dwelling located on such a lot or tract of land. Such temporary location of a mobile home shall not exceed fifteen (15) consecutive days and two (2) such fifteen (15) day periods within one (1) calendar year.

ARTICLE 6 R1- SUBURBAN RESIDENTIAL DISTRICT

Section 6.1 Purpose

The R1-Suburban Residential District is intended to provide the area covered by this Ordinance with a low density residential district and allow for reduced infrastructure improvements due to topography, density, adjacent land uses and overall subdivision design.

Section 6.2 Permitted Uses

Within the R1-Suburban Residential District the following uses are permitted.

- 6.21 single-family dwellings
- 6.22 two-family dwellings
- 6.23 public park, playgrounds
- 6.24 conversion of any existing building to a permitted use
- 6.25 agricultural uses as permitted in Section 11.11 and 11.13
- 6.26 home occupations and professional home offices.
- 6.27 Receiving towers, television antennae, and private transmission towers less than fifty (50) feet in height.

Section 6.3 Regulations and Standards

The following regulations and standards shall apply to all dwellings:

- 6.31 Occupancy: Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders.
- 6.32 Location: Dwellings shall be located so as to abut a street.
- 6.33 Building Dimensions: The minimum habitable floor area per dwelling unit shall be 1200 square feet. The minimum building width shall be twenty-four feet (24') at all parts of the

principal structure.

6.34 Off-Street Parking:

6.341 Each dwelling unit shall be provided with a minimum of two (2) off-street parking spaces located on the same lot or tract of land as the dwelling served.

6.342 Each off-street parking space shall total at least 180 square feet.

6.343 Not more than one (1) off-street parking space within a private garage or private carport shall be rented or leased to a non-resident of the premises.

6.344 Any off-street parking space shall be located more than five (5) feet from any side or rear lot line.

6.35 Minimum Lot Size:

Dwelling Type	Min. Lot Area per Dwelling Unit	TOTAL MIN. WIDTH		
		Interior Lot	Corner Lot	Max. Coverage
One Family	15,000	120	130	25%
Two Family	8,000	120	130	30%

6.36 Yards:

6.361 Front Yard: There shall be a minimum street yard (setback) of 35 feet from the right-of-way of all public streets.

6.362 Side Yard: There shall be a side yard on each side of all buildings of not less than 15 feet in width.

6.363 Rear Yard:

6.3631 Minimum rear yard depth shall be twenty-five (25) feet.

6.3632 Accessory buildings may be erected in a rear yard provided they are located at least two (2) feet from the rear lot or side lot line and provided further that the maximum lot coverage is not exceeded.

6.37 Signs:

6.371 No name plate exceeding one square foot in area, nor a sign exceeding eight square feet, in or appertaining, to the lease, hire, or sale of a building or premises.

6.372 Advertising signage for home occupations or professional home offices only, not exceeding two square feet in area shall be permitted in the R1-Residential District.

Article 7 R1A – Neighborhood Residential District

Section 7.1 Purpose

The R1A Suburban Residential District is intended to provide the area covered by this Ordinance with a residential district that allows for efficient land use and infrastructure improvements while considering the topography, adjacent land uses, and overall subdivision designs. The district aims to promote a harmonious residential environment that accommodates moderate growth while maintaining the character of the surrounding area.

Section 7.2 Permitted Uses

Within the R1A Neighborhood Residential District the following uses are permitted:

7.21 single family dwellings

7.23 public park, playgrounds

7.24 conversion of any existing building to a permitted use

7.25 agriculture uses as permitted in Section 11.11 and 11.13

7.26 home occupations and professional home offices

7.27 Receiving towers, television antennae, and private transmission towers less than fifty (50) feet in height

Section 7.3 Regulations and Standards

The following regulations and standards shall apply to all dwellings:

7.31 Occupancy: Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers and boarders.

7.32 Location: Dwellings shall be located so as to abut a street

7.33 Building Dimensions: The minimum habitable floor area per dwelling shall be 1200 square feet. The minimum building width shall be twenty feet (20') at all parts of the principal structure.

7.34 Off Street Parking:

7.341 Each Dwelling unit shall be provided with a minimum of two (2) off-street parking spaces located on the same lot or tract of land as the dwelling served.

7.342 Each off-street parking space shall total at least 180 square feet.

7.343 Not more than one (1) off-street parking space within a private garage or private carport shall be rented or leased to a non-resident of the premises.

7.344 Any off-street parking space shall be located more than five feet from and side or rear lot line.

7.35 Minimum Lot Size:

Dwelling Type	Min. Lot Area per Dwelling Unit	Total Min. Width		
		Interior Lot	Corner Lot	Max Coverage
One Family	8000	70	80	50%
Single Family Zero Lot Line	4000	35	40	50%

7.36 Yards:

7.361 Front Yard: There shall be a minimum street yard (setback) of 25 feet from the right-of-way from all public streets.

7.362 Side Yard:

A. Single Family: the side yard setback shall be 10' measured from the principal structure to the property line.

B. Single Family Zero Lot Line Dwellings: Single Family Zero Lot Line dwellings must have a 10-foot setback, measured from the principal structure to the property line, on one side of the property. The other side may have a zero-foot (0') setback, provided all other regulations of this code are met.

7.363 Rear Yard:

A. Minimum rear yard depth shall be twenty-five (25) feet.

B. Accessory buildings may be erected in a rear yard provided they are located at least two (2) feet from the rear lot or side lot line and provided further that the maximum coverage is not exceeded.

C. In no instances shall an accessory building be erected in the front yard.

7.37 Building Height: Except as provided in Section 5.10 no principal building height shall exceed thirty (30) feet in height, and no accessory building shall exceed fifteen (15) feet in height.

ARTICLE 8 R3- MULTI-FAMILY RESIDENTIAL DISTRICT

Section 8.1 Purpose

The R3 Multi-family Residential District is intended to provide the area covered by this Ordinance with a moderate density residential district with complete infrastructure improvements due to topography, density, adjacent land uses and overall development design.

Section 8.2 Permitted Uses

Within the R3 - Multi-family Residential District the following uses are permitted.

- 8.21 multi-family dwellings
- 8.22 public park, playgrounds
- 8.23 conversion of any existing building to a permitted use
- 8.24 home occupations and professional home offices.
- 8.25 Receiving towers, television antennae, and private transmission towers less than fifty (50) feet in height.

Section 8.3 Regulations and Standards

The following regulations and standards shall apply to all dwellings:

- 8.31 Occupancy: Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders.
- 8.32 Location: Buildings shall be located so as to abut a street.
- 8.33 Habitable Floor Area: The minimum habitable floor area per dwelling unit shall be:
 - 8.331 Efficiency Apartment - 350 square feet.
 - 8.332 One bedroom Unit - 500 square feet
 - 8.333 Two bedroom Unit - 750 square feet
- 8.34 Off-Street Parking:
 - 8.341 Each dwelling unit shall be provided with a minimum of two (2) off-street parking spaces located on the same lot or tract of land as the dwelling served.
 - 8.342 Each off-street parking space shall total at least 180 square feet.
 - 8.343 At least one (1) off-street parking space per unit shall be enclosed within a permanent structure.

8.344 Any off-street parking space shall be located more than five (5) feet from any side or rear lot line.

8.35 Minimum Lot Size:

Dwelling Type	Min. Lot Area per Dwelling Unit	TOTAL MIN. WIDTH		
		Interior Lot	Corner Lot	Max. Coverage
Three or more Family	4,000	100	120	50%

8.36 Yards:

8.361 Front Yard: There shall be a minimum street yard (setback) of 25 feet from the right-of-way of all public streets.

8.362 Side Yard: There shall be a side yard on each side of all buildings of not less than 20 feet in width.

8.363 Rear Yard:

8.3631 Minimum rear yard depth shall be twenty-five (25) feet.

8.3632 Accessory buildings may be erected in a rear yard provided they are located at least five (5) feet from the rear lot or side lot line and provided further that the maximum lot coverage is not exceeded.

8.3633 For each additional story in height above two (2), the rear yard setback in Section 6.3631 shall be increased six (6) feet.

8.37 Signs:

8.371 Signage up to a total of thirty-two (32) square feet per parcel.

8.372 Real Estate signage up to eight (8) square feet, in or appertaining, to the lease, hire, or sale of a building or premises.

8.38 Height: Except as provided in Section 5.10 no principal building shall exceed thirty (30) feet in height, and no accessory building shall exceed fifteen (15) feet in height.

ARTICLE 9 C-COMMERCIAL DISTRICT

Section 9.1 Permitted Uses:

The C-Commercial District is intended to provide space for those retail business, service business and office uses serving the area. Within the Commercial District the following uses are permitted:

- 9.11 Retail stores and shops;
- 9.12 Banks; post office; medical or dental clinics, business or professional offices.
- 9.13 Service-type business, such as barbershop, beauty parlor, Laundromat, music, dancing, art or photography studio, servicing or repair of home appliances or farm equipment and similar uses.
- 9.14 Automobile service stations and public garages; new or used car sales areas; new or used farm equipment sales areas; but not including the storage of wrecked vehicles or wrecked farm equipment.
- 9.15 Hotel, motel boarding or lodging houses and dwelling units located on the same lot with such a permitted use.
- 9.16 Clubs, lodges, public meeting halls; theaters; bowling alley; similar places of assembly or recreation.
- 9.17 Customary accessory uses, located on the same or adjacent lot with a permitted use.
- 9.18 Transmitting towers, receiving towers, relay and microwave towers less than fifty (50) feet in height.

Section 9.2 Regulations and Standards

- 9.21 For lands subject to this zoning district; excavation, construction, and/or building alterations or additions, are not permitted until the Village Board has approved a developer's agreement. The developer's agreement shall include the following issues of understanding, but not limited to; land use, storm water management, sidewalks, sanitary sewer, water system, and other utilities or public improvements.
- 9.22 Minimum Lot Size: none specified.
- 9.23 Maximum Coverage: The amount of the total lot area that may be covered by all principal and accessory buildings shall not exceed 80%.
- 9.24 Yards: A front yard for each lot side abutting a street as shown on the Zoning Map.
 - 9.241 Where the lot abuts an arterial street as designated on the Official Zoning Map, the front yard depth shall be a minimum of 25 feet as measured from the nearest right-of-way line.

- 9.242 Where the lot abuts a collector street as designated on the Official Zoning Map, the depth of the front yard shall be the greater of: Twenty-five (25) feet from the nearest right-of-way line or sixty-five (65) feet from the centerline of the existing right-of-way.
- 9.243 Where the lot abuts a minor street as designated on the Official Zoning Map, the depth of the front yard shall be the greater of: Twenty-five (25) feet from the nearest right-of-way line or fifty-eight (58) feet from the centerline of the existing right-of-way.
- 9.244 If the building is to be constructed in an established block where there are existing buildings, the front yard depth shall be the average of the yard depth of the buildings on the block face where the building is to be located.
- 9.25 Side Yard: Side yard minimum width ten (10) feet each.
- 9.26 Rear Yard: Rear yard minimum depth 25 feet or 1/3 of structure height whichever is greater.
- 9.27 Height: Except as provided in Section 5.10 no principal building shall exceed thirty (30) feet in height, and no accessory building shall exceed fifteen (15) feet in height.
- 9.28 Off-Street Parking Space: Off-Street parking spaces shall be provided as follows:
- 9.281 One off-street parking space shall be provided per dwelling unit or lodging unit on the same lot or tract of land of such dwelling unit or lodging unit served.
- 9.282 One off-street parking space per person, normally employed on the lot or tract of land.
- 9.283 One off-street parking space for each one hundred (100) square feet of retail sales floor area of the establishment being served.
- 9.29 Signs: Signs are permitted as an accessory use to the principal use of the premises, subject to the following:
- 9.291 No roof signs or flashing lighted signs shall be permitted.
- 9.292 The gross area of signs per parcel shall not exceed two times (2) the line of feet of frontage of the Zoning lot on which such signs are located, with a maximum total area of 300 square feet.
- 9.293 No sign affixed to a structure shall project more than three (3) feet beyond the limits of such structure and shall not project across lot lines.

ARTICLE 10 I-INDUSTRIAL DISTRICT

Section 10.1 Permitted Uses

Within the I-Industrial District the following uses are permitted:

- 10.11 Business or Professional Offices.
- 10.12 Grain storage; feed mills.
- 10.13 Wholesale, storage and warehouse facilities except those specifically prohibited.
- 10.14 Railroad yards, siding and switching facilities; public utilities.
- 10.15 Fuel storage, lumber yards, building materials, storage yard or similar storage yards, but not including salvage or junk yards.
- 10.16 The manufacture or processing of goods or products.
- 10.17 Customary accessory uses.
- 10.18 Transmitting towers, receiving towers, relay and microwave towers less than fifty (50) feet in height.

Section 10.2 Regulations and Standards

- 10.21 For lands subject to this zoning district; excavation, construction, and/or building alterations or additions, are not permitted until the Village Board has approved a developer's agreement. The developer's agreement shall include the following issues of understanding, but not limited to; land use, storm water management, sidewalks, sanitary sewer, water system, and other utilities or public improvements.
- 10.22 Minimum Lot Size: None Specified.
- 10.23 Maximum Coverage: The amount of the total lot area that may be covered by all principal and accessory building shall not exceed 50%.
- 10.24 Required Yards and Open Spaces: On every lot in the I-Industrial District yards shall be required as follows:

A front yard on each lot line abutting a street, a side and a rear yard, except in the case where three lot sides abuts a street, there shall be required in addition to three front yards, a side yard.

 - 10.241 Front Yard: depth where a lot abuts a Arterial or Collector Street as designated on the Zoning Map shall be sixty-five (65) feet from the centerline of such right-of-way, but not less than twenty-five (25) feet from the right-of-way line.

Where a lot abuts a Minor Street as designated on the Zoning Map, the minimum depth shall be fifty-eight (58) feet from the centerline but not less than twenty-five (25) feet from the right-of-way line. If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of buildings existing on the block face where the building is to be located.

10.242 Side Yard: width shall be ten (10) feet or greater, no accessory building shall project into the required side yard space.

10.243 Rear Yard: depth shall not be less than twenty-five (25) feet.

10.244 Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.

10.245 Where a lot abuts a lot in any Residential District there shall be provided along such lot line a suitable buffer of plant materials, fencing, earthen berms or a combination of both, to shield the residential area from the industrial area. Where the transition from the I-Industrial District to any Residential District is a public street, the front yard in the I-Industrial District shall be suitably landscaped.

10.25 Height: Except as provided in Section 5.10 no principal building shall exceed forty (40) feet in height, and no accessory building shall exceed fifteen (15) feet in height.

10.26 Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, toxic, noxious or odorous matter, glare and heat or as to create fire or explosive hazards.

10.27 Off-Street Parking Space: Off-street parking shall be provided as follows:

10.271 One off-street parking space per person normally employed on the lot or tract of land.

10.272 One off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.

10.28 Signs: Signs are permitted as an accessory use to the principal use of the premises.

10.281 The gross area of signs per establishment shall not exceed two (2) times the lineal feet of frontage of the Zoning lot on which such signs are located, maximum area of 300 square feet.

10.282 No signs affixed to a structure shall project more than three (3) feet beyond the limits of such structure and shall not project across lot lines.

ARTICLE 11 A-AGRICULTURAL DISTRICT

Section 11.1 Permitted Uses: Within the A-Agricultural District the following uses are permitted:

- 11.11 The growing, harvesting and storing of crops, including legume, hay, grain, fruit, and or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry, and greenhouse.
- 11.12 Farm dwellings occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers.
- 11.13 Farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm, or for storing and protecting farm machinery and equipment from the elements.
- 11.14 Residential Dwelling: Non-farm one family provided that the minimum lot area for each dwelling unit is one (1) acre; the provisions of Section 6.3 shall apply.
- 11.15 The keeping, raising, or feeding of livestock or poultry, including dairying, poultry, swine, sheep, goats, beef cattle, pony and horse productions, fur farms, or bee keeping or such structures for housing livestock or poultry, products for market, except for the normal pasturing of livestock such uses shall not be located closer than 300 feet to any Residential District boundary.
- 11.16 Home Occupations or Professional Home Offices.

Section 11.2 Regulations and Standards:

- 11.21 Minimum Lot Size: 10 acres with minimum lot width of 300 feet.
- 11.22 Required Yards and Open Space: The following setback line regulations and standards shall apply to all structures except as are permitted in yards.
 - 11.221 Front Yards:
 - 11.22.1 Where lots abut an Arterial Street as designated on the Zoning Map, the minimum setback shall be eighty-five (85) feet from the centerline of such right-of-way line, but not less than twenty-five (25) feet from the right-of-way.
 - 11.22.2 Where the lot abuts a Collector or a Minor Street as designated on the Zoning Map, the minimum setback line shall be sixty-five (65) feet as measured from the centerline of such right-of-way, but not less than twenty-five (25) feet from the right-of-way line.
 - 11.222 Side Yard: Minimum thirty (30) feet and for each additional story above the first two stories, an additional ten (10) feet.
 - 11.223 Rear Yard: Minimum one hundred (100) feet.

ARTICLE 12 F-FLOOD PLAIN OVERLAY DISTRICT
See Ordinance #68, Adopted September 11, 1989.

ARTICLE 13 SPECIAL USES

Section 13.1 Definition - Special Uses

A Special Use is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning districts established herein. It is hereby declared the policy and purpose of this Ordinance to employ the Special Use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights.

Section 13.2 Authorizing Special Use Permits

Special Use Permits may be authorized by the Zoning Board of Appeals in accordance with the procedure set forth in Section 15.5, when it appears:

- 13.21 That it is reasonable necessary for the public convenience at that location.
- 13.22 That it is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare.
- 13.23 That it conforms to the applicable regulations and standards of and preserves the essential character of, the district in which it shall be located.
- 13.24 That in case of an existing non-conforming use, will make such use more compatible with its surroundings.

Section 13.3 Schedule of Special Uses Special uses which may be authorized by the Board are as follows:

- 13.31 The keeping, raising, or feeding of livestock or poultry, including dairying, poultry, swine, sheep, goats, beef cattle, pony and horse productions, fur farms, or beekeeping or such structures for housing livestock, poultry or bees or for preparing livestock or poultry products for market in the R1 and R2-Residential Districts, subject to the following standards.
 - 13.311 At no point on the lot line of such special use shall any noise, smoke and particulate matter, vibration, toxic or noxious matter, odors, vapors, or gases of such use be objectionable to the occupant of any adjacent property.
 - 13.312 No such special use shall discharge into any drainage channel or water course material which would contaminate or make undesirable any lands or waters outside of the lot.
- 13.32 Electric and or gas substations, public waterworks and appurtenant structures, telephone

exchanges, police stations, fire stations, and governmental administration building in all districts.

- 13.33 Mobile Home Parks for nondependent mobile homes in the R-Residential and A-Agricultural District subject to regulations of the District and the following:

13.331 Applicant shall submit approval of license by appropriate authorities.

13.332 The applicant shall submit a plan and specifications for the proposed mobile home park, the site shall not contain less than 3 acres, have not less than 15 developed mobile home spaces at first occupancy and have no more than ten (10) mobile home spaces per gross acre. The minimum size of all spaces shall be not less than 3,000 square feet per rental space.

13.333 All mobile home spaces shall be provided with a sanitary sewer system and public water supply.

13.334 Each mobile home space shall be provided with one off-street automobile parking space.

13.335 Each mobile home park shall be limited to one sign not exceeding 8 square feet in area, per public road entrance.

13.336 No commercial sales or services to mobile homes shall be practiced in mobile home parks.

- 13.34 Churches or similar places of worship; parish houses, Sunday Schools, rectory or parsonage, in the R1-Residential, R2-Residential, A-Agricultural, and C-Commercial Districts.

- 13.35 Public, parochial or private schools in the R1-Residential, R2-Residential, C-Commercial, and A-Agricultural Districts.

- 13.36 Public libraries, museum, art galleries, community centers, and parks in the R1-Residential, R2-Residential, C-Commercial, and A-Agricultural Districts.

- 13.37 Hospitals, nursing homes, doctors clinics, veterinarians clinics in the R1-Residential, R2-Residential, C-Commercial, and A-Agricultural Districts.

- 13.38 Clubs, private clubs, private lodges, country clubs, golf courses and lakes in the R1-Residential, R2-Residential, C-Commercial, F-Flood Plain and A-Agricultural Districts.

- 13.39 Cemeteries in the R1-Residential and A-Agricultural Districts.

- 13.40 Junk dealers in the I-Industrial District, provided a solid fence of at least 8 feet in height is provided on all sides of such use and that such fence is set back in accordance with all yard requirements of the district.

- 13.41 Topsoil removal in all Districts.

13.42 Sewage treatment plants in the A-Agriculture, F-Flood Plain and I-Industrial Districts.

13.43 Sanitary landfill in the A-Agricultural and I-Industrial Districts.

13.44 Landfill other than sanitary landfill in the F-Flood Plain District.

13.45 Fertilizer storage and processing in the A-Agricultural and I-Industrial Districts.

Section 13.4 Applicability of District Regulations

In addition to any special conditions or restrictions prescribed by the Board, the yard and setback line regulations and standards of the district in which the Special Use is located shall apply.

ARTICLE 14 NON-CONFORMITIES

Section 14.1 Enlargement, Expansion

A non-conforming use of land, premise, or structure shall not be enlarged upon, expanded, or extended after the effective date of this Ordinance by the attachment of a structure, premise, or land, or additional signs intended to be seen off the premise of land, or by the addition of other uses of a nature which would be prohibited in the district involved.

Section 14.2 Non-Conforming Lots of Record

14.21 In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any lot which is a lot of record on the effective date of this Ordinance. The provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations hereinafter provided.

14.22 Yard Regulations and Standards for Single Non-Conforming Lot of Record

14.221 Front Yard: The front yard regulations and standards of the district in which such lot is located shall apply.

14.222 Rear Yard: The rear yard regulations and standards of the district in which such lot is located shall apply.

14.223 Side Yard: Two side yards shall be provided, each at least 1/8 the width of the lot, provided however, that such yards shall not be required to be wider than required for the district in which such lot is recorded.

Section 14.3 Repairs, Maintenance and Partial Destruction

The total structural repairs or alterations in a non-conforming structure shall not during its life exceed fifty (50) percent of the assessed value of the building unless permanently changed to a conforming use. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by the Zoning Officer or any official charged with protecting the public safety, upon order of such official.

Section 14.4 Discontinuance

If a non-conforming use has discontinued for a period of twelve (12) months, any future use of the building and premises shall conform to this Ordinance. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.

ARTICLE 15 ADMINISTRATION AND ENFORCEMENT

Section 15.1 Zoning Officer

The Village Board shall designate a Village official to serve as the Zoning Officer and as the administrative enforcement officer for the provisions of this Ordinance. The duty of the Zoning Officer or his designed shall be to interpret and administer this Ordinance and to issue, after on-site inspection, all permits required by this Ordinance.

- 15.11 Maintain records of all permits issued, inspections made, work approved, and other official actions.
- 15.12 Record the lowest floor elevation of all structures erected, moved, altered or improved in the F-Floodplain District.
- 15.13 Establish that all necessary permits that are required for floodplain uses by State and Federal law have been secured.
- 15.14 Inspect all structures, lands and waters, as often as necessary to assure compliance with the Ordinance.
- 15.15 Investigate all complaints made relating to the location of structures and the use of structures, land and waters, give notice of all violations of this Ordinance to the owner, resident, agent or occupant of the premises and report uncorrected violation to the Village President in a manner specified by him.
- 15.16 Prohibit the erection of any structure, land or water until he has inspected and approved such use or erection.
- 15.17 Issue stop, cease, and desist orders requiring the correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by Certified Mail upon persons deemed by the Zoning Officer or his designee to be in violation of the provisions of this Ordinance. It shall be unlawful for any persons to violate any such order issued by the Zoning Officer.

- 15.18 Revoke by order, any building permit approved under a misstatement of fact or contrary to the law or provision of this Ordinance.
- 15.19 Forward to the Police Department all matters that require law enforcement or citation actions.

Section 15.2 Zoning Permit

- 15.21 Certification Required. Except as hereinafter provided, no permit pertaining to the use of land or permit as required by building costs for the erection, enlargement or structural alteration of a building or structure shall be issued by any officer, department, or employee of the Village unless the applications for such permit has been examined by the Zoning Officer, indicating in writing that the application complies with the provisions of this Ordinance. Any building permit or occupancy permit issued for an application that is in conflict with the provisions of this Ordinance, shall be null and void.
- 15.22 Existing Uses. Upon written request from the owner, the Zoning Officer shall issue a Zoning Permit for any building or premise existing at the time of the adoption of this Ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Ordinance.
- 15.23 Non-Conforming Uses.
 - 15.231 No non-conforming use shall be maintained, renewed or changed until a Zoning Permit has been issued by the Zoning Officer.
 - 15.232 Zoning Permits for the continued occupancy of non-conforming uses existing at the time of the adoption of this Ordinance shall be issued by the Zoning Officer and the Permit shall state that the use is a non-conforming and does not conform with the provisions of this Ordinance. The Zoning Officer shall notify the owner(s) of the property being used as a non-conforming use.
- 15.24 Expiration Time. A Zoning Permit issued for the establishment of the use of land where no structure is involved, or on which land a structure is accessory to the main or principal use, such main or principal use not involving any structure, shall not expire. The land so used shall be inspected by the Zoning Officer at one year intervals from the date of issuance of such Permit to ensure compliance with the regulations and standards of this Ordinance.

Section 15.3 Building Permit

- 15.31 All applications for building permits shall be accompanied by plans in duplicate drawn to an appropriate scale, showing the shape and dimensions of the lot to be built upon the size and location of buildings and accessory buildings existing and proposed and the lines within which the building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of dwelling units or lodging rooms the building is designed to accommodate and such other information with regard to the lot

and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Officer.

All one and two family homes built after 1980 which are proposing more than \$14,999 in improvements, and all new one and two family homes are reviewed and approved according to the one and two family dwelling code by the Building Inspector.

15.32 No permit for excavation for, or the erection or alteration or repairs to any building shall be issued until an application has been made for a building permit.

15.33 Expiration of Building Permit:

15.331 If work described on any Building Permit shall not have begun with ninety (90) days from the issuance thereof, said permit shall expire and be canceled by the Zoning Officer or his designee and written notice thereof shall be given to the applicant.

15.332 If the work described on any Building Permit shall not have been substantially completed within three hundred and sixty-five (365) consecutive days from the issuance thereof, said permit shall expire and be canceled by the Zoning Officer, and written notice thereof shall be given to the Applicant together with notice that further work as described on the canceled permit shall not proceed until a new permit shall be seen issued; provided however, that for commercial and industrial building, the permit shall extend for such period as set forth in the application for the Building Permit as the time necessary to complete the building.

15.333 If new Building Permit is issued granting additional time for completion of the work, such new permit may require, at the discretion of the Zoning Officer, a limitation on time allowed for the completion of the work and a performance bond to ensure completion within the time set. Such new permit shall not, in any case, be valid after three hundred sixty-five (365) consecutive days for the date of issuance thereof.

15.34 The Zoning Officer shall maintain a record of all permits and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected.

Section 15.4 Occupancy Permit

15.41 Any land, vacant on the effective date of this Ordinance, and any building, structure or addition or major alteration thereto, constructed after the effective date of this Ordinance shall not be used or occupied until an occupancy permit has been issued by the Zoning Officer or his designee. No new use shall be made of any land, building, or structure until an occupancy permit has been issued.

15.42 Every application for a building permit shall also be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new use of land or existing building or structure where no zoning permit is required shall be made to the Zoning Officer or his designee.

15.43 An occupancy permit shall be issued only after the Zoning Officer, or his designee has

inspected the premises and finds:

15.431 It is in compliance with all applicable regulations of the zoning district in which it is located; and

15.432 That the use of building or structure is in compliance with the plans and specifications for which the building permit was issued.

15.44 Every occupancy permit shall be dated, shall state that the use or occupancy complies with the provisions of this Ordinance, and shall be signed by the Zoning Officer or his designee.

15.45 The occupancy permit shall be issued, or written notice shall be given to the applicant specifying the reasons why a conditional or permanent certificate cannot be issued, not later than seven (7) days after the Zoning Officer, or his designee, is notified in writing that the building or premises is ready for occupancy.

15.46 Conditional Occupancy Permit

15.461 A conditional occupancy permit may be issued if, in the opinions of the Zoning Officer, an unavoidable situation exists that would cause undue hardship to a homeowner. At the time the conditional occupancy permit is issued, a compliance date will be set for completion of each remaining requirement.

15.462 As a condition of approval and issuance of a conditional permit, the Village may require the applicant to execute a waiver of special assessments to guarantee a good faith completion of the permit conditions. This waiver would allow the Village to levy special assessments and/or special charges without notice and hearing if the Village is required to complete the required improvements and the homeowner refuses to pay the costs incurred.

Section 15.5 FEES

15.51 All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Village Zoning Officer to help defray the cost of administration, investigation, advertising, and processing of permits and variances. All fees shall be established by Resolution by the Village Board from time to time as deemed appropriate.

The following activities shall require payment of fees to the Zoning Officer who shall be accountable to the Village for such fees:

New construction of a single family dwelling
New construction of a two-family dwelling
New construction of multi-family dwelling (condominium or apartment)
New construction of Commercial and/or Industrial structures
New construction of an accessory structure
Alteration, remodeling, or extension of a major or principal structure

Alteration, remodeling, or extension of an accessory structure
Establishment of a use of land where no structure is involved
Movement of a structure from one lot to another
Change in use
Demolition of any structure greater than 250 square feet in area
Applications for variances, special uses and text or map amendments

Section 15.6 Zoning Board of Appeals

Under the provisions of Section 62.23 (7)(e) Wisconsin Statutes, there is hereby established a Board of Zoning Appeals.

15.61 Membership:

The Board of Zoning Appeals shall consist of five (5) members appointed by the Village President and confirmed by the Village Board

A. Terms shall be for staggered three-year periods.

B. Chairman shall be designated by the Village President.

C. Alternate Member. The Village President may appoint, for staggered terms of three (3) years, a first and second alternate member of such Board, in addition to the five (5) members above provided for, who shall act, with full power, only when a member (or members) of the Board refuses to vote because of interest or when a member (or members) is absent.

D. Compensation for members of the Board of Zoning Appeals shall be fixed by ordinance.

E. Removal of members from the Board of Zoning Appeals shall be by the Village President for cause upon written charges and after public hearing.

F. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

G. The above provisions, with regard to removal and the filling of vacancies, shall apply to Alternates 1 and 2 also.

15.62 Organization: The Board of Zoning Appeals shall adopt rules in accordance with the provisions of this section.

15.621 Meetings shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

15.622 In exercising the above mentioned powers such Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

15.623 The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

15.63 The Board of Zoning Appeals shall have the following powers:

15.631 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Ordinance.

- a. Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the actions appealed from was taken.
- b. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- c. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

15.632 To permit the extension of a District where the boundary line of a District divides a lot in single ownership as shown of record.

15.633 To interpret the provisions of this Ordinance where the street layout on the ground differs from the Official Zoning Map.

15.634 To authorize upon appeal in specific cases, a variance from the standards of the Ordinance as will not be contrary to the public interest. Variations for uses shall not be granted by the Board of Zoning Appeals. A variance for the purpose of this Ordinance shall not be granted unless:

- a. A written application for a variance is submitted demonstrating:
 1. That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district;
 2. That literal enforcement of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Ordinance.
 3. That the special conditions and circumstances do not result from the actions of the applicant;
 4. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or structures in the same district.

No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.

- b. The application is in proper form and a fee has been paid as approved by Resolution of the Village Board. The Board of Zoning Appeals shall hold a public hearing on such matter in accordance with the provisions of Sections 16.3 through 16.6. Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Board of Zoning Appeals if it grants the application for variance.

15.635 To grant a Special Use as specified in Section 13.3. Such determination shall be made by filing a written application or petition to the Board of Zoning Appeals.

- a. Such application shall:
 1. State the name, address of applicant and the owner;
 2. State the location of property for which the Special Use is sought;
 3. State the specific Special Use desired;
 4. State the facts sufficient to demonstrate that the conditions prescribed in Section 13.2 exist and support such statement with any plans and/or data as are required by the Board of Zoning Appeals.

- b. If the application for special use is in proper form and a fee as determined by Resolution of the Village Board has been paid, the Board of Zoning Appeals shall hold a public hearing on such matter in accordance with the provisions of Article 16.3 through 16.6. Reasonable special conditions and safeguards for the protection of the public health, safety and welfare may be imposed by the Board of Zoning Appeals if it grants the application for Special Use.
- c. Nothing herein contained shall be construed to give or grant to the Board of Zoning Appeals the power or authority to alter or change the Zoning Ordinance or the District Map; such power and authority being reserved to the Village Board.

Section 15.7 Appeals from Board of Zoning Appeals Decision.

Any person or persons, jointly or severally aggrieved by a decision of the Board of Zoning Appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the Board of Zoning Appeals, commence an action seeking the remedy available by certiorari under Wisconsin Statutes 62.23[7e(10)].

Section 15.8 Violation and Penalties

- 15.81 Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Officer. The Zoning Officer, or his designee, shall record properly such complaint, immediately investigate and take action thereon as provided by this Ordinance.
- 15.82 In case any structure is erected, constructed, reconstructed, altered, converted, or any structure, or land is used in violation of the Ordinance:
 - 15.821 The Zoning Officer, or any owner or tenant of real property in the same contiguous Zoning district as the structure of land in question, in addition to other remedies, may institute an appropriate action or proceeding in any Court of Competent Jurisdiction.
 - 15.8211 To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use of a structure;
 - 15.8212 To prevent the occupancy of the structure or land;
 - 15.8213 To prevent any illegal act, conduct, business, or use in or about such structure or land;
 - 15.8214 To restrain, correct, or abate the violation;
- 15.83 Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance may also be required, upon conviction, to forfeit not less than \$10.00 nor more than \$500.00 for each offense, together with the costs of prosecution, and in default of payment

of such forfeiture and costs of prosecution, shall be imprisoned in the county jail of Fond du Lac County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

- 15.84 Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent any violation.

ARTICLE 16 AMENDMENTS

The regulations and standards, restrictions, and district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. Such change or amendment shall be submitted to the Plan Commission for review and recommendation.

- 16.1 Initiation: A change or amendment may be initiated by the Village Board or the Plan Commission or by a petition of the owners of more than fifty (50%) percent of the area involved.
- 16.2 Petitions: Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, and specify the proposed use. Each such application, except that initiated by the Village Board or by the Plan Commission, shall be accompanied by a fee as determined by Resolution of the Village Board, such fee to be paid by the applicant.
- 16.3 Recommendations: The Village Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied. Such recommendation shall be made in writing to the Village Board. The Plan Commission shall make its recommendation within 30 days of the application unless such time is extended by mutual consent of the applicant and the Plan Commission.
- 16.4 Hearings: The Village Board shall hold a public hearing upon each petition giving public notice as follows: at least ten (10) days but not more than thirty (30) days notice of the time and place of the hearing of such action shall be published as a Class 2 Notice under Chapter 985, Wisconsin Statutes in an official paper or a paper of general circulation in the Village.
- 16.5 Action of the Village Board:
- 16.51 As soon as possible after such public hearing, and after careful consideration of the Village Plan Commission's recommendation, the Village Board shall act on the petition either approving, modifying and approving or disapproving of the same.
- 16.52 In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of 20 percent or more of the areas of the land included in such proposed change, by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such

change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

ARTICLE 17 VALIDITY

The invalidity of any provisions of the ordinance shall not affect the validity of the remainder of this Ordinance.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular property, structure, or land, such ruling shall not affect the application of said provision to any other property, structure, or land not specifically included in said ruling.

ARTICLE 18 CONFLICT WITH OTHER LAWS

Whenever the regulations made under authority of this section require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stores, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this section shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this section, the provisions of such statute or local ordinance or regulations shall govern.

ARTICLE 19 EFFECTIVE DATE

This ordinance shall be in force from and after its passage, approval and posting according to law.

ENACTED THIS 18th DAY OF January, 1999.

POSTED THIS 20th DAY OF January, 1999.

James H. Wacthkal
Village President

ATTEST: Roni Tetzloff
Village Clerk