

Chapter 500

ZONING

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton 10-6-1987 (Title 10, Ch. 1, of the 1987 Code of Ordinances). Amendments noted where applicable.]

ARTICLE I Introduction

§ 500-1. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

This chapter is adopted under the authority granted by § 62.23(7) of the Wisconsin Statutes and amendments thereto.

§ 500-2. Title.

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

§ 500-3. General purpose.

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

§ 500-4. Intent and purposes in view.

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

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

- F. Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- G. Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- H. Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
- I. Preserve and protect the beauty of the Village of Hixton;
- J. Prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- K. Provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- L. Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- M. Further the maintenance of safe and healthful water conditions;¹
- N. Provide for and protect a variety of suitable commercial and industrial sites;
- O. Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- P. Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Hixton;
- Q. Provide for the administration and enforcement of this chapter; and to provide penalties for the violation of this chapter.

§ 500-5. Abrogation and greater restrictions.

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

§ 500-6. Interpretation.

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

§ 500-7. Severability and nonliability.

If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be

1. Editor's Note: Original Sec. 10-1-4(n) of the 1987 Code of Ordinances, regarding the prevention of flood damage, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Chapter 465, Floodplain Zoning.

applicable to any other structure, land or water not specifically included in said judgment.²

ARTICLE II General Provisions

§ 500-8. Jurisdiction and general provisions.

- A. Jurisdiction. The jurisdiction of this chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Hixton.
- B. Compliance. No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.
- C. District regulations to be complied with. Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.³
- D. One main building per lot. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot. Pursuant to § 500-10C, the Village Board may authorize more than one principal structure per lot as a conditional use. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- E. Lots abutting more restrictive district. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

§ 500-9. Use regulations.

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

- A. Permitted uses. Permitted uses, being the principal uses, specified for a district.
- B. Accessory uses. Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- C. Conditional uses.
 - (1) Classes of conditional uses. Conditional uses may be either denominated "regular" or "limited."
 - (2) General conditional use provisions. Provisions applicable to conditional uses

2. Editor's Note: Original Sec. 10-1-7(c) of the 1987 Code of Ordinances, regarding the Village's liability for flood damage, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Chapter 465, Floodplain Zoning.

3. Editor's Note: Original Sec. 10-1-10(d) of the 1987 Code of Ordinances, Yard reduction and joint use, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 500-12.

generally:

- (a) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Village Board in accordance with Article V 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 Village Board for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - (c) Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board in accordance with Article V of this chapter.
 - (d) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Village Board in accordance with Article V of this chapter.
 - (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 provisions 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 Village Board or existent at time of adoption of this chapter, shall be nonlapsing, shall survive vacancies and change of ownership of the properties where located and be subject to substitution with other conditional use(s) of same or similar type without Village Board approval. Change to conditional use of other than same or similar type shall require procedures and approval in accordance with Article V.
 - (b) See Subsection C(2)(a) above as to conditional uses existent at time of adoption of this chapter being deemed to be regular conditional uses.
- (4) Specific limited conditional use provisions. Provisions applicable specifically to limited conditional uses:
- (a) Limited conditional uses authorized by Village Board resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
 - (b) Limited conditional uses authorized by the Village Board shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Board approval and the procedures required in Article V of this chapter.

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

§ 500-10. Site regulations.

- A. Site suitability. No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, or low bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community.
- 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 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.⁴
- E. Site suitability. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, 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 Village Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.
- F. Preservation of topography. In order to protect the property owner from possible damage

4. Editor's Note: Original Sec. 10-1-12(d) of the 1987 Code of Ordinances, Lots abutting more restrictive districts, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 500-8F.

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 Village Board, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

- G. Decks. For purposes of this chapter, decks and porches shall be considered a part of a building or structure.

§ 500-11. Heights and area exceptions.

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

- A. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor five stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- B. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or codes of the Village.
- C. Residences in the residential district may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one foot for each foot when such building exceeds the height limit of the district in which it is located.
- D. 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.
- E. 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 are complied with.
- F. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied by one family.
- G. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and

ornamental features projecting not more than 12 inches.

- H. Open or enclosed fire escapes and fire towers may project into a required yard not more than five feet and into a required court not more than 3 1/2 feet, provided they are so located as not to obstruct light and ventilation.

§ 500-12. Reduction or joint use.

- A. No lot, yard, parking area, building area or other space shall be reduced in area or dimensions so as not to meet the provisions of this chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
- B. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

**ARTICLE III
Zoning Districts**

§ 500-13. Establishment of districts.

Districts. For the purpose of this chapter, present and future, provision is hereby made for the division of the Village of Hixton into the following nine basic zoning districts:

A-1	Agricultural District
R-1	Residential District
R-2	Multiple-Family Residential District
B-1	Business District
I-1	Industrial District
G-1	Institutional District
C-1	Conservancy District
R-MH	Mobile Home District
MW	Municipal Well Recharge Area Overlay District

§ 500-14. Vacation of streets; annexations.

- A. Vacation of streets. 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.
- B. Annexations. Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the R-1 Residential District, unless the annexation ordinance places the land in another district. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 500-15. Zoning Map.

- A. The Village of Hixton is hereby divided into zoning districts as shown upon a map

designated as the Official Zoning Map of the Village of Hixton and made a part of this chapter. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Village Clerk-Treasurer of the Village of Hixton.

- B. The district boundaries shall be determined by measurement from and as shown on the Official Zoning Map, and in case of any question as to the interpretation of such boundary lines, the Village Board shall interpret the map according to the reasonable intent of this chapter. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter-section or sixteenth-section lines; or the center lines of streets, highways, railways or alleys.

§ 500-16. Rules for interpretation of district boundaries.

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

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

§ 500-17. A-1 Agricultural District.

- A. Purpose. The A-1 Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not yet committed to urban development. It is further intended for this district to protect lands contained therein from urban development until their orderly transition into urban-oriented districts is required.
- B. Permitted uses. General farming, including agriculture, dairying, floriculture, forestry, grazing, hay, orchards, truck farming and viticulture (grape growing); provided, however, that farm buildings housing animals, barnyards and feed lots shall not be located in a

floodland and shall be at least 100 feet from any navigable water or district boundary.

C. Permitted accessory uses.

- (1) Attached or detached private garages and carports accessory to permitted or permitted accessory uses.
- (2) General farm buildings, including barns, silos, sheds, storage bins, and including not more than one roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign and other provisions of this chapter.
- (3) One farm dwelling.

D. Conditional uses.

- (1) Airports, airstrips and landing fields, provided that the site is not less than 20 acres.
- (2) Commercial feed lots, livestock sales facilities and fur farms.
- (3) Drive-in establishments selling fruits and vegetables.
- (4) Home occupations and professional offices.
- (5) Housing for farm laborers and seasonal or migratory farm workers.
- (6) Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
- (7) Utilities.
- (8) Veterinary clinics, provided that no structure or animal enclosure shall be located closer than 100 feet to a property boundary.

E. Lot area and width.

- (1) For principal structures hereafter erected, moved or structurally altered, there shall be required provision of a contiguous area of not less than five acres, and no farm parcel shall be less than 300 feet in width.
- (2) Existing residential structures and farm dwellings remaining after the consolidation of existing farms shall be provided with a lot area of not less than 40,000 square feet and a lot width of not less than 120 feet.

F. Building height. No building or parts of a building shall exceed 60 feet in height.

G. Yards.

- (1) There shall be a minimum building setback of 50 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure not less than 25 feet in width.
- (3) There shall be a rear yard of not less than 50 feet.

§ 500-18. R-1 Residential District.

A. Purpose. This district is intended to provide residential development limited to single-family and two-family homes set individually on separate lots.

B. Definitions and Requirements

(1) Definitions:

a) "Dwelling." (i) Single-family Dwelling. A detached building for or occupied exclusively by one family, (ii) Two-family Dwelling. A detached or semi-detached building designed for and occupied exclusively by two (2) families.

b) "Dwelling Unit." A separate housekeeping unit designed and used for occupancy by a single family.

c) "Family". Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living in one dwelling unit as a single housekeeping entity

d) "Floor Area" (i) For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of unfinished and unheated porches, balconies, garages and basements qualified for living area under the State Building Code, measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating dwelling units. (ii) For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the centerline of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

(2) Minimum Floor Area. The minimum floor area per dwelling unit shall be one thousand (1,000) square feet.

(3) Roof and Eave Standards.

a) Roofs. The roof on all dwellings shall have a minimum roof pitch of 4:12, except the roofs over the following parts of dwellings, which may have a lesser pitch: porches, decks, dormers, and breezeways.

b) Eaves. All dwellings shall have a minimum eave width of sixteen inches (16"), NOT including with width of any gutter or other apparatus affixed to the eave or roof edge.

c) Exceptions: The rules of (1) and (b) above shall not apply to buildings located in property zoned R-MH

(4) Lot size. Minimum area (in square feet): 8,000; minimum width (in feet): 80. Exceptions: A single-family dwelling may be erected on any lot having a lesser area or width, provided that such lot shall have been recorded in a plat or deed prior to the passage of this chapter, and except that corner lots may be used in units of not less than 6,000 square feet in area and not less than 60 feet in width.

(5) Setbacks. There shall be a rear yard having a depth of not less than 20% of the depth of the lot, provided that such rear yards are not less than 15 feet, and need not exceed 25 feet in depth. There shall be a side yard on each side of the building of not less than 10% of the width of the lot. There shall be a front yard setback of 25 feet.

(6) Height. Maximum permitted (in feet), principal structure: 35'; accessory structure: 20'.

- C. Permitted uses. A building or premises shall be used only for the following purposes:
- (1) Single-family and two-family dwelling.
 - (2) Publicly owned or operated park, playground or community building, provided that any building shall be located not less than 35 feet from any side lot line.
 - (3) Church or other place of worship or Sunday School, provided that any such building shall be located not less than 35 feet from any side lot line.
 - (4) Public school, kindergarten, elementary and high, or private school having a curriculum the same as ordinarily given in a public school, provided that any such building shall be located not less than 35 feet from any side lot line.
 - (5) Farming, provided no livestock is included, truck gardening, nursery and/or horticulture.
 - (6) Home occupation and professional offices.
 - (7) Accessory building or use, including a private garage, carport and paved parking areas customarily incident to the above uses, but not involving the conduct of a business.
 - (8) Temporary buildings for construction purposes, not to exceed a one-year period.
 - (9) Nursing homes.
- D. Conditional uses. A building or premises shall be used only for the following purposes when approved as a conditional use:
- (1) Dental and medical clinics.
 - (2) Private lodges and clubs.
 - (3) Public utility offices and installations, including transmission lines and substations.
 - (4) Kennels [Added at time of adoption of Code (see Ch1, General Provisions, Art II)]
 - (5) Planned unit development [Added at time of adoption of Code (see Ch 1, General Provisions, Art II)]
 - 6 Bed and Breakfast establishments. [Added at time of adoption of Code (see Ch1, General Provisions, Art II)]
- E. Accessory Building location and size limits for residential zoning
- A garage may be built in the side yard provided set back requirements are met and it does not intrude on the front yard. All other accessory buildings must be in the back yard
- One (1) detached garage and two (2) accessory buildings for a total of three (3) unattached buildings are permitted provided total footprint does not exceed 30% of the total rear yard square footage.

Further, all accessory buildings must be single story and may not exceed a maximum all height of ten (10) feet and may not exceed a maximum peak height of eighteen (18) feet. Detached garages shall not exceed seven thousand (2000) square feet in area. An accessory building under two hundred (200) square feet will not require a building permit. An accessory building exceeding two hundred (200) square feet will require a building permit.

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§ 500-19. R-2 Multiple-Family Residential District.

A. Purpose. This district is intended to provide for apartments, to include family or garden types, elevator and walk-up types, efficiency or studio types and apartment conversions in existing single-family dwellings, condominiums and mobile home parks, subject to other provisions of this Code.

B. Requirements.

- (1) Lot size. Minimum area (in square feet), one family: 7,600; two family: 3,800; family multiple dwelling: 1,500 minimum width (in feet): 70
- (2) Setbacks. Minimum front yard (in feet): 25; minimum either side yard (in feet): eight; minimum aggregate side yard (in feet): 20 minimum rear yard (in feet): 25.
- (3) Height. Maximum permitted (in feet), principal structure: 45 (a building may be erected to a height of 75 feet if set back from all required yard lines a distance of one foot for each foot of additional height above 45 feet); accessory structure: 25.
- (4) Building size. Minimum required floor area: principal building (in square feet), one family: 800; two family: 1,800; three or more: 800 per family.
- (5) Roof & Eave Standards. a) Roofs. The roof on all dwellings shall have a minimum roof pitch of 4:12, except the roofs over the following parts of dwellings, which may have a lesser pitch: porches, decks, dormers, and breezeways.
b) Eaves. All dwellings shall have a minimum eave width of sixteen (16) inches, not including the width of any gutter or other apparatus affixed to the eave or roof edge.
c) Exceptions. The rules of (a) and (b) above shall not apply to buildings located in property zoned R-MH.

C. Permitted uses. A building or premises shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Multiple-family dwellings.
- (4) Boardinghouses and lodging houses.
- (5) Publicly owned or operated park, playground or community building, provided that any building shall be located not less than 25 feet from any side lot line.
- (6) Church or other place of worship or Sunday School, provided that any such building shall be located not less than 25 feet from any side lot line.
- (7) Public school, kindergarten, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school, provided that any such building shall be located not less than 25 feet from any side lot line.
- (8) Truck gardening, nursery and/or horticulture.
- (9) Home occupation and professional offices.
- (10) Institution of a religious, education, eleemosynary or philanthropic nature, but not a

penal or mental institution.

- (11) Accessory building or use, including a private garage, carport and paved parking area customarily incident to the above uses, but not involving the conduct of a business.
 - (12) Multiple ownership of a single-residential structure is permitted under this section.
- D. Conditional uses. A building or premises shall be used only for the following purposes when approved as a conditional use:
- (1) Private lodges and clubs.
 - (2) Nursing and rest homes and homes for the aged.
 - (3) Public utility offices and installations, including transmission lines and substations.
 - (4) Funeral homes.
 - (5) Dental and medical clinics.
 - (6) Kennels. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (7) Planned unit development. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (8) Bed-and-breakfast establishments. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 500-20. B-1 Business Center.

- A. Purpose. This district is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance and operation of which are compatible with the character of the surrounding area.
- B. Requirements.
- (1) Height. Any building hereafter erected or altered to exceed 50 feet in height or three stories shall, above that height, be set back on the front and rear building lines on the ratio of one foot for each two feet rise above said specific height.
 - (2) Rear yard setback. There shall be a rear yard of not less than 15% of the depth of the lot; provided, however, such rear yard need not exceed 10 feet in depth and provided that 1/2 the width of the alley, if any, may be applied as part of the required rear yard.
 - (3) Side yard setback. A side yard, if provided, shall not be less than three feet wide.
 - (4) Outer court setback. An outer court shall not be less than six feet wide nor less than 1/6 of the length of such court from the closed end.
 - (5) Inner court setback. An inner court shall not be less than six feet wide nor less than 1/5 of the height of such court, nor shall its area be less than twice the square of its required least dimensions.
 - (6) Front yard setback. There shall be a front yard setback of 10 feet.

- (7) Building area limitations and area per family. No building with its accessory buildings, to be used for such commercial purposes, shall occupy in excess of 90% of the area of the lot. Buildings used wholly for residential purposes shall conform to the restrictions provided for such buildings in the residential district.

C. Permitted uses.

- (1) No building or premises shall be used and no building shall be hereafter erected, or altered, within any business district unless otherwise provided in this chapter, except for the uses permitted in the R-1 Residential District and for the following uses: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Advertising signs

Amusement places

Automobile body repair shops, not including the storage of junked or wrecked automobiles and parts

Automobile service stations

Bakeries, employing not more than 10 persons

Barbershops

Banks

Billboards

Dressmaking establishments

Dyeing and cleaning works employing not more than six persons

Electric repair shops

Employment agencies

Freight stations

Greenhouses

Filling stations, subject to the specific approval of the Zoning Board of Appeals, both as to location and as to arrangement

Hotels and motels

Laundries

Messenger or telegraph service stations

Millinery shops

Miniature golf courses

Offices

Painting and decorating shops

Photograph galleries

Plumbing shops

Post offices
Printing shops
Privately operated tourist camps and tourist cabins
Public garages, subject to the specific approval of the Zoning Board of Appeals, both as to location and as to arrangement
Recreation buildings and structures
Restaurants
Roofing and plastering shops
Sales or showrooms
Shoe repair shops
Stores and shops for the conduct of retail business
Studios
Taverns
Tailor shops
Tire repair shops
Undertaking establishments
Upholstering shops

- (2) Any building used for the above-enumerated or similar uses may have not more than 40% of the floor area devoted to industry or storage purposes incidental to such primary use, provided that not more than 15 employees shall be engaged at any time on the premises in any such incidental use.

D. Permitted accessory uses. An accessory building or use shall be used only for the following purposes.

- (1) Garages for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas, in the rear yard only.
- (3) Any other structure or use normally accessory to the above uses.

E. Conditional uses. A building or premises shall be used only for the following purposes when approved as a conditional use:

- (1) Rental apartments as a secondary use of a commercial building.
- (2) Planned unit development. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 500-21. I-1 Industrial District.

A. Purpose. This district is intended to provide for manufacturing and industrial development.

B. Requirements.

- (1) Side yard setback. A side yard, if provided, shall be not less than three feet wide.
- (2) Outer court setback. An outer court shall be not less than six feet wide, nor less than 1/6 the length of such court from the closed end.
- (3) Inner court setback. An inner court shall be not less than six feet wide, nor less than 1/5 the height of such court, nor shall its area be less than twice the square of its required least dimension.
- (4) Front yard setback. There shall be a front yard setback of 10 feet.
- (5) Building area limitations. No building with its accessory buildings to be used for commercial or manufacturing purposes shall occupy in excess of 90% of the area of the lot. Buildings used wholly for residential purposes shall conform to the restrictions provided for such buildings in the residential district.
- (6) Height. Maximum permitted (in feet), principal structure: 75; accessory structure: 40.

C. Permitted uses. A building or premises shall be used only for the following purposes:

- (1) Manufacturing, assembly, fabrication and processing plants.
- (2) Experimental, testing and research laboratories not involving the keeping of animals or use of animal products, or any significant degree of danger or undesirable operational characteristics.
- (3) Printing and publishing houses and related activities.
- (4) Toolmaking, cabinetry and repair shops.⁵
- (5) Public utility offices and installations.
- (6) General warehousing.
- (7) Lumber and building supply yards.
- (8) Transportation terminals, including trucking.⁶
- (9) The following, subject to approval by the Village Board of building, site and operational plans:
 - (a) Manufacture of cement, lime, gypsum, plaster of paris, acid, explosives, fertilizers or glue.
 - (b) Rendering plants, refineries or tanneries.
 - (c) Stockyards or slaughterhouses.

5. Editor's Note: Original Sec. 10-1-28(c)(5), Automobile service stations, of the 1987 Code of Ordinances,, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

6. Editor's Note: Original Sec. 10-1-28(c)(10), Automobile body repair shops, not including the storage of junked or wrecked automobiles and parts, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (d) Junkyards or salvage yards.
 - (e) Storage of explosives, except incidental to a permitted use, and storage of gasoline or petroleum in excess of 50,000 gallons.
 - (f) Experimental, testing and research laboratories.
 - (g) Automobile body repair shops, including the storage of junked or wrecked automobiles and parts.
 - (h) Animal hospitals, kennels and laboratories using animal products.
 - (i) Any other uses not previously stated or permitted elsewhere.
- D. Permitted accessory uses. An accessory building or use shall be used only for the following purposes:
- (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
 - (2) Off-street parking, loading and service facilities.
 - (3) Residential quarters for the owner, resident operator, guard or caretaker.
- E. Conditional uses. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (1) Planned unit development.

§ 500-22. G-1 Institutional District.

- A. Purpose. The G-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

- B. Permitted uses.

Cemeteries

Churches

Fraternal organizations

Hospitals, sanatoriums, nursing homes and clinics

Libraries, museums and art galleries

Municipal parking lots

Public administrative offices and public service buildings, including fire and police stations

Public or private schools, colleges and universities

Public utility offices

Utilities

Water storage tanks, towers and wells

Amphitheaters

Amusement parks

Aquariums

Arenas and field houses

Art galleries

Auditoriums
Boat rentals and boat access sites
Botanical gardens and arboretums
Exhibition halls
Fairgrounds
Forest reserves (wilderness areas)
Forest reserves (wilderness refuges)
Golf courses with or without country club facilities
Golf driving ranges
Group or organized camps
Historic and monument sites
Hunting and fishing clubs
Ice skating
Libraries
Miniature golf
Museums
Parks, general recreation
Parks, leisure and ornamental
Picnicking areas
Planetariums
Playfields or athletic fields
Playgrounds
Play lots or tot-lots
Recreation/community centers
Skiing and tobogganing
Stadiums
Swimming beaches
Tennis courts

C. Permitted accessory uses.

- (1) Essential services.
- (2) Garages for storage of vehicles or materials used in conjunction with the operation of a permitted use.
- (3) Off-street parking and loading areas.
- (4) Residential quarters for administrators, caretakers or clergy.
- (5) Service buildings and facilities normally accessory to the permitted uses.
- (6) Service-oriented offices or shops located within institutional buildings.

D. Conditional uses.

- (1) Archery ranges.
- (2) Athletic clubs and health resorts.
- (3) Drive-in movies.

- (4) Golf courses with country club/restaurant facilities.
 - (5) Gymnasiums.
 - (6) Miniature golf.
 - (7) Public emergency shelters.
 - (8) Roller skating.
 - (9) Skeet and trap shooting ranges, provided that the firing of rifle arms and shotgun slugs shall not be permitted directly toward or over any highway, road or navigable water, toward any building or structure or toward any population concentration within 1 1/2 miles of the site.
- E. Lot area and width. There are no minimum lot requirements.
- F. Building height. No building or parts of a building shall exceed 45 feet in height.
- G. Setback and yards.
- (1) A minimum building setback of 25 feet from the right-of-way line of all public streets shall be required.
 - (2) There shall be a minimum side yard of 10 feet.
 - (3) There shall be a rear yard of not less than 25 feet.
 - (4) Exception. In the case of ownership by a school district or organization or by a church or religious society of more than 50% of the frontage on intersection streets and more than 50% of the area of the square block wherein such property is located, the minimum setback line for building on such school or church property shall be 15 feet.

§ 500-23. C-1 Conservancy District.

- A. Purpose. The C-1 Conservancy District is intended to be used to prevent disruption of valuable natural or man-made resources and to protect wetland areas and lands which are subject to periodic flooding, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare.
- B. Permitted uses.
- (1) Agricultural uses, provided that they do not involve extensions of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography or water regimen.
 - (2) Forest and game management.
 - (3) Forest reserves (wilderness areas).
 - (4) Forest reserves (wildlife areas).

- (5) Open space uses, including preserves, scenic areas, historic and scientific areas, fishing, soil and water conservation practices, sustained-yield forestry, stream bank protection and water retention and control; provided, however, that no such uses involve structures, fill, soil or peat removal or disruption of the natural flow of any watercourse or natural topography.
- C. Permitted accessory uses.
- (1) Nonhabitable park or recreation shelters.
 - (2) Structures used in or accessory to a fish hatchery.
 - (3) Structures used to traverse lowlands or watercourses.
- D. Conditional uses.
- (1) Structures and fill accessory to permitted principal uses.
 - (2) Parks and campgrounds and accessory structures.
 - (3) Public shooting ranges and accessory structures.
 - (4) Fish hatcheries, raising of minnows, waterfowl and other lowland animals and accessory structures.
 - (5) Public utilities.
- E. Lot area, setback and yard.
- (1) Minimum dimensions. Lot area: 20,000 square feet.
 - (2) There are no lot width requirements.
 - (3) Any use involving a structure shall provide front and rear yards of at least 50 feet in depth and side yards at least 50 feet in width each.

§ 500-24. R-MH Mobile Home District.

The requirements for property in the R-MH Mobile Home District shall be as provided in Article XII of this chapter.

§ 500-25. Wellhead protection. [Amended 6-18-2018]

- A. Construction of ordinance.
- (1) This section shall be known, cited and referred to as the "Wellhead Protection Ordinance" ("WHP Ordinance").
 - (2) Purpose and authority.
 - (a) The residents of the Village of Hixton ("Village"), and the adjacent town of Hixton ("town"), depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP Ordinance is to institute

land use regulations and restrictions to protect the water supply and well fields of the Village, and to promote the public health, safety and general welfare of the residents of the Village.

- (b) These regulations are established pursuant to the authority granted in Wis. Stat. § 61.35 to adopt ordinances to protect groundwater.
- (3) Applicability. The regulations specified in the WHP Ordinance shall apply within the Village boundary limits.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

EXISTING FACILITIES — Current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Town's wellhead protection area that lies within the corporate limits of the Town. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' Form 3300-215, Public Water Supply Potential Contaminant Use Inventory form which is incorporated herein as if fully set.

GROUNDWATER DIVIDE — A ridge in the water table or the potentiometric surface from which groundwater flows away at right angles in both directions. A groundwater divide is represented by the line of highest hydraulic head in the water table or potentiometric surface.

GROUNDWATER PROTECTION OVERLAY DISTRICT — That area described within the Village's wellhead protection plan. A copy of the Village's wellhead protection plan can be obtained from the Village Clerk.

RECHARGE AREA — The land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well.

TIME OF TRAVEL — The determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.

WELL FIELD — A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

C. Groundwater protection overlay district ("district").

- (1) Intent. The area to be protected as a district is that portion of the Village of Hixton's well fields' recharge areas extending to the groundwater divide contained within the Village boundary limits and shown on the attached map.⁷ These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.
- (2) Permitted uses. Subject to the exemptions listed in Subsection C(5), the following are the only permitted uses within the district. Uses not listed are to be considered nonpermitted uses.
 - (a) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.

7. Editor's Note: Said map is on file in the Village Clerk's office.

- (b) Playgrounds.
 - (c) Wildlife areas.
 - (d) Nonmotorized trails, such as biking, skiing, nature and fitness trails.
 - (e) Municipally sewerred residential development, free of flammable and combustibile liquid underground storage tanks.
 - (f) Municipally sewerred business development, except for the following uses:
 - [1] Aboveground storage tanks.
 - [2] Asbestos product sales.
 - [3] Automotive service and repair garages, body shops.
 - [4] Blue printing and photocopying services.
 - [5] Car washes.
 - [6] Equipment repair services.
 - [7] Laundromats and diaper services.
 - [8] Dry cleaning.
 - [9] Gas stations.
 - [10] Holding ponds or lagoons.
 - [11] Infiltration ponds.
 - [12] Nurseries, lawn and garden supply stores.
 - [13] Small engine repair services.
 - [14] Underground storage tanks.
 - [15] Wells, private, production, injection or other.
 - [16] Any other determined by the Village Board or Village Board to be similar in nature to the above-listed items.
 - (g) Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.
 - (h) Single-family residences on a minimum lot of 20,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the county and state health standards for the effluent, and is in conformance with SPS 383, Wis. Adm. Code.
 - (i) Residential use of aboveground LP gas tanks for heating, not to exceed 1,000 gallons.
- (3) Separation distances. The following separation distances as specified in § NR 811.12(5)(d), Wis. Adm. Code, shall be maintained and shall not be exempted as

listed in Subsection C(5). The full list of NR 811.12(5)(d) setback rules shall be in effect. The following abbreviated list of distances shall apply for all Village of Hixton municipal wells:

- (a) Fifty feet between a well and a storm sewer main.
 - (b) Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift, station or a single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA C600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
 - (c) Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 12,000 gallons per day, a cemetery or a stormwater drainage pond.
 - (d) Six hundred feet between a well and any farm underground storage tank system or any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Safety and Professional Services (DSPS) or its designated agent under § ATCP 93.260, Wis. Admin. Code.
 - (e) One thousand feet between a well and land application of municipal, commercial or industrial waste; the boundaries of a land-spreading facility for spreading of petroleum-contaminated soil regulated under Ch. NR 718, Wis. Admin. Code, while that facility is in operation; industrial, commercial or municipal wastewater lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.
 - (f) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Ch. NR 140, Wis. Admin. Code, enforcement standards that is shown on the Department of Natural Resources' geographic information systems registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from DSPS or its designated agent under Ch. ATCP 93.110, Wis. Admin. Code; bulk fuel storage facilities and pesticide or fertilizer handling or storage facilities.
- (4) Requirements for existing facilities.
- (a) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and ongoing environmental monitoring results to the Village.
 - (b) Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include

but is not limited to stormwater runoff management and monitoring.

- (c) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
 - (d) Existing facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.
- (5) Exemptions and waivers.
- (a) An applicant may request the Village, in writing, to permit additional land uses in the district. Requests will be also reviewed by the Village for approval.
 - (b) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the Village, and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village for recommendation and final decision by the Village Board.
 - (c) The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount, plus administrative costs.
 - (d) Any exemptions granted shall be conditional and may include any of the following:
 - [1] Required environmental and safety monitoring consistent with local, state and federal requirements;
 - [2] Bonds; and
 - [3] Other securities.

D. Enforcement.

- (1) In the event that a person, partnership, corporation or other legal entity (each a "person") causes the release of any contaminants which endanger the district, the person causing said release shall immediately stop the release and clean up the release to the satisfaction of the Village.
- (2) The person shall be responsible for all costs of cleanup, including all of the following:
 - (a) Consultant fees at the invoice amount, plus administrative costs for oversight, review and documentation.
 - (b) The cost of Village employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village, as appropriate, representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
 - (c) The cost of Village equipment employed.
 - (d) The cost of mileage reimbursed to Village employees attributed to the cleanup.

- (3) Following any such discharge, the Village may require additional test monitoring and/or bonds/securities.
- (4) It shall be unlawful to construct or use any structure, facility, land or water in violation of this section. Any person who is damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this section.
- (5) Any person that fails to comply with the provisions of this section as determined by the Village Board shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, plus costs and fees for each violation. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE IV

Planned Unit Development (PUD) Conditional Use

§ 500-26. Planned unit development conditional use: intent.

- A. The planned unit development conditional use is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The planned unit development under this chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining, insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district.
- B. The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Condominium Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under § 500-33 of this chapter and after public hearing, with such development encompassing one or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the chapter have been met.

§ 500-27. Types of planned unit developments.

This article contemplates that there may be residential, commercial, industrial planned unit developments and mixed compatible use developments.

§ 500-28. General requirements for planned unit developments.

A planned unit development shall be consistent in all respects to the expressed intent of this article and to the spirit and intent of this chapter; shall be in conformity with the adopted Comprehensive Plan, neighborhood plan or any adopted component thereof; and shall not be contrary to the general welfare and economic prosperity of the community.

§ 500-29. Physical requirements for planned unit developments.

- A. Minimum area requirements. Areas designated as planned unit developments shall contain a minimum development area as follows:

Principal Uses	Minimum Area of PUD (acres)
Residential PUD	3
Commercial PUD	5
Industrial PUD	10
Mixed Compatible Use	10

- B. Density requirements (lot area, width and yard requirements). The district area, width and yard requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units that would have been permitted if the planned unit development regulations had not been utilized.
- C. Building height and area requirements.
- (1) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
 - (2) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.
- D. Single parcel, lot or tract. The planned unit development shall be considered as one tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the County Register of Deeds.

§ 500-30. Public services and facilities requirements.

- A. The development site shall be provided with adequate drainage facilities for surface water and stormwater.
- B. The site will be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the development.
- C. No undue constraint or burden shall be imposed on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public areas by the developments.
- D. The streets and driveways on the site of the development shall be adequate to serve the residents of the development and, in the case of public dedicated streets, will meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
- E. Public water and sewer facilities shall be provided.

§ 500-31. Subsequent land division.

The division of any land or lands within a planned unit development for the purpose of change or conveyance of ownership may be accomplished pursuant to Chapter 674, Subdivision of Land, of the Code of the Village of Hixton when such division is contemplated.

§ 500-32. Procedural requirements; intent.

Sections 500-26 through 500-31 set forth the basic philosophy and intent in providing for planned unit developments, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following sections are intended to set forth the procedures and considerations involved, leading to possible approval of such developments.

§ 500-33. Procedural requirements for planned unit developments.

- A. Prepetition conference. Prior to the official submission of the petition for the approval of a planned unit development, the owner or his agent making such petition shall meet with the Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Petition for approval. Following the prepetition conference, the owner or his agent may file a petition with the Clerk-Treasurer for approval of a planned unit development. Such petition shall be accompanied by a review fee as set by the Village Board, as well as incorporate the following information: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (1) Informational statement. A statement which sets forth the relationship of the proposed PUD to the Village's adopted Master (comprehensive land use and thoroughfare plan) Plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
 - (a) Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - (b) A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - (c) A general outline of the organizational structure of a property owners' or property management association, which may be proposed to be established for the purpose of providing any necessary private services.
 - (d) Any proposed departures from the standards of development as set forth in this chapter, Chapter 674, Subdivision of Land, other Village regulations or administrative rules, or other universal guidelines.
 - (e) The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.

(2) A general development plan, including:

- (a) A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
- (b) The location of public and private roads, driveways, sidewalks and parking facilities.
- (c) The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
- (d) The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
- (e) The type, size and location of all structures.
- (f) General landscape treatment.
- (g) The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
- (h) The existing and proposed location of all private utilities or other easements.
- (i) Characteristics of soils related to contemplated specific uses.
- (j) Existing topography on the site with contours at no greater than two-foot intervals.
- (k) Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
- (l) If the development is to be staged, a staging plan.
- (m) A plan showing how the entire development can be further subdivided in the future.

C. Public hearing. The Village Board shall hold public hearing on the petition in the manner provided in §§ 500-40 and 500-41 for conditional uses.

§ 500-34. Basis for approval of the petition for planned unit development.

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

- (1) That the general requirements made and provided in § 500-28 will be met;
- (2) That the applicable physical requirements made and provided in § 500-29 will be met;
- (3) That the requirements as to public services and facilities made and provided in § 500-30 will be met.

B. Proposed construction schedule. The Village Board, in making its recommendation and

determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one year of approval being deemed reasonable. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

C. Residential PUD, considerations. The Village Board, in making its recommendation and determination as to a proposed residential planned unit development, shall further consider whether: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
- (2) The total net residential density within the planned unit development will be compatible with the Village Comprehensive Plan, neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
- (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, structure type shall be limited as follows:
 - (a) Planned residential developments in the R-1 District shall not exceed four dwelling units per structure.
 - (b) Planned residential developments in the R-2 District shall not exceed 16 dwelling units per structure.
- (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
- (5) Provision has been made for adequate, continuing fire and police protection.
- (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
- (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.

D. Commercial PUD, considerations. The Village Board, in making its recommendation and determination as to a proposed commercial planned unit development, shall further consider whether: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

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

street maintenance, water, sanitary sewer and stormwater drainage and maintenance of public areas.

- (4) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - (5) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- E. Industrial PUD, considerations. The Village Board, in making its recommendations and determination as to a proposed industrial planned unit development, shall further consider whether: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (1) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
 - (2) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and stormwater drainage and maintenance of public areas.
 - (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
 - (4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- F. Mixed-use PUD considerations. The Village Board, in making its recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (1) The proposed mixture of uses produces a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
 - (2) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
 - (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage and maintenance of public areas.

§ 500-35. Determination of petition disposition.

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

ARTICLE V

Conditional Uses

§ 500-36. Statement of purpose; conditional uses.

The development and execution of this article is based upon the division of the Village into districts, within which districts the use of land and buildings, and 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.

§ 500-37. Authority of Village Board; requirements.

- A. The Village Board may, by resolution, authorize the Zoning Administrator to issue a conditional use permit for either regular or limited conditional use after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this chapter and are further found to be not hazardous materials or potentially polluting substance, 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 Village Board in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Board resolution, 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 legal description of the affected premises. Prior to the granting of a conditional use, the Village Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- B. Any development within 500 feet of the existing or proposed rights-of-way of freeways, 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 Village Board 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, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- 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.

§ 500-38. 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.

§ 500-39. 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, 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 § 500-42 hereinafter. The

Village Board may require such other information as may be necessary to determine and provide for an enforcement of this chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

§ 500-40. Hearing on application.

Upon receipt of the application and statement referred to in § 500-39 above, the Village Board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Village Board. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Village Board shall, by rule, prescribe from time to time.

§ 500-41. Notice of hearing on application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within 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.

§ 500-42. Standards; conditional uses.

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

- A. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- B. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- F. That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

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

§ 500-43. Denial of application for conditional use permit.

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

§ 500-44. Conditions and guarantees.

The following conditions shall apply to all conditional uses:

- A. Conditions. Prior to the granting of any conditional use, the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in § 500-42 above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (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. The Village Board shall evaluate each application and may request assistance from any source which can provide technical assistance. The Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- C. Alteration of conditional use. No alteration of a conditional use shall be permitted unless approved by the Village Board.
- D. Architectural treatment. Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- E. Sloped sites; unsuitable soils. Where slopes exceed 6% and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

- F. Conditional uses to comply with other requirements. Conditional uses shall comply with all other provisions of this chapter, such as lot width and area, yards, height, parking and loading.

§ 500-45. Validity of conditional use permit.

Where the Village Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the Board's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six 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 Zoning Administrator shall notify the holder by certified mail of such revocation. The Board may extend such permit for a period of 90 days for justifiable cause, if application is made to the Village Board at least 30 days before the expiration of said permit.

§ 500-46. Complaints regarding conditional uses.

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this chapter. 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 § 500-42 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 § 500-41 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 § 500-42 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that standards in Subsections A and B in § 500-42 will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use, in writing, stating the reasons therefor.

§ 500-47. Bed-and-breakfast establishments.

- A. As conditional use. Bed-and-breakfast establishments shall be considered conditional uses and may be permitted in residential districts pursuant to this article.
- B. Definition. "Bed-and-breakfast establishment" means any place of lodging that provides eight or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a twelve-month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is

breakfast. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- C. State standards. Bed-and-breakfast establishments shall comply with the standards of Ch. DHS 197, Wis. Adm. Code.

ARTICLE VI

Nonconforming Uses, Structures and Lots

§ 500-48. Existing nonconforming uses and structures.

- A. The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption or amendment of this chapter, may be continued although the use does not conform with the provisions of this chapter. However, only that portion of the land in actual use may be so continued, and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- B. If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this chapter, provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted, provided all other regulations governing the new use are complied with.
- C. Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

§ 500-49. Abolishment or replacement.

- A. Termination. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure or land shall conform to the provisions of this chapter.
- B. Building destroyed by fire. Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than 50% of its fair market value, the same may be rebuilt; but where such a building is destroyed to the extent of more than 50% of its fair market value, a permit may be granted for its reconstruction within 12 months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands. A nonconforming building damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored in accordance with the provisions of § 62.23(7)(hc), Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 500-50. Existing nonconforming structures.

The lawful nonconforming structure existing at the time of the adoption or amendment of this

chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

§ 500-51. 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 Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals.

**ARTICLE VII
Traffic Visibility, Loading, Parking and Access**

§ 500-52. 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 25 feet from the point of intersection.
- B. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

§ 500-53. Loading requirements.

- A. Loading space requirements. On every lot on which a 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: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Use	Floor Area (square feet)	Loading Space
Retail, wholesale warehouse, service manufacturing, and industrial establishments	2,000 to 10,000	1
	Over 10,000 to 20,000	2
	Over 20,000 to 40,000	3
	Over 40,000 to 60,000	4
	Each additional 50,000	1
Hotels, offices hospitals, places of public assembly	5,000 to 10,000	1

	Over 10,000 to 50,000	2
	Over 50,000 to 100,000	3
	Each additional 25,000	1
Funeral homes	2,500 to 4,000	1
	Over 4,000 to 6,000	2
	Each additional 10,000	1

- B. Multiple or mixed uses. Where a building is devoted to more than one use or for 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 45 feet, and a vertical clearance of at least 14 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. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.
- E. Surfacing. All open off-street loading berths shall be improved with a compacted macadam 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 residential 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 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 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.

§ 500-54. Parking requirements.

All new parking lots and all alterations of existing lots shall be subject to the approval of the Village Board. 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 within the fire zone 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 nine feet and a stall length of at least 18 feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: 11 feet for 30° parking; and 20 feet for 90° parking. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 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.⁸
 - (1) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residential 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 resident and two-family residential districts is permitted in the front yard in the driveway, even though closer than five feet to a side lot line, providing the driveway conforms to the requirements in § 500-55.
- D. Surfacing. All 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 of 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. Compacted stone or gravel may be used with the approval of the Village Board.
- E. Landscaping.
 - (1) Accessory landscape area. 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

⁸. Editor's Note: Original Sec. 10-1-92(c)(1) of the 1987 Code of Ordinances, regarding size, location and proximity to principal use of parking lots, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 500-54L, Off-lot parking.

less than 10% of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet.

- (2) Location. Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator.
 - (3) Plans. All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic survey or grading plan which shows existing and proposed grades and 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 the said lot line.
 - (5) Repair and service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residential districts.
 - (6) 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.
 - (7) 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.
- F. Curbs. Curbs or barriers shall be installed a minimum of four feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- G. Number of stalls. Number of parking stalls required are shown in the following table:
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Use	Minimum Parking Required
Dwellings: single-family, two-family and mobile homes	2 stalls for each dwelling unit
Dwellings: multifamily	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, dormitories, rooming houses and boardinghouses	1 stall for each bed
Retirement homes, orphanages, convents and monasteries	1 stall per 2,000 feet of principal floor area
Hospitals, sanitariums, institutions, rest and nursing homes	1 stall for each 3 beds, plus 1 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 4 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees, plus 1 stall for each 5 students of 16 years of age or more
Restaurants, bars, clubs and lodges, places of entertainment	1 stall for each 3 seats and 1 space for each 2 employees
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 stall for every 2 employees; "number of employees" shall be construed to mean the maximum number on the premises at 1 time
Financial institutions, business, government and professional offices, retail and service establishments	1 stall for each 250 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales and service (new and used)	1 space for each 500 square feet of floor area used, plus 1 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 above.)
Repair shops, retail and service stores	1 space for each 150 square feet of net floor space
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

H. 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.

I. Combined uses. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two or more uses may provide required

off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. A written agreement satisfactory to the Village Attorney shall accompany any joint-use arrangement.

- J. Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in this chapter, 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.
- K. Changes in buildings or use. Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50% or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
- L. 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 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 are immediately adjacent to a commercial, business or industrial zoning district.
 - (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.

§ 500-55. Driveways.

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

- A. Island between driveway openings shall be provided with a minimum of six feet between all driveways.
- B. The maximum number of driveway openings for vehicular ingress and egress permitted for lots zoned R-1 or R-d shall be one (1) and shall be two(2) for all other types of zoned lots

- C. Vehicular entrances and exits to drive-in theaters, banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library, public emergency shelter or other place of public assembly.
- D. Openings for vehicular ingress and egress shall not exceed 30 feet at the property line and 35 feet at the roadway for all uses, except the maximum curb opening for all residential districts shall be 25 feet at the roadway.
- E. Driveways openings at the street/curb shall be a minimum of ten feet (10') wide and a maximum of thirty-two feet (32') wide for lots zoned R-1 and R-2. For all other zoning the opening at the street/curb shall be a minimum of eighteen feet (18') and a maximum of thirty-five feet (35').

§ 500-56. Highway access.

- A. Highway access. 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. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within 100 feet of the intersection of an arterial street right-of-way line.
- B. 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.
- C. Temporary access to the above rights-of-way may be granted by the Zoning Administrator 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.

ARTICLE VIII
Signs and Billboards

§ 500-57. Purpose.

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

§ 500-58. Definitions.

The following definitions are used in this article:

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.

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.

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, charitable or other noncommercial activities or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

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.

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. (Also referred to as "freestanding sign.")

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 SIGN — Any sign attached to and made part of a marquee. A "marquee" is defined as a permanent, roof-like 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.

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

PORTABLE SIGN — 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 five feet, from the face of a wall or building.

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, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.

TEMPORARY SIGN — Any sign intended to be displayed for a short period of time, including real estate, political or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.

WALL SIGN — Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than 18 inches from such wall.

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

§ 500-59. Prohibited signs; exceptions.

A. Permitted signs. In any district, no signs shall be permitted except as is hereinafter specified by the regulations for that district:

- (1) Except in the Business District or as may be otherwise hereinafter specifically provided, no sign shall be permitted closer than 10 feet to the existing street line or any other lot line.
- (2) A sign identifying the property or the name of the owner or occupant not in excess of six square feet in area.
- (3) A "no trespassing" or other similar sign and not in excess of six square feet in area.
- (4) Signs pertaining to the lease or sale of the property on which located or any building thereon not in excess of 20 square feet in area per sign and not more than two signs on any single parcel.
- (5) In the Business District, the establishment occupying the building may erect and maintain a single, flat, freestanding advertising sign, relating to its business, in the front yard, or in the side yard on the street side of a corner lot, if the sign is supported by a single pole or standard and neither face of the sign exceeds 60 square feet in area. If such a building is occupied by two or more establishments, then they may jointly erect and maintain such a sign. No portion of the face of such a sign shall be less than 12 feet above the level of the sidewalk or, if there be no sidewalk, the level of the lot line nearest the sign.
- (6) No billboard, poster, flat pennant, streamer, outdoor display or other advertising device not meeting the requirements mentioned above and no sign employing brilliant intermittent, rotating or flashing lights which rotates in a manner or at a rate as to simulate flashing lights shall be permitted. No signs, billboard or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (7) A sign, not to exceed 12 square feet in area, for the purpose of advertising and direction of patrons or attendance to an establishment off the main traveled highway

or to service clubs, churches or other nonprofit organization, may be permitted in any district other than a Residential District. A sign not to exceed six square feet in the area indicating direction to a church, hospital, school or other public service building may be permitted in any district upon approval of the Village Board.

- (8) The sign identifying a planned shopping center grouping may be permitted with the approval of the Village Board, and the Board may, in such case, modify the regulations applicable to the height, size and location of such sign consistent with the spirit and intent of the regulations.
 - (9) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the Village Board and subject to the following:
 - (a) Drawings showing the specific design, appearance and location of the sign shall be submitted to the Village Board for approval.
 - (b) The permitted size and location of any such sign shall be at the discretion of the Village Board based upon the character of the area, the type and purpose of the sign and the length of time permitted.
 - (c) Where the sign is to be located on the premises involved, such may be permitted for a period up to one year. An extension may be permitted for a period not to exceed two years total.
 - (d) Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed nine months.
 - (10) Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
 - (11) No sign, billboard or other advertising media not directly related to the use of the premises on which it is located, except directional signs as herein provided, shall be permitted in any district, except as a conditional use in such districts as is hereinafter provided.
 - (12) The provisions of this subsection shall not apply to the signs erected by national, state, county or municipal governmental agencies, including traffic and informational signs.
- B. Exceptions to sign regulations. The following signs and related items shall not be included in the application of the regulations contained in this article:
- (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.
 - (2) Flags and insignia of any government, except when displayed in connection with commercial promotion.
 - (3) Legal notices, identification information or directional signs erected by governmental

bodies.

- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

§ 500-60. Sign permits required.

- A. Permit required. No persons shall erect, relocate, reconstruct or maintain or cause the aforementioned within the Village of Hixton any signs without first having obtained and having in force and in effect a permit therefor from the Clerk-Treasurer.
- B. Permits. Signs shall not be erected or altered until a permit has been issued by the Clerk-Treasurer. Applications for a sign permit shall be made in writing upon forms furnished by the Clerk-Treasurer. The applicant shall file with the application plans and specifications and provide information about the sign, including dimensions, materials, illumination, wiring, height above grade, distance from lot line, and by whom it shall be erected. Permits are not required for a copy change when no change in business name is involved.
- C. Permit fees. A permit fee as set by the Village Board shall be paid to the Clerk-Treasurer for each sign permit issued under this chapter; provided, however, that a fee shall not be charged for putting an existing sign in conformance with this chapter or for a copy change when no change in business name is involved. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- D. Exceptions.
 - (1) Temporary signs. Permits are not required for such temporary signs as real estate (which advertises sale or rental of the premises upon which it is posted), political and construction site or similar-type signs provided such signs do not exceed 25 square feet of display surface.
 - (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.

§ 500-61. Dangerous and abandoned signs; violations.

- A. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six months or when, in the judgment of the Clerk-Treasurer, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Village Board may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Village Board's decision to Zoning Board of Appeals.
- B. Alterations. Any sign which was erected before the adoption of this article shall not be rebuilt or relocated without conforming to all of the requirements of this chapter.

- C. Violations. All signs constructed or maintained in violation of any of the provisions of this article are hereby declared public nuisances within the meaning of this Code. In addition to the above penalty provisions for violation of this chapter, the Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

§ 500-62. Variances or exceptions.

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

§ 500-63. Construction and maintenance regulation for signs.

- A. Installation. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well-painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Village Board.
- B. General requirements.
- (1) Awnings. Lowest part of any awning shall be seven feet above the sidewalk. Signs are allowed directly on the awning or hanging on the frame but not below seven feet.
 - (2) Animated signs. Signs with any moving parts, beacon lights or moving lights shall not be permitted, except revolving signs are permitted.
 - (3) Flashing Signs. Flashing signs are prohibited. Bare, reflecting-type bulbs of any kind are not allowed for a flashing or nonflashing sign unless they are properly shaded so as not to interfere with surrounding properties.
 - (4) Roof signs. No sign shall be located so as to project above the parapet line, unless approved by the Village Board.
 - (5) Illuminated signs. Any illuminated signs shall not interfere with surrounding properties or traffic.
 - (6) Projection. Signs, including supports, shall not project beyond five feet of the face of the wall to which attached.
 - (7) Blanketing. Blanketing of signs shall not be allowed.
 - (8) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean.
- C. Exceptions to height and setback requirements. Signs may be allowed in the setback area if they are below three feet or are pole-mounted and above 12 feet to the bottom of the sign. The pole diameter of pole-mounted signs shall not exceed 12 inches and shall not interfere with reasonable vision clearance.
- D. Prohibitions.
- (1) No sign shall be erected so that any portion of the sign or its supports attach to or

interfere with the free use of any fire escape, exit, any required stairway, door, ventilator or window.

- (2) No sign shall be erected that will interfere with, obstruct, confuse or mislead traffic.
- E. Searchlights. The Village Board 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.
- F. Signs on public rights-of-way. Signs shall not be permitted on public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this chapter.

§ 500-64. Specific requirements.

- A. Temporary sign limitations.
 - (1) All temporary signs such as real estate, construction site and political signs shall be removed within 10 days after their use has discontinued.
 - (2) Temporary signs may be placed on a property, but shall not be located on a right-of-way terrace, and shall not interfere with driveway vision clearance.
- B. 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. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (3) Traveling messages may travel no slower than 16 light columns per second and no faster than 32 columns per second.
- C. Portable signs.
 - (1) Such signs shall be limited in use to 30 days at a time, and not more frequently than three times per year at any one location.
 - (2) The maximum size shall be 25 square feet on each face, back-to-back.
- D. Residential districts. No sign shall be erected in any residential district except as provided herein:
 - (1) One unlighted professional or announcement sign or nameplate only and not over six square foot in area.
 - (2) Public, semipublic, religious or charitable institutions (holding a tax exempt status from the IRS) may have an identification or directory sign not over 24 square feet in area.

§ 500-65. Nonconforming signs.

- A. Signs eligible for characterization as legal nonconforming. Any sign located within the Village of Hixton limits of the date of adoption of this chapter or located in an area annexed to the Village of Hixton hereafter which does not conform with the provisions of this article is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:
- (1) The sign was covered by a proper sign permit prior to the date of adoption of this article;
 - (2) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this article.
- B. Loss of legal nonconforming status. A sign loses its nonconforming status if one or more of the following occurs:
- (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this article than it was before alteration;
 - (2) The sign is relocated;
 - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
 - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this article with a new permit secured therefor or shall be removed.
- C. Legal nonconforming sign maintenance and repair. Nothing in this article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this article regarding safety, maintenance and repair of signs.

§ 500-66. Wind pressure and dead load requirements.

All billboards, signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area and shall be constructed to receive dead loads as required in the Building Code⁹ or other ordinances of the Village of Hixton.

§ 500-67. Limitations on billboards.

- A. A billboard shall only be erected in areas that are zoned commercial or industrial.
- B. No billboard shall be allowed within the fire zone as described on the Official Map.
- C. No more than one billboard back-to-back shall be erected upon one lot.

9. Editor's Note: See Ch. 193, Building Construction.

- D. The maximum size of billboards shall be 360 square feet.
- E. No billboards may be erected within 800 feet of another existing billboard measured along or across the same right-of-way.
- F. No billboard may be erected within 125 feet of a residential or multiple-family zoning district.
- G. The maximum height of billboards shall be 30 feet. In no event shall the maximum height of any billboard exceed the height requirements for buildings in the underlying zoning district regulations. Minimum height shall be 12 feet above grade.
- H. Roof-mounted billboards (off-premises signs) shall be prohibited.

§ 500-68. Billboard location to prevent traffic hazard.

No billboards shall be erected within 100 feet of the intersecting right-of-way of signalized intersections, and no billboards shall be erected within 50 feet of the intersecting right-of-way of all other streets.

§ 500-69. Abandoned billboards and signs.

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

ARTICLE IX
Performance Standards for Industrial Developments

§ 500-70. Intent.

It is the intent of this article to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous materials or potentially polluting substance and nuisancelike effects.

§ 500-71. Noise.

No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 10:00 p.m. and 65 dBA from 10:00 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.

§ 500-72. 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.

§ 500-73. External lighting.

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the I-1 Industrial District's boundaries.

§ 500-74. Odor.

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in § NR 429.03, Wis. Adm. Code.

§ 500-75. Particulate emissions.

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 415, Wis. Adm. Code.

§ 500-76. Visible emissions.

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.

§ 500-77. Hazardous materials or potentially polluting substance pollutants.

No operation or activity shall emit any hazardous materials or potentially polluting substance substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous materials or potentially polluting substance substances shall not exceed the limitations established in Ch. NR 445, Wis. Adm. Code.

ARTICLE X

Satellite Earth Stations; Television or Radio Antenna Towers; Wind Energy Systems

§ 500-78. Satellite earth stations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Pursuant to § 62.23(7)(he), Wis. Stats., the regulations of this section shall not apply to any

satellite antenna with a diameter of two feet or less, except under certain conditions outlined in that statute.

A. Permit required. No owner shall, within the Village, build, construct, use or place any type of satellite earth station until a permit shall have first been obtained from the Clerk-Treasurer.

B. Definitions. As used in this section, the following terms shall have the meanings 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.

SATELLITE TELEVISION DISH OR EARTH STATION — An apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. They are also commonly referred to as "disks," "satellite communications systems" or "home earth stations."

C. Application. Application for a satellite earth station permit shall be made, in writing, to the Clerk-Treasurer. With such application, there shall be submitted a fee as set by the Village Board and a complete set of plans and specifications, including a plot plan showing the location of the proposed satellite earth station with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this section, the application shall be approved. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

D. Installation restrictions. Satellite earth stations installed in any zoning district within the Village shall comply with the following provisions:

(1) Number of units. Not more than one satellite earth station may be allowed per individual recorded lot, except additional stations may be permitted upon application for a variance in nonresidential zones.

(2) Location and setbacks.

(a) Any satellite dish mounting post shall only be located in the rear yard of a residential lot and at least 15 feet from any property line. Placement of a satellite dish in a business or industrial district shall not be allowed unless a special exception is granted by the Village Board.

(b) If the dish cannot receive a usable satellite signal in the rear yard of any residential lot but can receive such a signal while located in a side yard, it may be located only in a side yard after receiving approval from the Village Board. For corner lots, a side yard is only a yard that does not face a street.

(c) No dish shall be placed in the front yard of any residential, business or industrial lot in the Village.

(d) The Village Board shall determine whether a signal constitutes a usable satellite signal, based on evidence provided by the person seeking a permit to erect or construct the dish.

- (3) Mounting. Satellite earth stations located in agricultural or residential districts shall be ground-mounted only. Satellite earth stations may be wall- or roof-mounted in business or industrial districts only. Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be subject to the structure being constructed to carry all imposed loading. The Village may require engineering calculations.
- (4) Diameter. The diameter of the satellite television dish shall not exceed 10 feet for the ground-mounted dish and six feet for the roof-mounted dish, except for stations used to provide community antenna television services.
- (5) Height.
 - (a) A ground-mounted satellite dish may not exceed 10 feet in height, as measured from the ground to the highest point of the dish.
 - (b) A roof-mounted satellite dish may not exceed eight feet in height above the surrounding roofline as measured from the lowest point of the existing roofline.
- (6) Wind pressure. All satellite earth stations 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 mph.
- (7) Electrical installations. Electrical installations in connection with earth satellite receiving stations, 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 satellite earth station to the receivers shall be installed underground unless installation site conditions preclude underground. If a satellite earth station 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 satellite earth stations shall be grounded against direct lightning strikes.
- (8) Temporary placement. No portable or trailer-mounted satellite earth station 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 give written notice to the Clerk-Treasurer of the date when such placement shall begin and end.
- (9) Advertising. No form of advertising or identification, sign or mural is allowed on the dish or framework other than the customary manufacturer's identification plates.
- (10) Interference with broadcasting. Satellite earth stations shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused

subsequent to its installation, the owner of the satellite earth station shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

- (11) Compliance with federal regulations. The installation and use of every satellite earth station shall be in conformity with the Federal Cable Communications Policy Act of 1984¹⁰ and regulations adopted thereunder.
- (12) Color. The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Village Board as part of the application.
- E. Variances. Requests for variances from the standards established by this section may be made to Zoning Board of Appeals pursuant to § 500-115 of this chapter.
- F. Enforcement.
 - (1) It shall be unlawful to construct, use, build or locate any satellite television dish in violation of any provisions of this section. In the event of any violation, the Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this section.
 - (2) Any person, firm or corporation who fails to comply with the provisions of this section shall, upon conviction, be subject to the general penalty found in Chapter 1, General Provisions, § 1-3.

§ 500-79. 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 with the respective zoning district. The exact location of the antenna tower shall be subject to review and approval by the Village Board. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- 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.
- C. Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

§ 500-80. Special use permits required for wind energy systems.

- A. Approval required. No owner shall, within the Village, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system.
- B. Separate permit required for each system. A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures,

10. Editor's Note: See 47 U.S.C. § 521 et seq.

use and property described in the permit.

- C. Basis of approval. The Village Board shall base its determination on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous materials or potentially polluting substance, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of this chapter.
- D. Fees. The Village Board shall, by resolution, establish fees for the processing and issuance of conditional use permits under this article.
- E. Definitions. As used in this section, the following terms shall have the meanings indicated:

WIND ENERGY SYSTEMS — Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 500-81. Permit procedure for wind energy systems.

- A. Application. The permit application for a wind energy system shall be made to the Clerk-Treasurer on forms provided by the Village. The application shall include the following information:
 - (1) The name and address of the applicant.
 - (2) The address of the property on which the system will be located.
 - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served, showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
 - (4) An accurate and complete written description of the use for which special grant is being requested, including pertinent statistics and operational characteristics.
 - (5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable.
 - (6) Any other information which the Village Board or Clerk-Treasurer may deem to be necessary to the proper review of the application.
 - (7) The Clerk-Treasurer shall review the application and, if the application is complete and contains all required information, shall refer it to the Village Board.

- B. Hearing. Upon referral of the application, the Village Board shall schedule a public hearing thereof as soon as practical and the Village Board shall notice said hearing as deemed appropriate.
- C. Determination. Following public hearing and necessary study and investigation, the Village Board shall, as soon as practical, render its decision in writing and a copy made a permanent part of the Board's minutes. Such decision shall include an accurate description of the conditional use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or, if disapproved, shall indicate the reasons for disapproval. The Village Board may impose any conditions or exemptions necessary to minimize any burden on the persons affected by granting the conditional use permit. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- D. Termination. When a conditional use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself causes it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the conditional grant may be terminated by action of the Village Board following a public hearing thereon. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- E. Changes. Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Village Board, and if, in the opinion of the Board, such change or addition constitutes a substantial alteration, a public hearing before the Village Board shall be required and notice thereof be given.
- F. Approval does not waive permit requirements. The approval of a permit under this article shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

§ 500-82. Specific requirements regarding wind energy systems.

- A. Additional standards. Wind energy conversion systems, commonly referred to as "windmills," which are used to produce mechanical or electrical power, shall also satisfy the requirements of this section, in addition to those found elsewhere in this article.
- B. Application. Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served, showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
- C. Construction. Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than 40 pounds per square foot in area.
- D. Noise. The maximum level of noise permitted to be generated by a wind energy conversion system shall be 50 decibels, as measured on a dB(A) scale, measured at the lot line.

- E. Electromagnetic interference. Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- F. Location and height. Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this chapter; however, all such systems over 75 feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- G. Fence required. All wind energy conversion systems shall be surrounded by a security fence not less than six feet in height. A sign shall be posted on the fence warning of high voltages.
- H. Utility company notification. The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

ARTICLE XI

Accessory Uses and Structures; Fences and Hedges

§ 500-83. Accessory uses or structures.

- A. Principal use to be present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- B. Placement restrictions, residential district. 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. Garages and other detached accessory buildings shall be less than 12 feet in height. Detached garages shall not exceed 24 feet by 32 feet in area. [Amended 3-30-2016; 6-20-2016 by Ord. No. 2016-1A]
 - (3) Attached accessory buildings. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.

- (4) Detached accessory buildings. 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 structures be forward of the front line of the principal structure.
- C. Use restrictions, residential district. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit.
- D. Placement restrictions, nonresidential districts. An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three feet to any side or rear lot line.
- E. Reversed corner lots. When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three feet to the side line of the adjacent structure.
- F. Landscaping and decorative uses. Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include 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 Zoning Administrator.
- 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, provided as follows:
- (1) That such private garage shall be located not less than five feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one foot above the curb level; and
 - (3) That 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.

§ 500-84. 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 not be stacked 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. Fences, as used in this section, shall not include hedges and other vegetation.
- C. All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of 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.¹¹
- E. Not more than 30% of the side and rear yard may be used for storage of firewood at any one time.

§ 500-85. Fences and hedges.

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

FENCE — An enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose 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.¹²

- B. Fences categorized. Fences shall be categorized into five classifications:
 - (1) Boundary fence. A fence placed on or within three feet of the property lines of adjacent properties.
 - (2) Protective fence. A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) Architectural or aesthetic fence. A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) Hedge. A row of bushes of small trees planted close together which may form a barrier, enclosure or boundary.

11. Editor's Note: See Ch. 342, Nuisances, § 342-6.

12. Editor's Note: See Ch. 342, Nuisances, § 342-2.

- (5) Picket fence. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

C. Height of fences regulated.

- (1) A fence, wall, hedge or shrubbery may be erected, placed, maintained or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding five feet above the ground level, except that no such fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of 2 1/2 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. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any nonresidentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight feet.
- (3) In any residential 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.

D. Setback for residential fences. Fences in or adjacent to a residential property shall have a minimum three-foot side and rear yard setback. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.

E. Security fences. Security fences are permitted on the property liens 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.

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

G. Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

H. Temporary fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four 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.

I. Nonconforming fences and hedges. Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this section may be maintained, but any alteration, modification or improvement of said fence shall comply with this section. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 500-86. Swimming pools.

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

PRIVATE OR RESIDENTIAL SWIMMING POOL — An outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 1 1/2 feet 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.

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 it may be readily disassembled for storage and reassembled to its original integrity, are exempt from the provisions of this section.

C. Permit required. Before work is commenced on the construction or erection of private or residential swimming pools 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. Plans and specifications and pertinent explanatory data should be submitted to the Village Clerk-Treasurer 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 set by the Village Board shall accompany such application. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

D. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Village Clerk-Treasurer, the Village Clerk-Treasurer shall not issue a permit for construction as provided for in Subsection B, unless the following construction requirements are observed:

- (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.
- (2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on 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 in rear or side yards 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. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in this chapter for an accessory building, and in no case shall the water line of any pool be less than six feet from any lot line.
- F. Fence. Pools within the scope of this section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than six feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked while the pool is not in actual use. The fence requirement set forth in this subsection shall not apply to any pool that is constructed above ground level. [Amended 9-19-2016]
- G. Compliance. All swimming pools existing at the time of passage of this chapter not satisfactorily fenced shall comply with the fencing requirements of this section or any applicable ordinance when water is placed in the pool. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

ARTICLE XII Mobile Homes

§ 500-87. Intent; where mobile home districts permitted.

- A. Residential-Mobile Home (R-MH) zoning districts may hereafter be established by amendments to the Official Zoning Map in any district previously classified as residential in accordance with the procedures, requirements and limitations set forth in this article. Within such districts, 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. 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 Uniform Dwelling Code shall not be permitted in a residential Mobile Home (R-MH) District except as a conditional use. Permits may be obtained only after approval by the Village Board.
- C. No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of Hixton, except unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding 120 days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of

the owner of such mobile home, provided no business is carried on therein.¹³

§ 500-88. 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 is 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, except as otherwise provided in § 62.23(7)(hc), Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- 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 A 119.1, 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.

§ 500-89. Minimum dimensional requirements for R-MH districts and for individual mobile home parks; minimum number of lots or spaces.

- A. Where a R-MH District is to be established for the development of a single mobile home park only, 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 zoned site.
- B. These limitations shall not apply where expansion of an existing mobile home park is concerned and where such expansion will not increase variance from requirements applying to mobile home parks, as set forth herein.

§ 500-90. Permitted and permissible uses and structures.

The following principal uses and structures are permitted within R-MH Districts:

- A. One-family detached mobile homes (residential mobile home). In mobile home parks, recreational vehicles shall not be occupied as living quarters and sales lots shall not be

13. Editor's Note: Original Sec. 10-1-151 of the 1987 Code of Ordinances, Definitions, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now §§ 465-37 and 500-118.

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.

§ 500-91. Mobile home park developer's permit.

- A. No person shall construct, alter, modify 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 Clerk-Treasurer to forward one each to the Fire Chief, 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 his 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. Applications for mobile home park developer's permit shall be accompanied by a fee as set by the Village Board to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- 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 and zoning and subdivision ordinances.
 - (4) Completion 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: sewerage collection and disposal, stormwater drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.
 - (b) Location and width of roadways and walkways, buffer strips, 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 applicant in proposed mobile home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that 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.

§ 500-92. Standard requirements for mobile home parks, additions or extensions.

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

- A. Chapter SPS 326, 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. The maximum number of mobile home spaces shall be 10 per acre and individual spaces shall not be less than 4,350 square feet in area and arranged to afford ample area for a variety of units, a setback of 40 feet from all public rights-of-way and 10 feet from any park drive or common area, including common parking areas, 10 feet from all park boundary lines, 15 feet from any other unit, building or structure. 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. The minimum size of a mobile home park shall be 10 acres; the minimum dimensions of a mobile home site shall be 50 feet wide by 85 feet long; all drives, parking areas and walkways shall be hard-surfaced; there shall be a minimum yard setback of 40 feet at all lot lines of the mobile home park; 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; and unless adequately screened by existing vegetative cover, it shall be screened by: a temporary planting of fast-growing material, capable of reaching a height of 15 feet or more, such as hybrid poplar, and a permanent evergreen planting, such as white or Norway pine, 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.
- C. No mobile home park shall be laid out, constructed or operated without Village water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected with public water or sewer systems by approved pipe connections shall be sealed

and their use is hereby declared unlawful.

- D. Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that they will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide pure, potable water supply of six gallons per minute at a minimum pressure of 20 psi and capable of furnishing a minimum of 150 gallons per unit per day. Fire hydrants shall be installed within 500 feet of every mobile home stand and park building.
- E. All liquid wastes originating at units, 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.
- F. Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the Fire Chief. Open burning of waste or refuse is prohibited.
- G. 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.
- H. Each space shall be provided with a weatherproof electrical overcurrent protection device, disconnect means and branch service of not less than 60 amperes for 220 volt service located adjacent to the water and sewerage outlets. Receptacles shall be of the four pole four wire grounding type and have a four prong attachment for 110-220 volts.
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. All parks shall be furnished with lighting so spaced and equipped with luminaires placed at such heights as will provide the following average maintained levels of illumination for the

safe movement of pedestrians and vehicles at night:

- (1) All parts of the park street systems: 0.6 footcandles, with a minimum of 0.1 footcandles.
 - (2) Potentially hazardous materials or potentially polluting substance locations, such as major park street intersections and steps or stepped ramps, individually illuminated, with a minimum of 0.3 footcandles.
- N. 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 insure adequate surface drainage but not more than 8%, provided a maximum grade of 12% may be used if approved by the street 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.
- O. 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. Walks in locations where pedestrian traffic is concentrated shall be a minimum of 3 1/2 feet wide. Grade and surfacing of walks shall be approved by the Village Board as safe and comparable to sidewalks in other areas of the municipality subject to similar usage.
- P. All mobile home parks shall have a greenbelt or buffer strip not less than 20 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 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. Permanent planting shall be grown and maintained at a height of not less than six feet. 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.
- Q. In all mobile home parks, there shall be one or more recreation areas easily accessible to all park residents. No single recreation area shall contain less than 2,500 square feet unless each mobile home site is provided with a contiguous common recreational area not less than 20 feet wide at the narrowest dimension. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces which they serve.
- R. 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.
- S. No signs shall be erected in mobile home parks except signs pertaining to the lease, hire or sale of individual mobile homes not more than two square feet in area and one mobile home park identification sign not more than 50 square feet in area at each park entrance.
- T. 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.

§ 500-93. 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 fee for a mobile home park license shall be as set by the Village Board. Licenses may be transferred during a license year for a fee as set by the Village Board. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- 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 of 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.¹⁴

- (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 regulations 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 § 500-93 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 Safety and Professional Services that the park complies with the provisions of Ch. SPS 326, Wis. Adm. Code, applicable thereto. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (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 authorized and approved under § 500-92R.
 - (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 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 investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom 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 such use and occupancy complies 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 § 500-92R 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

14. Editor's Note: See Chs. 241, Health and Sanitation; 342, Nuisances; and 407, Solid Waste.

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.

- G. Each applicant for an original or renewal license shall file with the Village Clerk-Treasurer a bond in the sum of \$1,000 for each 50 mobile home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in Chapter 328, Mobile Homes, of this Code and the compliance of licensee and the park management with the provisions of this chapter. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereof by any person who may be injured or damaged by reason of the licensee violating any provision of this chapter.

§ 500-94. Operation of mobile home parks; 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 and shall have the following duties:
 - (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 law enforcement officers 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 tiedowns.
 - (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, rodent-proof container for the deposit of garbage and refuse in accordance with the ordinances of the Village. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.
- (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) Collect a security deposit equal to three months' parking fee for each occupied nonexempt mobile home within the park and remit such fees and deposits to the Village Clerk-Treasurer.
- (11) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by § 500-96B of this chapter.

§ 500-95. Responsibilities and duties of mobile home 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.
- 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.

§ 500-96. Additional regulations on mobile homes and mobile home parks.

- 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 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 Village Board so determines, 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 its 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 municipalities and their authorized agents.
- 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 Village Clerk-Treasurer. 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 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.

§ 500-97. Compliance with plumbing, electrical and building standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

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 Department of Safety and Professional Services. 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.

§ 500-98. Limitations on signs.

In connection with mobile home parks, no sign intended to be read from any public way adjoining the district shall be permitted except:

- A. No more than one identification sign, not exceeding 20 square feet in area, for each principal entrance.
- B. No more than one sign, not exceeding four square feet in area, advertising property for sale, lease or rent, or indicating "vacancy" or "no vacancy," may be erected at each principal entrance.
- C. In the case of new mobile home parks consisting in whole or in part of mobile home subdivisions or condominiums, one sign, not exceeding 20 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
- D. No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five feet of any exterior property line.

§ 500-99. Common recreational facilities.

- A. No less than 10% of the total area of any mobile home park established under these regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets and play areas for small children for other recreational areas in block interiors. At least one principal recreation and community center shall contain not less than 5% of the total area of the community.
- B. To be countable as common recreational area, interior-block ways for pedestrians or cyclists shall form part of a system leading to principal destinations. Such ways may also be used for installations of utilities.
- C. Common recreational area shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

§ 500-100. General site planning standards.

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

- 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 safely 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 pedestrian way system that street crossings are combined.
- C. Protection of visibility: automotive traffic, cyclists and pedestrians. At intersections of any streets, public or private, the provisions of § 500-52 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than 2.5 feet above ground level shall be created or maintained within 25 feet of said street unless at least 25 feet from said access measured at right angles to the path.
- D. Exterior yards for mobile home parks; minimum requirements; occupancy. The following requirements and limitations shall apply to yards at the outer edges of mobile home parks:
 - (1) Along public streets. Where R-MH communities adjoin public streets along exterior boundaries, a yard at least 25 feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.
 - (2) At edges of R-MH districts (other than at streets or alleys). Where R-MH communities are so located that one or more boundaries are at the edges of R-MH districts and adjoining neighboring districts without an intervening street, alley or other permanent open space at least 20 feet in width, an exterior yard at least 20 feet in minimum dimension shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential,

such yards may be used for group or individual parking, active recreation facilities or carports, recreational shelters or storage structures.

- E. Ways for pedestrians and/or cyclists in exterior yards. In any exterior yard, required or other, ways for pedestrian 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 utilities easements.
- F. Yards, fences, walls or vegetative screening at edges of mobile home parks. Along the edges of mobile home parks, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from potentially adverse influences within the mobile home park. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
- G. 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 less. 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 conflicts 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 vehicle but shall not be used by other automotive traffic.

ARTICLE XIII Administration

§ 500-101. General provisions.

This chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and Zoning Map, and amending the text of this chapter require review and recommendation by the Plan Commission and ultimate action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of this chapter and to avoid arbitrariness.

§ 500-102. Zoning Administrator.

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

- A. Maintain records of all permits issued, inspections made, work approved and other official actions.¹⁵
- B. Inspect all structures, lands and waters as often as necessary to assure compliance with this chapter.
- C. Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by him.
- D. Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- E. Request assistance and cooperation from the Police Department and Village Attorney as

15. Editor's Note: The following subsections of original Sec. 10-1-171 of the 1987 Code of Ordinances, which immediately followed this section, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II): Subsection (b), regarding lowest floor elevations to be recorded in floodlands; and Subsection (c), regarding permit requirements in floodlands. See now Chapter 465, Floodplain Zoning.

deemed necessary.

§ 500-103. Role of specific Village officials in zoning administration.

- A. Village Board. The Village Board, the governing body of the Village, subject to the holding of public hearings by said Board, has ultimate authority to grant permitted conditional uses and planned unit development conditional uses, and make changes and amendments in zoning districts and the Zoning Map and to amend the text of this chapter. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. 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 XV of this chapter for detailed provisions.

§ 500-104. Zoning permit.

- A. Zoning permit required. No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit.
- B. Applications for a zoning permit shall be made to the Zoning Administrator 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) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) 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 Zoning Administrator: 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 Zoning Administrator or Village Board (if involved).
- C. Action.
 - (1) A zoning permit shall be granted or denied, in writing, by the Zoning Administrator 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 application 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.

§ 500-105. Certificate of compliance required.

- A. Certificate required. No vacant land hereafter developed; no building hereafter erected, relocated, moved, reconstructed or structurally altered; and no floodlands hereafter filled, excavated or developed shall be occupied or used until a certificate of compliance has been issued by the Zoning Administrator. Such certificate shall show that the structure, premises or use is in conformity with the provisions of this chapter.
- B. Application for certificate of compliance. Application shall be made in the same manner as for a zoning permit pursuant to § 500-104 and coincidental with application for zoning and/or building permit. Application for a certificate of compliance in the floodland districts shall include certification by a registered professional engineer or land surveyor that the plans therefor will fully comply with the floodland regulations set forth in this chapter; before certificate shall issue, further such certification by an engineer or surveyor shall also be filed to the effect that the project does, indeed, so comply.
- C. Existing uses. Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this chapter, 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 chapter.
- D. Nonconforming uses.
 - (1) No nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administrator.
 - (2) Certificates of compliance for the continued occupancy of nonconforming uses existing at the time of the passage of this chapter shall be issued by the Zoning Administrator, and the certificate shall state that the use is a nonconforming one and does not conform with the provisions of this chapter. The Zoning Administrator shall notify the owner(s) of the property being used as nonconforming use.

§ 500-106. Site plan approval.

- A. Site plan approval. All applications for zoning permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in residential districts, shall require site plan approval by the Village Board in accordance with the requirements of this section.
- 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 Village Board or its expert consultants to determine whether the proposed application

meets all the requirements applicable thereto in this chapter.

- C. Administration. The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Village Board within 10 days. The Village Board shall review the application and may refer the application and plans to any expert consultants 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 Village Board shall authorize the Zoning Administrator to issue or refuse a zoning permit.
- D. Requirements. In acting on any site plan, the Village Board shall consider the following:
 - (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; 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 Village Board 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 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 Village Board shall not issue final approval until the Village has entered into an agreement with the applicant regarding the development of such facilities.

§ 500-107. 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, the Zoning Administrator, 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 Zoning Administrator 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 Zoning Administrator or the Village

Attorney may institute appropriate legal action or proceedings.

- C. Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter or any order of the Zoning Administrator 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, General Provisions, § 1-3 of this Code.

ARTICLE XIV Changes and Amendments to the Zoning Code

§ 500-108. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries established by this chapter and the Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this chapter or amendments thereto.

§ 500-109. Initiation of changes or amendments. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Village Board, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this chapter to the district boundaries hereby established or by amendments hereto in the accompanying Zoning Map made a part of this chapter by reference.

§ 500-110. Procedure for changes or amendments.

- A. Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
 - (1) 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 300 feet of the area proposed to be rezoned;
 - (2) Owners' names and addresses of all properties lying within 100 feet of the area proposed to be rezoned;
 - (3) Together with additional information as may be required by the Village Board.
- B. Hearings. The Village Board shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least 10 days' prior written notice shall also be given to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.
- C. Village Board's action. Following such hearing, the Village Board shall vote on the proposed ordinance, effecting the proposed change or amendment.

§ 500-111. Protest.

- A. In the event of a protest against amendment to the Zoning Map, duly signed and acknowledged by the owners of 20% or more, either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the 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 XV

Appeals

§ 500-112. Appeals to Zoning Board of Appeals.

- A. Scope of appeals. Appeals to 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 administrative officer. Such appeal shall be taken within 30 days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with 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 officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Stay of proceedings. 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 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 Zoning Board of 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. Powers of Zoning Board of Appeals. In addition to these powers enumerated elsewhere in this Code, the 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 Zoning Administrator or Village Board.
 - (2) Variances. To hear and grant appeals for variances in accordance with the procedures and requirements of § 500-115. Use variances shall not be granted. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (3) Interpretations. To hear and decide application for interpretations of the zoning

regulations and the boundaries of the zoning districts after the Plan Commission 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 no structural alterations are to be made. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- (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.
- (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. The permit shall be temporary, revocable, 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, modify the requirements appealed from and may issue or direct the issue of a permit.

§ 500-113. Hearing on appeals.

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 of the fee owners of records of all land within 100 feet of any part of the subject building or premises involved in the appeal.

§ 500-114. Decisions of Board of Appeals.

- 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 Zoning Administrator.
- 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.

§ 500-115. 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 variance. The application for variance shall be filed with the Zoning Administrator. 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) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Village Board, Village Engineer, Zoning Board of Appeals or Zoning Administrator.
 - (6) A receipt for the required fee as set by the Village Board. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- C. Public hearing of application. Zoning Board of Appeals shall conduct at least one public hearing on the proposed variance. 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 Zoning Administrator and the Village Board. At the hearing, the appellant or applicant may appear in person, by agent or by attorney. The Board 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, Zoning Administrator and Village Board.
- D. Action of Zoning Board of Appeals. For the Board to grant a variance, it must find that:
- (1) Denial of variance may result in hardship to the property owner due to physiological 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 variance is based are unique to the property for which variance 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 variance is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variance 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 variance will not undermine the spirit and general and specific purposes of this chapter.
- E. Conditions. Zoning Board of Appeals 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.

§ 500-116. Review by court of record.

Any person or persons aggrieved by any decision of the 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 offices of the Board of Appeals.

ARTICLE XVI Terminology

§ 500-117. Definitions and word use.

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

ABUTTING — Have a common property line or district line.

ACCESSORY USE OR STRUCTURE — A use or detached structure subordinate to the principal use of a structure, parcel of land or water and located on the same lot or parcel, serving a purpose incidental to the principal use or the principal structure.

ACRE, NET — The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.

ALLEY — A public way not more than 21 feet wide which affords only a secondary means of access to abutting property.

APARTMENT — A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

ARTERIAL STREET — A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways. ¹⁶

BASEMENT — That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-round living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as "basement space."

BLOCK — A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

BOARDINGHOUSE — A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

BUILDABLE LOT AREA — The portion of a lot remaining after required yards have been provided.

BUILDING — Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

BUILDING SETBACK LINE — A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this chapter.

BUILDING, DETACHED — A building surrounded by open space on the same lot.

BUILDING, HEIGHTS OF — The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deckline of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.

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

BUSINESS — An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered. ¹⁷

COMMUNITY LIVING ARRANGEMENT — The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under § 48.60, group homes under § 48.02(7) and community-based residential facilities under § 50.01,

16. Editor's Note: The definition of "A Zones," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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

but does not include day-care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable sections of the Wisconsin State Statutes, including §§ 46.03(22), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

CONDITIONAL USES — Uses of a special nature as to make impractical their predetermination as a principal use in a district.

CONSERVATION STANDARDS — Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Natural Resources Conservation Service, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

CONTROLLED-ACCESS ARTERIAL STREET — The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority. ¹⁸

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or deposition of materials. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

DISTRICT, BASIC — A part or parts of the Village for which the regulations of this chapter governing the use and location of land and building are uniform.

DISTRICT, OVERLAY — Overlay districts, also referred to herein as "regulatory areas," provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

DWELLING — A building designed or used exclusively as a residence or sleeping place, but does not include boardinghouses or lodging houses, motels, hotels, tents, cabins or mobile homes.

DWELLING UNIT — A group of rooms, constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family.

DWELLING, EFFICIENCY — A dwelling unit consisting of one principal room with no separate sleeping rooms.

DWELLING, MULTIPLE-FAMILY — A residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling

18. Editor's Note: The definition of "corner lot," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now "lot, corner."

units provided.¹⁹

DWELLING, SINGLE-FAMILY — A detached building designed for or occupied by one family.

DWELLING, TWO-FAMILY — A detached building containing two separate dwelling (or living) units, designed for occupancy by not more than two families.

ESSENTIAL SERVICES — Services, provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

FAMILY — One person or two or more persons related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

FARMSTEAD — A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.

FLOOD — See Chapter 465, Floodplain Zoning, § 465-37, for definitions of flood-related terms applicable to this chapter.²⁰ [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

FLOOR AREA, BUSINESS AND MANUFACTURING BUILDINGS — For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

FOSTER FAMILY HOME — The primary domicile of a foster parent which is four or fewer foster children and which is licensed under § 48.62 of the Wisconsin State Statutes and amendments thereto.

FRONTAGE — All the property butting on one side of a street between two intersecting streets

19. Editor's Note: The definition of "equal degree of hydraulic encroachment," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

20. Editor's Note: The following definitions, which immediately followed this definition, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II): "flood insurance study," "flood profile," "flood protection elevation," "flood stage," "floodlands," "floodplain fringe," "floodproofing," and "floodway."

or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

FRONT YARD — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two front yards.

GARAGE, PRIVATE — A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.

GARAGE, PUBLIC — Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.

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, in connection with which there are no signs or exterior display or storage other than a sign permitted by this chapter, and no activity that will indicate from the exterior that the building(s) is being used in whole or in part for any purpose other than that of a dwelling. The use is to be clearly incidental to the use of the dwelling unit for residential purposes and shall not endanger the public health or safety. No articles shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use. Persons operating a home occupation shall employ no more than one nonresident employee. No business, such as a shop, store or child nursery, shall be conducted upon the premises. No material or equipment shall be stored outside the confines of the home. No mechanical equipment may be used which creates a disturbance such as noise, dust, odor or electrical disturbance. The home may not be altered to attract business. No motors shall be utilized which exceed one horse power each and not exceeding five horsepower in total, such activity being deemed a public nuisance. Repairing of motor bicycles, motorcycles and motor-driven cycles, other than those licensed and owned by the occupants of a home in a residential area, is strictly prohibited. For the purpose of this definition, the definitions of the above-mentioned vehicles shall be as set forth in Chapter 340 of the Vehicle Code of the Wisconsin State Statutes. Such repairing is deemed a public nuisance. It is immaterial for the purpose of this definition whether or not such repairing is done in return for remuneration.

HOTEL — A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

LOADING AREA — A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LODGING HOUSE — A building where lodging only is provided for compensation for not more than three persons not members of the family.

LOT — A parcel of land having frontage on a public street, or other officially approved means of access, 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 and other open space provisions of this chapter as pertaining to the district wherein located.

LOT COVERAGE (EXCEPT RESIDENTIAL) — The area of a lot occupied by the principal building or buildings and accessory buildings, including any driveways, parking areas, loading areas, storage areas and walkways.

LOT COVERAGE (RESIDENTIAL) — The area of a lot occupied by the principal building or buildings and accessory building(s).

LOT LINE — A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

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

LOT WIDTH — The horizontal distance between the side lot lines measured at the building setback line.

LOT, CORNER — A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side. On corner lots, the setback shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal to 75% of the setback required for residences fronting on the side street, but the side yard setback shall in no case restrict the buildable width to less than 30 feet. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

LOT, INTERIOR — A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.

LOT, SUBSTANDARD — A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this chapter as pertaining to the district wherein located.

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

MINOR STRUCTURES — Any small, movable accessory erection or construction such as birdhouses, toolhouses, pet houses, play equipment, arbors and walls and fences under four feet in height.

MOBILE HOME — A manufactured home that is HUD-certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974.²¹ A mobile home is a transportable structure, being eight feet or more in width (not including the overhang of the

21. Editor's Note: See 42 U.S.C.A. § 5401 et seq.

roof), built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.

MOBILE HOME LOT — A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK — A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.

MOBILE HOME SUBDIVISION — A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any Village land division ordinance,²² with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.

MODULAR UNIT — A factory-fabricated, transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

NONCONFORMING USES — Any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this chapter or amendments thereto and which is not in conformance with this chapter. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.²³

PARKING LOT — A structure or premises containing five or more parking spaces open to the public.

PARKING SPACE — A graded and surfaced area of not less than 180 square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

PARTIES IN INTEREST — Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

PROFESSIONAL OFFICE — The office of a doctor, practitioner, dentist, minister, architect, landscape architect, engineer, lawyer, author, musician or other recognized trade. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25% of the floor area of one story of a dwelling unit shall be occupied by such office and only one unlighted nameplate, not exceeding one square foot in area, containing the name and profession of the occupant of the premises, shall be exhibited.

PUBLIC AIRPORT — Any airport which complies with the definition of "public-use airport" in § 114.002(18m), Wis. Stats., or any airport which serves or offers to serve common carriers

22. Editor's Note: See Ch. 486, Subdivision of Land.

23. Editor's Note: The definition of "official letter of map amendment," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

engaged in air transport. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

REAR YARD — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot. ²⁴

RETAIL — The sale of goods or merchandise in small quantities to the consumer.

SETBACK — The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed 24 inches. Any overhang of the cornice in excess of 24 inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over 24 inches. Uncovered steps shall not be included in measuring the setback.

SIDE YARD — A yard extending from the front yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

SIGNS — See § 500-58 for sign-related definitions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

STORY — That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof. A basement having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

STORY, HALF — That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4 1/2 feet above the finished floor of such story. In the case of one family dwellings, two-family dwellings and multifamily dwellings less than three stories in height, a 1/2 story in a sloping roof shall not be counted as a story for the purposes of this chapter.

STREET — Property other than an alley or private thoroughfare or travel way which is subject to public easement or right-of-way for use as a thoroughfare and which is 21 feet or more in width.

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

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

TEMPORARY STRUCTURE — A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.

USE — The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.

24. Editor's Note: The definition of "regional flood," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

USE, ACCESSORY — A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.

USE, PRINCIPAL — The main use of land or building as distinguished from subordinate or accessory use.

UTILITIES — Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.

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

YARD — An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.

ZERO LOT LINE — The concept whereby two respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.

ZONING PERMIT — A permit issued by the Zoning Administrator to certify that lands, structures, air and waters subject to this chapter are or shall be used in accordance with the provisions of said chapter. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]