

**Village of Frederic
County of Polk
State of Wisconsin**

Zoning Ordinance

As amended August 13, 2002

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Article A: Introduction

Sec. 13-1-1 Authority.

This Chapter is adopted under the authority granted by Sections 61.35, 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

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

Sec. 13-1-2 Title.

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

Sec. 13-1-3 General Purpose.

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

Sec. 13-1-4 Intent and Purposes in View.

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

Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;

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;

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;

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;

Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;

Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;

Secure safety from fire, panic, flooding, pollution, contamination and other dangers;

Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;

Preserve and protect the beauty of the Village of Frederic;

To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;

To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;

Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;

Further the maintenance of safe and healthful water conditions;

Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;

Provide for and protect a variety of suitable commercial and industrial sites;
Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Frederic;
Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

Sec. 13-1-5 Abrogation and Greater Restrictions.

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

Sec. 13-1-6 Interpretation.

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

Sec. 13-1-7 Severability and Non—Liability.

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

Sec. 13-1-8 Repeal and Effective Date.

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

Sec. 13-1-9 Reserved for Future Use.

Article B: General Provisions

Sec. 13-1-10 Jurisdiction and General Provisions.

Jurisdiction. The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Frederic.

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.

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.

Yard Reduction or Joint Use.

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

No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required for another building.

One Main Building per Lot. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.

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 (2) districts which abut the district boundary line.

Sec. 13-1-11 Use Regulations.

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

Permitted Uses. Permitted uses, being the principal uses, specified for a district.

Accessory Uses. Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.

Conditional Uses.

Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Village Board in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.

Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.

Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.

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.

Temporary Uses. Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator.

Uses Not Specified in Code.

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 Zoning Administrator.

Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board after consideration and recommendation by the Plan Commission, public hearing and approval in accordance with Article E of this Chapter.

Sec. 13-1-12 Site Regulations.

Street Frontage. All lots shall abut upon a public street or other officially approved means of access. All lots shall comply with the frontage requirements of the zoning district in which it is located.

Principal Structures. All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.

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.

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 the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.

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

Sec. 13-1-13 Height 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:

Public Building Height Exceptions. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding thirty-six (36) feet nor three (3) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

Utility and Mechanical Appurtenances Height Exceptions. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the height regulations of this Code and may be erected in accordance with other regulations or codes of the Village.

Increase in Height of Residences. Residences in the residence district may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot when such building exceeds the height limit of the district in which it is located.

Waiver of Rear Yard Requirements for Through Lots. Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with.

Unobstructed Yards. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than twenty-four (24) inches.

Projection of Fire Escapes. Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet and into a required court not more than three and one-half (3-1/2) feet, provided it be so located as not to obstruct light and ventilation.

Lots of Substandard Area. The required lot width and area regulations for the construction of a one-family dwelling shall not apply to any lot having less than the required area, width or depth at the time of the adoption of this Chapter or any amendment increasing the area, width or depth required for such lot and held at that time in separate ownership from adjoining land, provided the area, width and depth of such existing lot shall be no less than eighty percent (80%) of the required minimum set forth in the schedule of regulations.

Structure Extensions into Yards. Extensions of a structure into a required front or rear yard shall be permitted as follows:

By cornices, canopies and similar extensions, which are ten (10) feet, or more above grade: One (1) foot.

By open fireproof fire escapes: Four (4) feet.

By eaves: Two (2) feet.

By an enclosed vestibule not to exceed eight (8) feet wide and four (4) feet deep, attached to an existing principal building, provided that the platform of such a vestibule does not extend closer than twenty-five (25) feet to a front property or street line in the R-1 District, and fifteen (15) feet in the R-2 or R-3 District.

Extension of a Structure into a Required Side Yard. The same provisions shall apply as for extensions into required front and rear yards, except no porch, terrace or outside stairway shall project more than three (3) feet into any required setback and an outside stairway may extend into any required side setback only if the stairway is unroofed and unenclosed above and below the steps thereof.

Structures on Corner Lots. A structure located on a corner lot shall have a side yard on the street which is at least fifty percent (50%) of the sum of the front and side yard requirements of the district except that no required side yard (secondary street setback) shall be less than eighteen (18) feet.

Required Buffer Strips in Industrial Districts. Where an industrial district abuts a residential district, there shall be provided along any rear, side or front line coincidental with any industrial-residential boundary a buffer strip not less than forty (40) feet in width as measured at right angles to the lot line. Planting materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the residential district are required to be planted along such lot lines.

Decks; Porches. For purposes of this Chapter, decks and porches shall be considered a part of a building or structure. However, unenclosed porches not exceeding fifty (50) square feet in area, whether covered or uncovered, may project up to six (6) feet into a required front setback area.

Sec. 13-1-14 Reduction or Joint Use.

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

Sec. 13-1-15 through Sec. 13-1-19 Reserved for Future Use.

Article C: Zoning Districts

Sec. 13-1-20 Zoning Districts Designated.

For the purpose of this Chapter, the Village of Frederic is hereby divided into the following ten (10) zoning districts:

- R-1 Single- and Two-Family Residential District (Low Density)
- R-2 Single- and Two-Family Residential District (Medium Density)
- R-3 Multiple-Family Residential District
- R-4 Rural Development District
- C-1 Conservancy District
- B-1 Downtown Commercial District
- B-2 Highway Commercial District
- I-1 Industrial/Commercial District
- I-2 Industrial/Commercial Park District
- P-1 General Park District

Sec. 13-1-21 District Boundaries.

Zoning Map. The boundaries of the districts enumerated in Section 13-1-20 above are hereby established as shown on a map entitled “Zoning Map, Village of Frederic, Wisconsin,” which is adopted by reference and made a part hereof. The map shall bear upon its face the attestation of the Village President and the Village Clerk and shall be available to the public in the Village offices.

Boundary Lines.

The boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended unless otherwise noted on the Zoning Map.

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

In un-subdivided property, the district boundary lines shown on the Zoning Map shall be determined by use of the scale shown on such map.

Vacation. Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.

Annexations and Consolidations. Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the R-4 Rural Development District unless the annexation ordinance temporarily placed the land in another district.

Sec. 13-1-22 R-1 Single – and Two-Family Residential District (Low Density).

Purpose. The purpose of this District is to provide the opportunity for construction and maintenance of primarily single-family and two-family detached dwelling units at a low dwelling unit per acre density.

Permitted Uses. The following uses of land are permitted in the R-1 District:

Single-family dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.

Manufactured homes complying with all of the following requirements and limitations:

The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.

The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home. The home shall be equipped with foundation siding, which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.

The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Frederic.

One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-140 specifications.

Accessory uses and buildings as follows:

Gardening, tool and storage sheds incidental to the residential use, per Section 13-1-140 specifications.

Off-street parking facilities.

Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

Signs as permitted by Village ordinances.

Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.

Foster family care.

Home occupations and professional home offices complying with Section 13-1-71.

Uses customarily incident to any of the above uses, provided that no use generates traffic or noise that would create public or private nuisance.

Conditional Uses. The following are permitted as conditional uses within the R-1 District:

Community living arrangements and day care centers which have a capacity for nine (9) or more persons.

Two-family dwellings.

Utilities (electric substations, telephone switching stations, gas regulators, etc.)

Bed and breakfast inns

Churches, schools, and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.

Public utility structures, except those incompatible with the characteristics of the district.

Agricultural and gardening uses, except those incompatible with the characteristics of the district, such as the raising of livestock.

Parks and playgrounds.

Planned unit development residential developments.

Golf courses and private clubs.

Barbering and beauty culture.

Nursery schools.

Hospitals and medical clinics.

Cemeteries.

Funeral homes.

Area, Height and Yard Requirements.

Lot.

Area—Single-Family Dwelling: Ten thousand (10,000) square feet

Area—Two-Family Dwelling Converted From Single-Family Dwelling: Twelve thousand (12,000) square feet.

Area—Two-Family Dwelling (New Construction): Fourteen thousand (14,000) square feet.

Width: Minimum ninety (90) feet.

Building Height. Maximum thirty-five (35) feet.

Yards.

Street: Minimum forty (40) feet.

Rear: Minimum twenty-five (25) feet.

Side: Minimum ten (10) feet each side.

Maximum Lot Coverage. 70% (seventy percent) of the buildable area.

Sec. 13-1-23 R-2 Single – and Two-Family Residential District (Medium Density).

Purpose. The purpose of this District is to provide the opportunity for construction and maintenance of primarily single-family and two-family detached dwelling units at a medium dwelling unit per acre density. It particularly reflects older neighborhoods in the Village of Frederic.

Permitted Uses. The following uses of land are permitted in the R-2 District:

Single-family dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.

Manufactured homes complying with all of the following requirements and limitations:

The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.

The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.

The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Frederic.

One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-140 specifications.

Accessory uses and buildings as follows:

Gardening, tool and storage sheds incidental to the residential use, per Section 13-1-140 specifications.

Off-street parking facilities.

Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

Signs as permitted by Village ordinances.

Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.

Foster family care.

Home occupations and professional home offices complying with Section 13-1-71.

Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

Conditional Uses. The following are permitted as conditional uses within the R-2 District:

Community living arrangements and day care centers which have a capacity for nine (9) or more persons.

Two-family dwellings.

Utilities (electric substations, telephone switching stations, gas regulators, etc.)

Bed and breakfast inns.

Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.

Public utility structures except those incompatible with the characteristics of the district.

Agricultural and gardening uses, except those incompatible with the characteristics of the district, such as the raising of livestock.

Parks and playgrounds.

Planned residential developments.

Golf courses and private clubs.

Barbering and beauty culture.

Nursery schools.

Hospitals and medical clinics.

Cemeteries.

Funeral homes.

Area, Height and Yard Requirements.

Lot.

Area—Single-Family Dwelling: Seven thousand (7,000) square feet.

Area—Two-Family Dwelling Converted from Single-Family Dwelling: Ten thousand (10,000) square feet.

Area—Two-Family Dwelling (New Construction): Twelve thousand (12,000) square feet.

Width—Minimum sixty (60) feet.

Building Height. Maximum thirty-five (35) feet.

Yards.

Street: Minimum twenty-five (25) feet.

Rear: Minimum twenty (20) feet.

Side: Minimum eight (8) feet each side.

Maximum Lot Coverage. 70% (seventy percent) of the buildable area.

Sec. 13-1-24 R-3 Multiple-Family Residential District.

Purpose. The purpose of this District is to provide the opportunity for construction and maintenance of multiple-family dwelling units at varying dwelling units per acre densities.

Permitted Uses.

Two-family dwellings (duplex).

Multiple-family dwellings.

Single family dwelling units

Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.

Home occupations and professional home offices complying with Section 13-1-71.

Conditional Uses.

Parks and playgrounds.

Planned residential developments.

Golf courses and private clubs

Barbering and beauty culture.

Sewage disposal facilities.

Utilities.

Schools and churches.

Government, cultural, and public uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.

Nursery schools.

Community living arrangements and day care centers which have a capacity for nine (9) or more persons.

Agricultural activities.

Retirement homes.

Colleges and fraternities.

Mobile home parks

Funeral homes

Town houses.

The following standards, and not the standards contained in the schedules of district regulations, shall be applied to the construction of town houses:

The overall density shall not exceed fifteen (15) dwelling units per acre.

The average lot width shall be at least twenty (20) feet; however, no individual lot shall be narrower than eighteen (18) feet.

The average maximum lot coverage of principal and accessory buildings shall not exceed fifty percent (50%) and no individual lot shall be covered more than sixty percent (60%).

The average front yard setback shall be thirty (30) feet but no building shall be located closer to the front property line than fifteen (15) feet.

Side yards of not less than twenty (20) feet in width shall be provided at least every one hundred sixty (160) feet and for every corner lot; zero lot lines are permitted in between.

The rear yard shall be not less than twenty percent (20%) of the depth of the lot.

No structure shall be higher than three (3) stories or thirty-five (35) feet.

One (1) off-street parking space of not less than one hundred eighty (180) square feet in area, exclusive of access drive or aisle, shall be provided for each dwelling unit.

Area, Height and Yard Requirements.**Lot.**

Area- Multi-Family: twelve thousand (12,000) square feet, with twenty percent (20%) green space.

Area – Single-Family Dwelling: seven thousand (7,000) square feet.

Area – Two-Family Dwelling converted from Single-Family Dwelling: ten thousand (10,000) square feet.

Area – Two-Family Dwelling new construction: twelve thousand (12,000) square feet.

Width: Minimum eighty (80) feet for multi-family dwellings; minimum sixty (60) feet for single-family dwellings.

Building Height. Multi-Family Dwelling: maximum forty-five (45) feet. Single and Two-Family Dwelling: maximum thirty-five (35) feet.

Yards.

Street: Minimum twenty-five (25) feet for Single and Two Family Dwelling: thirty (30) feet for Multi-Family Dwelling.

Rear: Minimum twenty (20) feet.

Side: Minimum eight (8) feet each side.

Green space/Multi-Family Dwelling: There must be at least twenty percent (20%) of the lot not covered by structures or a surface such as for parking, sidewalks, etc.

Maximum Lot Coverage. 75% (seventy-five percent) of the buildable area.

Sec. 13-1-25 R-4 Rural Development District.

Purpose. The R-4 Rural Development District is intended to provide for farmette, rural estate single-family residential development, at densities not to exceed one (1) dwelling unit per gross five (5) or more acres.

Permitted Uses. The following uses are permitted in the R-4 District:

Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.

Manufactured homes complying with all of the following requirements and limitations:

The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.

The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.

The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Frederic.

Community living arrangements which have a capacity for eight (8) or fewer persons subject to the limitations set forth in Sec. 62.23(7)(i), Wis. Stats.

Essential services.

Home occupations and professional home offices complying with Section 13-1-71.

Conditional Uses.

Utility substations.

Solar collectors erected as an accessory structure.

Community living arrangements which have a capacity for nine (9) or more persons.

Area, Height and Yard Requirements.

Lot.

Area: Lots shall be a minimum of five (5) acres in area and shall be not less than one hundred twenty-five (125) feet in width at front setback.

Height: No building or parts of a building shall exceed thirty-five (35) feet in height.

Yards.

Street: There shall be a minimum building setback of thirty-five (35) feet from the street right-of-way.

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

Rear: There shall be a rear yard of not less than fifty (50) feet.

Livestock. Livestock such as, but not limited to, cattle, swine, horses, ponies, poultry, sheep, and other fowl, may be allowed in the R-4 District following issuance of a conditional use permit after public hearing. As a general policy guideline, the R-4 District is not intended to be used for intensive raising or boarding of livestock or fowl. A conditional use permit for livestock or fowl may only be issued if such use is compatible with the neighborhood.

Sec. 13-1-26 C-1 Conservancy District.

Purpose. The purpose of this District is to preserve, protect, and maintain the natural environment and character of areas exhibiting significant natural resource features which contribute to the productive, recreational, or aesthetic value of the community.

Permitted Uses.

Forest and game management.

Hunting, fishing and hiking.

Parks and recreation areas; arboreta; botanical gardens; greenways.

Stables.

Utilities.

Non-residential buildings used solely in conjunction with the raising of water, fowl or fish.

Harvesting of wild crops.

Recreation related structures not requiring basements.

Conditional Uses.

Animal hospitals, shelters and kennels.

Archery and firearm ranges, sports fields and skating rinks.

Land restoration, flowage, and ponds.

Golf courses and clubs.

Ski hills and trails.

Yacht clubs and marinas.

Recreation camps.

Public and private campgrounds.

Riding stables.

Sewage disposal plants.

Governmental, cultural and public buildings or uses.

Utilities.

Hunting and fishing clubs.

Farm structures.

Area, Height and yard Requirements.

Lot.

Area: Minimum one and one-half (1-1/2) acres.

Width: Minimum one hundred fifty (150) feet.

Building Height. Maximum thirty-five (35) feet.

Other Structures Height. Maximum one-half (1/2) the distance from the structures nearest lot line.

Yards.

Street: Minimum twenty (20) feet.

Rear: Minimum twenty (20) feet.

Side: Minimum twenty (20) feet except structures used for the housing of shelters of animals must be one hundred (100) feet from lot lines.

Sec. 13-1-27 B-1 Downtown Commercial District.

Purpose. The B-1 District is intended to provide an area for the business, financial, professional, and commercial needs of the community, especially those which can be most suitably located in a compact, centrally located traditional business district.

Permitted Uses. The following uses of land are permitted in the B-1 District, after complying with the site plan review requirements of Section 13-1-154:

Paint, glass and wallpaper stores.

Hardware stores.

Department stores, variety stores, general merchandise stores.

General grocery stores, supermarkets, fruit and vegetable stores, delicatessens, meat and fish stores and miscellaneous food stores.

Candy, nut or confectionery stores.

Dairy products stores, including ice cream stores.

Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery.

Clothing and shoe stores.

Furniture, home furnishings, floor covering and upholstery shops/stores.

Restaurants, lunchrooms and other eating places, except drive-in type establishments.

Taverns, bars and other drinking places with permit by Village Board.

Drug stores and pharmacies.

Liquor stores.

Antique stores and secondhand stores.

Sporting goods stores and bicycle shops.

Bookstores, not including adult books.

Stationery stores.

Jewelry and clock stores.

Camera and photographic supply stores.

Gift, novelty and souvenir shops.

Florist shops.

Tobacco and smokers' supplies stores.

News dealers and newsstands.

Wholesale merchandise establishments, only for retail items listed above; e.g., #19 would allow wholesale camera sales.

Banks and other financial institutions.

Offices of insurance companies, agents, brokers and service representatives.

Offices of real estate agents, brokers, managers and title companies.

Miscellaneous business offices.

Heating and plumbing supplies.

Retail laundry and dry cleaning outlets, including coin-operated laundries and dry cleaning establishments, commonly called laundromats and launderettes. Tailor shops, dressmakers' shops; and garment repair shops, but not garment pressing establishments, hand laundries, or hat cleaning and blocking establishments.

Photographic studios and commercial photography establishments.

Barbershops, beauty shops and hairdressers.

Shoe repair shops and shoe shine parlors.

Trade and contractor's offices (office only).

Advertising agencies, consumer credit reporting, news agencies, employment agencies.

Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services; small print shops.

Computer services.

Commercial parking lots, parking garages, parking structures.

Watch, clock and jewelry repair services.

Motion picture theaters, not including drive-in theaters.

Miscellaneous retail stores.

Offices/clinics of physicians and surgeons, dentists and dental surgeons, osteopathic physicians, optometrists and chiropractors.

Law offices.

The offices, meeting places, churches, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other non-profit membership organizations.

Engineering and architectural firms or consultants.

Accounting, auditing and bookkeeping firms or services.

Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations.

The offices of governmental agencies and post offices.

Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages.

Telephone and telegraph offices.

Governmental, cultural and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.

Conditional Uses. The following are permitted as conditional uses in the B-1 District; provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations necessary or incident to the proper performance of these services or occupations would tend to afford such nuisances, areas, facilities, barriers, or other devices shall be provided in such a manner that the

public is effectively protected from any and all such nuisances. These uses shall be subject to the consideration of the Village Board with regard to such matters.

Miscellaneous repair shops and related services.

Garment pressing establishments, hand laundries, hat cleaning and blocking shops and coin-operated dry cleaning establishments.

Establishments engaged in the publishing and printing of newspapers, periodicals or books.

Residential units located on the ground level and/or second story of a commercial structure, provided proper living area, sanitary facilities and adequate means of ingress/egress exist; the Village Board may impose appropriate requirements and/or limitations on such residential commercial uses.

Farm supplies, wholesale trade.

Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers.

Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories.

Gasoline service stations; provided, further, that all gasoline pumps, storage tanks and accessory equipment must be located at least thirty (30) feet from any existing or officially proposed street line.

Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers.

Establishments engaged in daily or extended-term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.

Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes.

Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.

Veterinary clinics.

Lot, Yard and Building Requirements.

Lot Frontage. Twenty five (25) feet

Lot Area. Two thousand (2000) square feet

Principal Building.

Front Yard: No Minimum

Side Yard: No Minimum

Rear Yard: Minimum twenty (20) feet.

Building Height. Maximum sixty (60) feet.

Alley Setback. Minimum fifteen (15) feet.

Sec. 13-1-28 B-2 Highway Commercial District.

Purpose. The purpose of this District is to encourage the growth and development of business activities and establishments which require highway frontage and exposure due to their automobile and vehicular orientations.

Permitted Uses. The following are specific permitted uses in this District:.

Amusement activities.

Automobile and truck sales and services; non-salvage automotive parts stores.

Automobile repair services.

Bars and taverns.

Candy, nut and confectionery sales.

Gasoline service stations; convenience stores.

Gift, novelty and souvenir sales.
 Hotels, motels and tourist courts.
 Nightclubs and dance halls.
 Restaurants.
 Sales, service and installation of tires, batteries and accessories.
 Residential dwelling units.
 Animal hospitals, shelters and kennels.
 Hospitals and health care clinics.
 Public assembly uses.
 Commercial recreation facilities.
 Off-season storage facilities.
 Lodges and fraternal buildings.
 Nursing homes.
 Nursery and day care centers.
 Retirement homes.
 Drive-in food and beverage establishments, for consumption on or off-premises.
 Drive-banks.
 Drive-in theaters.
 Vehicle sales and service.
 Public parking lots.
 Golf courses.
 Sewage disposal plants
 Governmental, cultural, and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
 Utilities.
 Schools and churches.
 Mobile home sales.
 Mental health care facilities, including counseling centers.
 Chiropractic clinics.
 Professionally supervised juvenile detention centers.
 Lawn and garden equipment sales.
 Recreational vehicle sales.
 Bait and tackle stores.

Conditional Uses. The following may be permitted as conditional uses within the B-2 District and must be approved in accordance with the procedures established in Article E and shall comply with the plan review requirements of Section 13-1-154:

Adult entertainment uses.

Site Plan Review. All uses, prior to construction, must comply with the regulations found at 13-1-154.

Area, Height and Yard Requirements.

Lot.

Area: No minimum.

Width: Minimum sixty-six (66) feet.

Building Height. Maximum thirty-five (35) feet

Yards.

Street: Minimum fifty (50) feet (may include parking).

Rear: Minimum twenty (20) feet.

Side: Minimum twenty (20) feet.

Sec. 13-1-29 I-1 Industrial/Commercial District.

Purpose. The I-1 Industrial/Commercial District is intended to provide an area for manufacturing, marketing, and industrial and agribusiness activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas, or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions, or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.

Permitted Uses. All permitted uses must be approved in accordance with the site plan review. Conditional uses must be approved in accordance with the procedures established in Article E and shall comply with the site plan review requirements of Section 13-1-154. The following are examples of permitted uses within the I-1 District:

Manufacturing establishments, usually described as factories, mills or plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.

Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.

The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.

Railroads, including rights-of-way, railroad yards, and structures normally incident to the operation of railroads, including station houses, platforms, and signal towers, but not including warehouses owned by companies other than railroad companies or road terminal companies.

Wholesale establishments and warehouses.

Building construction contractors.

Highway passenger and motor freight transportation.

Light Industry and Service Uses.

Automotive body repair.

Automotive upholstery.

Cleaning, pressing, dyeing.

Commercial bakeries (retail or wholesale).

Commercial greenhouses (retail or wholesale).

Distributors.

Food locker plants.

Printing and publishing.

Trade and contractor's facilities.

Offices.

Painting services.

Retail sales and service facilities such as retail and surplus outlet stores, and restaurants and food service facilities when established in conjunction with a permitted manufacturing or processing facility.

Recreation vehicle, boat and miscellaneous storage.

Public Facilities and Uses.

Governmental, cultural and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
Schools and churches.

Airports, airstrips and landing fields.

Agriculture Related Industry and Service Uses.

Production of natural and processed cheese.

Production of shortening, table oils, margarine and other edible fats and oils.

Production of condensed and evaporated milk.

Wet milling of corn.

Production of creamery butter.

Drying and dehydrating fruits and vegetables.

Preparation of feeds for animal and fowl.

Pea venteries.

Creameries.

Production of flour and other grain mill products; blending and preparing of flour.

Fluid milk processing.

Production of frozen fruits, fruit juices, vegetables and other specialties.

Fruit and vegetable sauces and seasoning, and salad dressing preparation.

Poultry and small game dressing and packing, providing that all operations be conducted within an enclosed building.

Production of sausages and other meat products providing that all operations be conducted within an enclosed building.

Corn shelling, hay baling and threshing services.

Gristmill services.

Horticultural services.

Canning of fruits, vegetables, preserves, jams and jellies.

Canning of specialty foods.

Grain elevators and bulk storage of feed grains.

Fertilizer production, sales, storage, mixing and blending.

Sales or maintenance of farm implements and related equipment.

Animal hospitals, shelters and kennels.

Veterinarian services.

Outside storage and manufacturing areas, wrecking, junk, demolition and scrap yards, providing that they shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way, shall be at least six hundred (600) feet from residential or commercial structures, and shall be neatly maintained in such a manner so as to not constitute a nuisance or be detrimental to area property owners.

Miscellaneous Uses.

Automotive parts stores.

Lawn and garden sales.

Recreational vehicle sales.

Home appliance sales.

Bait and tackle stores.

Variety department stores.

Restaurants.

Dance halls.

Automobile fuel and service stations.

Conditional Uses. Telecommunications towers and facilities as set forth in Section 13-1-134 of this code.

Lot, Yard and Building Requirements.

Lot Frontage. Minimum sixty-six (66) feet.

Lot Area. Minimum eight thousand five hundred (8,500) square feet.

Front Yard. Minimum twenty-five (25) feet.

Side Yards. Minimum ten (10) feet.

Rear Yard. Minimum thirty (30) feet

Building Height. Maximum sixty (60) feet.

Percentage of Lot Coverage. Maximum seventy percent (70%).

Sec. 13-1-30 I-2 Industrial /Commercial Park District.

Statement of Purpose. The I-2 Industrial/Commercial Park District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, certain specialized manufacturing operations, and research and development institutions. The essential purpose of this district is to achieve development which is practical, feasible and economical and an asset to the owners, neighbors and the Village, and to promote and maintain desirable economic development activities in a park-like setting.

General Regulation. Uses permitted in the I-2 District are subject to the following conditions: No use shall be so conducted as to cause the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere. All uses shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive conditions or characteristics, including excessive creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination. Prior to issuance of a zoning certificate or occupancy certificate, the Village may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.

All business, servicing or processing, except off-street parking and off-street loading, and outside storage areas as regulated hereinafter, shall be conducted within completely enclosed buildings.

The building coverage on any zoning lot shall not exceed seventy percent (70%).

Parking of trucks as an accessory use, when used in the conduct of a permitted business use, shall be limited to vehicles of not over one and one-half (1.5) ton capacity when located within one hundred fifty (150) feet of a residence district boundary line.

All open off-street parking areas, loading areas, and driveways shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand pounds [normally a two (2) inch blacktop and a four (4) inch base or five (5) inches of portland cement will meet this requirement].

No land shall be rezoned to this District and developed and no use shall be permitted that results in flooding, erosion or sedimentation to adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area or other storm water management facility.

Permitted Use. The following uses are permitted in the I-2 District, after complying with the site plan review requirements of Section 13-1-154:

Manufacturing Uses.

Commercial printing.

Service industries for the printing trade.

Biological products, medical chemicals, and pharmaceutical preparations.

Industrial organic chemicals.

Optical glass and fiber optics.

Miscellaneous fabricated metal products.

Office, computing and accounting machines.

Communication equipment except telecommunications towers and facilities as set forth in Section 13-1-134 of this code.

Electronic components and accessories.

Miscellaneous electrical machinery, equipment, and supplies.

Measuring, analyzing, and controlling instruments.

Small-scale products [finished weight not exceeding fifty (50) pounds] related to the resource industries of agriculture and food production, forestry, petrochemicals, and mining.

Specific products not listed above but similar in intent and character and which may be defined as being produced or assembled manually or by a light industrial process by virtue of the use of only light machinery, being conducted entirely within enclosed substantially constructed buildings in which the open area around such buildings is not used for storage of raw materials or manufactured products, or for any industrial purpose other than loading and unloading operations, and which are not noxious or offensive by reason of emission of smoke, dust, fumes, odors, noise, or vibrations beyond the confines of the building.

Service Uses.

Computer and data processing services.

Miscellaneous business services, including laboratories.

Offices, business and professional.

Communication services.

Accessory Uses, Including, But Not Limited to the Following:

Educational or training centers or institutions.

Nursery schools or day care centers for children of employees on the site.

Restaurants or structurally integrated lodging facilities, which are open to persons employed on the site and to business visitors, guests and retail customers.

Conditional Uses. The following uses may be allowed as conditional uses pursuant to Article E and shall comply with the site plan review requirements of Section 13-1-154:

Local and suburban transit.

Taxicabs.

Public utilities and public services.

Conference centers and hotel facilities.

Other proposed commercial and industrial uses.

Lot Area and Height Regulations. In the I-2 District, the following lot area shall and height requirements shall apply:

The minimum lot area shall be thirty-three thousand (33,000) square feet in size.

The maximum building height as a permitted use shall be thirty-five (35) feet; any person desiring to erect a structure taller than thirty-five (35) feet may apply for a greater height on a conditional use basis under Article E.

Yard Requirements. In the I-2 District minimum yardage shall be provided as follows:

The minimum lot width shall be one hundred fifty (150) feet.

The minimum front yard setback shall be forty (40) feet.

The minimum side yard setback shall be fifteen (15) feet or twenty (20) feet in the side yard on a corner lot.

The minimum rear setback shall be thirty (30) feet.

Design Standards. In the I-2 District, the following design standards shall apply, provided any requirement may be reduced or waived when approved by the Village Board:

Review. All buildings shall be reviewed and approved by an architectural review committee as established by the developer, provided that any building design criteria and review procedures adopted by such committee and the categories of membership of the committee must be initially approved by the Planning Commission. As an alternative, the developer may regulate building design by deed or plat restrictions, the text of which shall be approved by the Planning Commission.

Accessory Off-Street Parking and Loading.

Accessory off-street parking lots and loading berths and access driveways shall be located, designed and improved so as to provide for safe and convenient access from adjoining streets, as well as safe and convenient circulation within the site.

Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas, fences or other appropriate materials to ensure pedestrian safety.

Off-street parking lots shall not be located in required front yards or street side yards on corner lots but may be located in required rear yards to the rear of the building or in an interior side yard beyond the larger of the required front yard or the actual front setback.

A guest parking lot containing not more than ten (10) parking spaces may be located to the front or side of a building but not in the required front yard or in the required street side yard on a corner lot.

Any parking lot located in a required side or rear yard shall be located not less than twenty (20) feet from any other lot in a residence district.

Access driveways shall be designed and located so that such driveways do not expose an unlandscaped view from the street to the loading berths or storage areas.

A plan for tree islands and parking lot landscaping shall be included with the landscape plan required in Subsection (g)(3) hereafter.

Landscaping and Site Development. To provide a park-like setting, all lots shall be landscaped, including the provision of canopy-type shade trees. Where possible, all existing mature, healthy trees shall be retained. All land areas not covered by buildings, structure, storage areas, parking lots, loading areas and driveways shall be landscaped and maintained. Landscaping shall mean decorative plazas, mounds, pools or the planting of grass, shrubs, trees, or other plant materials or other comparable surface cover. To comply with the above provisions, a landscape plan shall be submitted and approved by the Planning Commission prior to construction.

Storage Areas. All storage, except for licensed motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, and no storage shall exceed the height of such screening. Wire fence is not acceptable for this purpose. All outside storage areas shall be

located to the rear of buildings and shall be limited to not more than ten percent (10%) of the total lot area.

Illumination. Electrical reflectors, spotlights, floodlights, and other sources of illumination may be used to illuminate buildings, landscaping, signs, and parking and loading areas on any site, but only if they are equipped with lenses or other devices which concentrate the illumination upon such buildings, landscaping, signs, and parking and loading areas. All lighting shall be reflected away from residences and public streets.

Signage. A scale drawing of any sign, trademark or advertising device to be used on any lot or the exterior of any building or structure will be submitted to the Planning Commission for approval. Normally, the occupant's trademark and/or trade name may be displayed on the building in the manner in which they are generally used by the occupant. No signs other than company, product identification and directional signs are permitted. The Planning Commission shall approve the type, location, and placement of signs.

Buildings.

The front of all buildings, that is, the side facing the street on which the building is deemed to front, shall be faced with concrete or brick masonry, stone, or other material approved by the Planning Commission, and said facing shall extend across the full front of the building and also extend a distance of not less than twenty (20) feet on each side of the front of the building. That portion of any building facing a street other than the street on which the building fronts shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings, but need not be finished in a like manner as that portion of the building referred to as the front. It is the intent of these provisions that all structures shall be designed and constructed in such a manner as to provide an aesthetically pleasing and harmonious overall development of the Commercial Park. This Subsection may be waived or modified by action of the Village Board.

Except as otherwise provided herein, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings subject to the approval of the Planning Commission. All faces of all buildings must be kept in good repair and appearance at all times. All buildings must be of approved construction in conformity with all applicable building codes. Buildings shall not exceed thirty-five (35) feet in height. All electrical and air conditioning structures, including towers and air handling units, regardless of location and whether on the roof or otherwise, shall be concealed by landscaping or by decorative screening materials which form an integral part of the design.

Maintenance.

Each property owner shall at all times keep his premises, buildings, improvements and appurtenances in a safe, clean, neat and sanitary condition and shall keep all grass, trees, shrubbery in good appearance at all times and shall comply with all laws, ordinances and regulations pertaining to health and safety.

During construction, it shall be the responsibility of each property owner to insure that construction sites are kept free of unsightly accumulations of rubbish and scrap materials and that construction materials, trailers, shacks and the like are kept in a neat and orderly manner.

Rubbish. No rubbish may be burned on the premises within the District except in an incinerator especially constructed and designated for this operation and approved by the Covenant Committee and the Wisconsin Department of Commerce and/or Department of Natural Resources. All outdoor refuse collection areas shall be visually screened from access streets, and

adjacent property by a complete opaque screen. No refuse collection areas shall be permitted between a frontage street and the building line.

Sec. 13-1-31 P-1 General Park District.

Purpose. The purpose of this District is to provide for areas devoted to public recreational uses.

Permitted Uses. Public park and recreation uses.

Conditional Uses. No buildings or structures of any nature, temporary or permanent, shall be erected or placed in the district other than those owned or placed by the Village of Frederic.

Area, Height and Yard Requirements. No minimums.

Sec. 13-1-32 PUD #1 – Planned Unit Development District- Pioneer Square

- (a) **Statement of Purpose.** The Planned Unit Development District #1 is established to provide an aesthetically attractive residential environment exclusively for the development of a living arrangement that is conveniently located to community services and is consistent with the general plan of the village. The essential purpose of this district is to provide for the unique setback requirements of the town home development know as “Pioneer Square of Frederic”, and to promote and maintain the qualities that will generate desirable living conditions in a park-like setting.
- (b) **General Regulations.** Lot, Building and Yard Requirements – For all attached zero lot line or common wall construction single-family duplex dwellings as conditional uses, the following lot, building and yard requirements apply:
- (1) **Lot Frontage.** Minimum of forty (40) feet (each unit).
 - (2) **Lot Area.** Minimum of Twenty-five hundred (2,500) square feet (each unit).
 - (3) **Principal Building.**
 - a. Front Yard: Minimum of twenty (20) feet.
 - b. Side Yards: Zero feet on one (1) side and a minimum of five (5) feet on the other side. [If street side of a corner lot, a minimum of ten (10) feet.]
 - c. Rear Yard: Minimum of ten (10) feet.
 - (4) **Garages.** One (1) private garage with up to two stalls per dwelling unit, not exceeding three hundred twelve (312) square feet per stall.
 - (5) **Building Height.** Maximum of thirty-five (35) feet.
 - (6) **Percent of Lot Coverage.** Maximum of sixty (60%) percent.
 - (7) **Floor Area Per Dwelling Unit.** Minimum of Eight Hundred Forty (840) Square Feet.
 - (8) **Zero Lot Line/Common Wall Construction Dwellings.** For all attached zero lot line or common wall construction duplexes containing single-family dwellings, each unit shall have separate water and sewer lateral connections. The size, type and installation proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Board, following a recommendation from the Plan Commission. A minimum one (1) hour fire-rated wall assembly division, separating living areas from the lowest level flush to the underside of the roof, is required between each dwelling unit.

Sec. 13-1-33 through Sec. 13-1-49 Reserved for Future Use.

Article D: Planned Unit Development (PUD) Conditional Use

Sec. 13-1-50 Planned Unit Development Conditional Use—Intent.

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.

The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under Section 13-1-57 of this Chapter and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section of the Chapter have been met.

Sec. 13-1-51 Types of Planned Unit Developments.

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

Sec. 13-1-52 General Requirements for Planned Unit Developments.

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

Sec. 13-1-53 Physical Requirements for Planned Unit Developments.

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

Principal Uses	Minimum Area of PUD
Residential PUD	1.5 acres
Commercial PUD	5 acres
Industrial PUD	10 acres
Mixed Compatible Use	10 acres

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.

Building Height and Area Requirements.

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

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.

Single Parcel, Lot or Tract. At the time of filing, the planned unit development shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract.

Sec. 13-1-54 Requirements as to Public Services and Facilities

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

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.

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.

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.

Public water and sewer facilities shall be provided.

Sec. 13-1-55 Subsequent Land Division.

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

Sec. 13-1-56 Procedural Requirements—Intent.

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

Sec. 13-1-57 Procedural Requirements for Planned Unit Developments.

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

Petition for Approval. Following the pre-petition conference, the owner or his/her agent may file a petition with the Village Clerk for approval of a planned unit development. Such petition shall be accompanied by a review fee as set forth in the fee schedule, as well as incorporate the following information:

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:

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.

A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.

A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.

Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.

The expected date of commencement of physical development as set forth in the proposal and also an outline of any planned development staging.

A General Development Plan Including:

A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.

The location of public and private roads, driveways, sidewalks and parking facilities.

The size, arrangement and location of any individual building sites and proposed building groups on each individual site.

The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainage-ways.

The type, size and location of all structures.

General landscape treatment.

The existing and proposed location of public sanitary sewer, water supply facilities and storm water drainage facilities.

The existing and proposed location of all private utilities or other easements.

Existing topography on the site with contours at no greater than two (2) foot intervals.

Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.

If the development is to be staged, a staging plan.

A plan showing how the entire development can be further subdivided in the future.

Public Hearing. The Village Board shall hold public hearing on the petition in the manner provided in Sections 13-1-63 and 13-1-64 for Conditional Uses.

Sec. 13-1-58 Basis for Approval of the Petition for Planned Unit Development.

Requirements. The Plan Commission, in making a recommendation, and the Village Board, in making a determination approving a petition for planned unit development, shall find as follows:

That the general requirements made and provided in Section 13-1-52 will be met;

That the applicable physical requirements made and provided in Section 13-1-53 will be met;

That the requirements as to public services and facilities made and provided in Section 13-1-54 will be met.

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

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

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.

The total net residential density within the planned unit development will be compatible with the Village master plan (comprehensive land use and official map), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.

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:

Planned residential developments in the residential districts shall not exceed sixteen (16) dwelling units per structure.

Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.

Provision has been made for adequate, continuing fire and police protection.

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.

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.

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

The economic practicality of the proposed development can be justified.

The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.

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

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

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.

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

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.

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

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.

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.

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

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

The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.

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

Sec. 13-1-59 Determination of Disposition of the Petition.

General. The Village Board, following a recommendation from the Plan Commission and 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.

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.

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.

Detailed Approval. Detail plans must be furnished to the Village Board for its consideration and the detailed approval by the Village Board of any part or stage of the proposed development shall be required before construction of such part or stage of the development may be commenced. Before plans submitted for detailed approval within the corporate limits will be approved, the petitioner shall give satisfactory proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Village Board.

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

Article E: Conditional Uses

Sec. 13-1-60 Statement of Purpose—Conditional Uses.

The development and execution of this Article is based upon the division of the Village of Frederic 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.

Sec. 13-1-61 Authority of the Village Board; Requirements.

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 Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. 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, 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.

Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (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 traffic way. The Village Board shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.

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.

Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

Sec. 13-1-62 Initiation of Conditional Use.

Any person, firm, corporation or organization having a freehold interest or a 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 (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

Sec. 13-1-63 Application for Conditional Use.

An application for a conditional use shall be filed on a form prescribed by the Village and accompanied by the fee specified in the Zoning Fee Schedule. The application shall also be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The Village Board may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, 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.

Sec. 13-1-64 Hearing on Application.

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

Sec. 13-1-65 Notice of Hearing on Application.

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

Sec. 13-1-66 Standards—Conditional Uses.

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

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.

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.

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. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

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.

That the conditional use shall conform to all applicable regulations of the district in which it is located.

That the proposed use does not violate flood plain regulations governing the site.

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.

That, in addition to passing upon a Conditional Use Permit, the Board shall also evaluate the effect of the proposed use upon:

The maintenance of safe and healthful conditions.

The prevention and control of water pollution including sedimentation.

Existing topographic and drainage features and vegetative cover on the site.

The location of the site with respect to floodplains and floodways of rivers and streams.

The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

The location of the site with respect to existing or future access roads.

The need of the proposed use for a shoreland location.

Its compatibility with uses on adjacent land.

The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-67 Denial of Application for Conditional Use Permit.

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

Sec. 13-1-68 Validity of Conditional Use Permit.

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

Sec. 13-1-69 Complaints Regarding Conditional Uses.

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefore.

Sec. 13-1-70 Bed and Breakfast Establishments.

As Conditional Use. Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residential Districts pursuant to this Article.

Definition. “Bed and Breakfast Establishment” means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner’s personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

State Standards. Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

Sec. 13-1-71 Home Occupations.

Intent. The intent of this Section is to provide a means to accommodate a small family business without the necessity of a rezone into a commercial district.

Restrictions on Home Occupations. Home occupations and professional home offices are permitted uses in all Residential Districts and are subject to the requirements of the District in which the use is located, in addition to the following:

The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage, and shall not exceed twenty-five percent (25%) of the home or garage, including areas used for storage.

There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.

No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.

No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.

Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated, and may not exceed four (4) square feet in size.

The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.

No non-resident employee may be employed as part of the home occupation and/or professional home office.

Sec. 13-1-72 through Sec. 13-1-79 Reserved for Future Use.

Article F: Nonconforming Uses, Structures and Lots

Sec. 13-1-80 Existing Nonconforming Uses and Structures.

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) When a use district is changed creating a non-conforming use, such non-conforming use may be continued, provided no structural alterations are made and no changes are made to the existing use. Any subsequent changes to the structure or use must be made in accordance with this chapter and in compliance with the changed use district in which said non-conforming use now exists. No legally existing non-conforming use may be changed to any other use not allowed in the changed use district except as provided for in Section 13-1-170 (c,4) of this Code.

Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 13-1-81 Abolishment or Replacement.

Termination. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Chapter.

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

Sec. 13-1-82 Existing Nonconforming Structures.

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

Sec. 13-1-83 Changes and Substitutions.

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

Sec. 13-1-84 through Sec. 13-1-89 Reserved for Future Use.

Article G: Traffic Visibility, Loading, Parking and Access

Sec. 13-1-90 Traffic Visibility.

On a corner lot in all zoning districts in the Village of Frederic, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the Street lines of such corner lots and a line joining the points along said street lines twenty-five (25) feet from the point of intersection. Fences shall comply with the corner setback requirements of Section 13-1-142.

In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 13-1-91 Loading Requirements.

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

Use	Floor (sq. ft.)	Loading Space
Retail, wholesale	2,000 - 10,000	1
warehouse, service	10,000 - 20,000	2
manufacturing, and	20,000 - 40,000	3
industrial establishments	40,000 - 60,000	4
	Each additional 50,000	1
Hotels, offices	5,000 - 10,000	1
hospitals, places of	10,000 - 50,000	2
public assembly	50,000 - 100,000	3
	Each additional 25,000	4
Funeral homes	2,500 - 4,000	1
	4,000 - 6,000	2
	Each additional 10,000	1

Multiple or Mixed Uses. Where a building is devoted to more than one (1) 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.

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 thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.

Design Standards. Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty-five (45) feet, and a vertical clearance of at least fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet

in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.

Surfacing. All open off-street loading berths shall be improved with a compacted gravel base, not less than six (6) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.

Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.

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.

Central Loading. Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.

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.)

No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.

The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Sec. 13-1-92 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, 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:

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

Location.

Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.

Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line.

Off-street parking in the single-family resident and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Section 13-1-93.

Use Restrictions.

Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.

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 (3) foot-candles measured at the lot line.

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.

Number of Stalls. Number of parking stalls required for newly created parking lots are shown in the following table:

Use	Minimum Parking Required
Dwellings: Single-family, two-family and mobile homes	2 stalls for each dwelling unit
Dwellings: Multi-family	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with one-half 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 and boarding houses	1 stall for each bed
Retirement homes, orphanages	1 stall per 2,000 feet of principal floor area
Rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor
Churches, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each 5 students of 16 years of age or more
Restaurants, bars, clubs and lodges, places of entertainment	1 stall for each 150 square feet
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 one time
Financial institutions, business, government and professional offices, retail and service establishments	1 stall for each 300 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for each 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages-see 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

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.

Handicapped Parking Requirements. In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 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.

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

Off-Lot Parking.

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.

Off-lot parking spaces for residential uses shall be within two hundred fifty (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 three hundred (300) feet of the entrance of the establishment.

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.

All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

Sec. 13-1-93 Driveways.

All driveways installed, altered, changed, replaced or extended after the effective date of this Chapter shall meet the requirements of Sections 6-3-1 and 6-3-2 of the Village of Frederic Code of Ordinances.

Sec. 13-1-94 Highway Access.

Highway Access. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, or 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 one hundred (100) feet of the intersection of an arterial street right-of-way line.

Access Barriers. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

Temporary Access. The Zoning Administrator may grant temporary access to the above rights-of-way 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 twelve (12) months.

Sec. 13-1-95 through Sec. 13-1-99 Reserved for Future Use.

Article H: Signs and Billboards

Sec. 13-1-100 Purpose of Sign and Billboard Regulations; Sign Permits.

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.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Building Permit except those signs excepted in Sections 13-1-102 and 13-1-103 below and without being in conformity with the provisions of this Article. The sign shall also meet the structural requirements of the Building Code.

Sec. 13-1-101 Prohibited Characteristics of Signs.

No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

No sign shall contain, include, or be illuminated by flashing lights. No sign will be permitted that resembles the size, shape, form, or color of official traffic control signs, signals, or devices.

No sign shall contain, include, or be composed of any conspicuous animated or moving part.

No sign shall contain more than five hundred (500) square feet in gross area.

No sign shall be painted directly on the building walls, except water towers which may display the name or symbol of the owner or operator.

Temporary signs: Two double-faced sandwich or movable signs are permitted when meeting all other applicable requirements and when their use is limited to thirty (30) days of a ninety (90) day period. Such signs shall be set back at least five (5) feet from the street property line and shall not be larger than eight (8) square feet per face except that the area of one such sign may be increased by one (1) square foot for each three (3) lineal feet of frontage over fifty (50) feet on a street to a maximum of twenty-four (24) square feet per face.

- (1) Parking of advertising vehicles is prohibited. No persons shall park any vehicle or trailer on a public right-of-way or public property or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.
- (2) This Section shall not prohibit "For Sale" signs on vehicles for sale provided the vehicle is not parked on a public right-of-way.

Sec. 13-1-102 Exceptions to Sign Regulations.

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

Signs not exceeding two (2) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.

Flags and insignia of any government, except when displayed in connection with commercial promotion.

Legal notices, identification information or directional signs erected by governmental bodies.

Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs erected by National, State, County or Municipal Governmental Agencies, including traffic and informational signs.

Political candidate signs may be posted on private property with the permission of the owner in accordance with the Wisconsin Statutes.

Sec. 13-1-103 Residential Signs.

All signs are prohibited in all Residential Districts except the following:

Signs Over Show Windows or Doors. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.

Real Estate Signs. Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

Name, Occupation and Warning Signs. Name, occupation and warning signs not to exceed two (2) square feet located on the premises.

Bulletin Boards. Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises. Present signs under this Section or the replacing of or removing of signs in excess of eight (8) square feet shall be at the discretion of the Village Board. New signs in excess of eight (8) square feet may be constructed under a permit from the Village Board.

Memorial Signs. Memorial signs, tables, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

Temporary Signs. Temporary signs when authorized by the Zoning Administrator for a period not to exceed thirty (30) days pursuant to Section 13-1-101(g).

Sec. 13-1-104 Commercial and Industrial Signs.

Signs are permitted in all Commercial and Industrial Districts subject to the following restrictions:

Wall Signs. Wall signs placed against the exterior walls of buildings shall not exceed more than six (6) inches outside of a building's wall surface, shall not exceed five hundred (500) square feet in area for any one (1) premise and shall not exceed twenty (20) feet in height above the mean centerline street grade.

Projected Signs. Projected signs, fastened to, suspended from or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premise; shall not extend more than six (6) feet into any required yard, shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet above a driveway or an alley.

Ground Signs. Ground signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which they are located, and shall not exceed one hundred (100) square feet on all sides for any one (1) premise.

Roof Signs. Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed three hundred (300) square feet on all sides for any one (1) premise.

Combination. Combination of any of the above signs shall meet all the requirements for the individual sign.

All Signs. All signs shall advertise, promote or represent only establishments, goods or services located, sold or manufactured within one hundred (100) feet.

Sec. 13-1-105 Dangerous and Abandoned Signs; Violations.

Removal. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six (6) months or when, in the judgment of the Village, 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 may remove the sign at cost of the owner, following adequate written notice.

Alterations. Any sign which was erected before the adoption of this sign Article shall not be rebuilt or relocated without conforming to all of the requirements of this Article.

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

Sec. 13-1-106 Variances or Exceptions.

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

Sec. 13-1-107 Construction and Maintenance Regulation for Signs.

Installation. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Village Board or Building Inspector.

Prohibitions.

No sign shall be erected so that any portion of the sign or its supports attached to or interfere with the free use of any fire escape, exit, any required stairway, door, ventilator or window.

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

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

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

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

Sec. 13-1-108 Nonconforming Signs.

Signs Eligible For Characterization as Legal Nonconforming. Any sign located within the Village of Frederic limits of the date of adoption of this Chapter or located in an area annexed to

the Village of Frederic hereafter, which does not conform to the provisions of this Article, is eligible for characterization as a legal nonconforming sign and is permitted.

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

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;

The sign is relocated;

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

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

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

Sec. 13-1-109 Wind Pressure and Dead Load Requirements.

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

Sec. 13-1-110 through Sec. 13-1-119 Reserved for Future Use.

Article I: Performance Standards

Sec. 13-1-120 Compliance.

This Chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

Sec. 13-1-121 Sound.

The volume of sound inherently and recurrently generated shall not exceed the following standards at any point along the boundaries of the zone in which the use is located:

Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.

Maximum sound pressure levels shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association and shall not exceed the values for octave bands lying within the several frequency limits given in the following table after the application of appropriate corrections:

B-1. and B-2 Districts	
Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level In Decibels
0 - 74	72
75-149	67
150-299	59
300-599	52
600-1199	46
1,200-2399	40
2,400-4800	34
Above 4800	32

Type of Operation or Noise Decibels	Correction In Decibels
Daytime operation only	+5
Noise of impulsive character (e.g. hammering)	-5
Noise of periodic character (e.g. hum, screech)	-5

I-I District	
Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level In Decibels
0 - 74	79
75-149	74
150-299	66
300-599	59
600-1199	53
1,200-2399	47
2,400-4800	41
Above 4800	39

Type of Operation or Noise Decibels	Correction In Decibels
Daytime operation only	+5
Noise of impulsive character (e.g. hammering)	-5
Noise of periodic character (e.g. hum, screech)	-5

Sec. 13-1-122 Vibration.

No operation that creates vibrations, which are readily detectable without the use of instruments at any point along lot lines, shall be permitted.

Sec. 13-1-123 Radioactivity.

No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation", dated June 16, 1957, or any subsequent revisions or amendments.

Sec. 13-1-124 Toxic or Noxious Matter.

No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business shall be permitted.

Sec. 13-1-125 Glare.

No direct or reflected glare from any I-1 District shall be detectable from any Residential boundary.

Sec. 13-1-126 Particulate Emissions.

Dust. No solid or liquid particles shall be emitted in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air.

Fly Ash.

No emission of fly ash in excess of the quantity specified in the following table shall be permitted:

Heat In Fuel Burned (British Thermal Units) Per Hour	Fly Ash: Rate of Emission (Lbs. Per Hour)
1,000,000	1
100,000,000	100
400,000,000	330
1,000,000,000	750
2,000,000,000	1,365
3,000,000,000	1,850
4,000,000,000	2,260
5,000,000,000	2,640
6,000,000,000	2,950
7,000,000,000	3,200
8,000,000,000	3,410
10,000,000,000	3,750

For heat content between any two (2) consecutive heat contents given in the Table, the fly ash limitation shall be as determined by interpolation.

Smoke. No emission of smoke from any source, as measured on the Ringelmann Chart published by the United States Bureau of Mines, shall be permitted in excess of:

In the Business/Commercial Districts, a density described as Ringelmann No. 2, provided that a density equal to Ringelmann No. 3 may be emitted for not more than three (3) minutes in any fifteen (15) consecutive minutes.

In an Industrial District, a density described as Ringelmann No. 3.

Sec. 13-1-127 through Sec. 13-1-129 Reserved for Future Use.

Article J: Signal Receiving Antennas; Wind Energy Systems

Sec. 13-1-130 Signal Receiving Antennas.

Purpose. In order to secure uniformity and compliance with Federal Communications Commission rules (FCC 96-328) on over-the-air reception devices implementing Section 207 of the Telecommunications Act of 1996, this Section regulating the placement of signal receiving antennas and over-the-air reception devices is adopted to:

Provide uniform regulation where necessary of all signal receiving antenna devices;

Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;

Preserve the integrity of historic preservation districts;

Protect the public from injury from roof-mounted antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the roof-mounted antenna; and

Provide for placement of such antennas in locations that preserve access to rear property areas by fire-fighting apparatus and emergency personnel.

Definitions.

For purposes of this Section, a “signal-receiving antenna” is defined as any outdoor apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas and over-the-air reception devices, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.

“Owner” means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his/her interest. The personal representative of at least one (1) owner shall be considered an owner.

Limited Permit Requirement.

No owner shall, within the Village of Frederic, build, construct, use or place any type of signal receiving antenna or over-the-air reception device that is roof-mounted or proposed to be located in a designated historic preservation district until a permit shall have first been obtained from the Zoning Administrator.

Application for a signal receiving antenna permit when required under Subsection (c)(1) shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a sufficient set of mounting plans and specifications to allow a determination to be made that the device can be safely roof-mounted, or, in the case of a historic preservation district, can be located in such a manner as to not seriously detract from the historic character of the district. There is no fee for such permit. If such application meets the requirements of this Section, the application shall be approved.

Exemption. Signal receiving devices less than twenty-four (24) inches in diameter are exempt from the requirements of this Section, except for the requirements in Subsection (e)(1), (7), (9) and (12).

Installation Standards. Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:

Setbacks.

Any signal receiving antenna and its mounting post shall be located a minimum of five (5) feet from any side or rear property line. The purpose of setback regulations is to protect the aesthetics of the area and to preserve adequate access for emergency equipment and personnel.

Subject to the provisions herein, signal-receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal-receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property following compliance with Subsection (c) above. For corner lots, a side yard is only a yard that does not face a street. If side yard, front yard or roof mounting is requested, the Zoning Board of Appeals shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.

Mounting. Signal receiving antennas attached to the roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.

Diameter. The diameter of the signal-receiving antenna shall not exceed twelve (12) feet for the ground-mounted antenna and ten (10) feet for the roof-mounted antenna, except for stations used to provide community antenna television services.

Height. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed fourteen (14) feet in height, as measured from the ground to the highest point of the dish.

Roof-Mounted Antennas.

In all residential zoning districts, roof-mounted antennas shall only be permitted subject to the provisions contained herein:

Earth station dish antennas exceeding thirty-six (36) inches in diameter shall not be permitted on the roof, unless allowed under Subsection (c)(2) above.

A roof-mounted dish antenna shall not extend higher than fifteen (15) feet above the highest point of the roof, unless allowed under Subsection (c)(2) above.

In the commercial and industrial zoning districts, earth station dish antennas shall not extend more than twenty (20) feet above the height limit established for the district in which the structure is located.

Wind Pressure. All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.

Electrical Installations. To safeguard public safety, electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal-receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such

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

Temporary Placement. No portable or trailer-mounted signal-receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section.

Advertising. No form of advertising or identification, sign or mural is allowed on the signal-receiving antenna other than the customary manufacturer's identification plates.

Interference with Broadcasting. Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal-receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

Compliance with Federal Regulations. The installation and use of every signal-receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder, including Federal Communications Commission rules.

Aesthetic Considerations. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

Enforcement.

It shall be unlawful to construct, use, build or locate any signal-receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board, a Village enforcement official, 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. Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

Sec. 13-1-131 Conditional Use Permits Required—Wind Energy Systems

Approval Required. No owner shall, within the Village of Frederic, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system.

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, use and property described in the permit.

Basis of Approval. The Village Board shall base its determinations 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, 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 the Zoning Code.

Definitions. "Wind energy systems" shall mean "windmills" which are used to produce electrical or mechanical power.

Sec. 13-1-132 Permit Procedure—Wind Energy Systems.

Application. The permit application for a wind energy system shall be made to the Zoning Administrator on forms provided by the Village of Frederic. The application shall include the following information:

The name and address of the applicant.

The address of the property on which the system will be located.

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 (1) 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.

An accurate and complete written description of the use for which special grant is being requested, including pertinent statistics and operational characteristics.

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.

Any other information which the Zoning Administrator, Village Board or Building Inspector may deem to be necessary to the proper review of the application.

The Zoning Administrator shall review the application and, if the application is complete and contains all required information, shall refer it to the Village Board.

Hearing. Upon referral of the application, the Village Board shall schedule a public hearing thereof following the procedures for conditional use permits in Article E.

Determination. Following public hearing and necessary study and investigation, the Village Board shall, as soon as practical, render its decision and a copy be made a permanent part of the Board's minutes. Such decision shall include an accurate description of the special 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 special use permit.

Termination. When a special 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 cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the special grant may be terminated by action of the Village Board following a public hearing thereon.

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.

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.

Sec. 13-1-133 Specific Requirements Regarding Wind Energy Systems.

(a) **Additional Standards.** Wind energy conversion systems, commonly referred to as “windmills,” which are used to produce 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 (1) 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:**

1. Design Safety Certification.

The design of any wind energy conversion system shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall also submit certificates of design compliance obtained by equipment manufacturers from Underwriters laboratories or similar certifying organizations.

2. Electrical Components.

All Electrical components of the wind energy conversion system shall conform to relevant and applicable local, state and national codes.

3. Visual Appearance.

Windmills shall be a non-obtrusive color such as white, off-white, or gray.

Windmills shall not display advertising.

4. Warnings.

Clearly visible warning signs concerning voltage must be placed at the base of all windmills.

Visible reflective tape shall be placed on anchor points of guy wires and along the guy wire up to a height of ten feet from the ground.

5. Shadow Flicker.

The windmill owner or operator shall make reasonable efforts to minimize shadow flicker to any occupied buildings on a non-participating landowner’s property

(d) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.

(e) **Electro-magnetic 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 seventy-five (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 (6) 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.

(i) Decommissioning:

1. The owner or operator shall, at his expense, complete decommissioning of the windmill within (12) twelve months after the end of its useful life.

The windmill will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of (12) twelve months.

2. Decommissioning shall include the removal of the windmill and all associated equipment.

Section 13-1-134 Telecommunications Towers and Facilities

This section adopted 6/13/02.

Statement of Purpose and Intent: The purpose of this chapter is to regulate the placement, construction and modification of telecommunications towers and facilities in order to protect the health, safety and welfare of the public, while complying with the provisions of the Federal Telecommunications Act of 1934, as amended by the Telecommunications Act of 1996. This section reserves to the Village all authority contained in State law and Village ordinances regarding land use, zoning and regulation which has not been preempted by the Telecommunications Act of 1996 as to the placement, construction and modification of personal wireless service facilities.

This section does not apply to the use or location of private, residential, citizen band radio antennas, amateur radio antennas, television antennas, ham radio antennas, public safety communications towers placed by and operated by the Village, or any other signal receiving antenna or device covered under Section 13-1-130 of this Code. The specific purposes of this section are:

To regulate the location, construction, placement, modification and removal of telecommunications towers and facilities;

To protect residential areas and land uses from potential adverse impacts of telecommunications towers and facilities;

To minimize any adverse impacts of telecommunications towers and facilities through design, siting, landscaping, and innovative camouflaging techniques;

To promote and encourage shared use and co-location of telecommunications towers and antenna support structures;

To avoid damage to adjacent properties caused by telecommunications towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;

To ensure that telecommunications towers and facilities are compatible with surrounding land uses.

Development of Towers:

A tower may not be constructed unless site plan approval is obtained from the Planning Commission, the Village Board has issued a conditional use permit and the Zoning Administrator has issued a zoning/building permit. All proposed tower sites are subject to site plan review as set forth in Section 13-1-154 of this Code. Telecommunications towers and associated equipment are allowed as a conditional use in the I-1 zone only. No tower shall be constructed in any other zoning district. Antennas are allowed as a conditional use in all zoning districts as set forth in section (23) of this chapter.

The Village may, by conditional use permit, authorize the use of Village property for towers in accordance with the procedures of this Code. The Village has no obligation to allow the use of Village property for this purpose.

No telecommunications facilities may be located within a distance equal to twice the height of the proposed tower of any use that involves the storage, distribution, or sale of volatile, flammable, explosive, toxic or hazardous materials such as LP gas, propane, gasoline, natural gas, and corrosive or dangerous chemicals, unless the applicant can demonstrate with credible engineering data, to the satisfaction of the Village, that no danger exists in locating the telecommunications facilities in the proposed proximity to said uses.

The development of a tower is subject to the following additional restrictions:

Unless the applicant presents clear and convincing evidence to the Village that co-location is not feasible, a new tower may not be built, constructed or erected in the Village. Any new tower shall be capable of accommodating a minimum of three (3) additional telecommunications facilities owned by other persons, and the tower owner must comply with the provisions of subsection (19) of this chapter relating to existing structures. A new tower shall be designed and built to accommodate three (3) times the tower's initial loading capacity. If the tower is less than one hundred (100) feet in height is shall be built to accommodate two (2) times the tower's initial loading capacity.

Approval to develop, build, construct, modify, or erect a tower will not be granted on the basis that it is economically unfeasible to co-locate or install telecommunications facilities on a tower or antenna support structure owned by the Village, another person or entity.

An application to develop a tower must include:

The names, addresses and telephone numbers of all owners of other towers or antenna support structures, and the locations of such structures, within a four mile radius of the proposed new tower site.

Written documentation that the applicant has made diligent but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on towers or antenna support structures located within a four mile radius of the proposed tower site.

Written, technical evidence from an engineer that the proposed tower or telecommunications facilities cannot be installed or co-located on another person's tower or antenna support structure

located within a four mile radius of the proposed tower site and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.

A written statement from an engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications service enjoyed by adjacent residential and non-residential properties.

Written evidence from an engineer that the proposed structure meets the structural requirements of this Code.

Setbacks:

A tower must be located on a single parcel such that the base of the tower is no closer to the property line than the height of the tower, unless a qualified engineer specifies in writing that the failure of the tower will occur within a lesser distance under reasonably foreseeable circumstances. In no case will the tower be located outside the buildable area of the lot.

Setback requirements for towers are measured from the base of the tower to the property line of the parcel on which it is located.

Structural Requirements. Towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the Uniform Building Code, and any other standards set forth in this chapter.

Height. A tower may not exceed two hundred fifty (250) feet in height.

Separation or Buffer Requirements. Towers must be separated from land used or planned for residential use by a minimum of one hundred twenty five percent (125%) of the height of the proposed tower. Setbacks may be reduced for abutting nonresidential uses, but in no case shall the setback be less than that which is required for the zoning district in which the property is located. The minimum tower separation distance is calculated and applied irrespective of Village jurisdictional boundaries. Measurement of tower separation distances for the purpose of compliance with this subdivision is measured from the base of a tower to the closest point of the abutting property.

Method of Determining Tower Height. Measurement of tower height must include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height is measured from grade.

Illumination. Towers may not be artificially lighted except as required by the Federal Aviation Administration (FAA). At time of construction of a tower, in cases where there are residential uses located within a distance, which is three (3) times the height of the tower from the tower, dual mode lighting must be requested from the FAA. Notwithstanding this provision, the Village Board may approve the placement of an antenna on an existing or proposed lighting standard, provided that the antenna is integrated with the lighting standard.

Exterior Finish. Towers not requiring FAA painting or marking must have an exterior finish as approved in the site plan.

Fencing. Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed in accordance with the applicable fencing requirements in the zoning district where the tower or antenna support structure is located, unless more stringent fencing requirements are required by FCC regulations or as directed by the Planning Commission and subject to site plan review.

Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with landscaping requirements in the site

plan. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. Accessory buildings may not be more than one thousand two hundred (1,200) square feet in size.

Security. Towers must be reasonably posted and secured to protect against trespass.

Access. Parcels upon which towers are located must provide access during normal business hours to at least one (1) paved vehicular parking space on site.

Signage. No signs or advertising shall be allowed on any tower, antenna or structure except those required by the FCC.

Stealth. All towers and antennas shall be, to the greatest extent reasonably possible, of stealth design. Stealth shall not require towers or telecommunications facilities to be totally hidden, and does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

Existing Structures:

Any owner upon whose land a tower is located, which contains additional capacity for installation or co-location of telecommunications facilities, may allow other persons to install or co-locate telecommunications facilities on such a tower. Any such co-location shall require amendment of the original conditional use permit granted for said tower.

An existing tower may be modified to accommodate co-location of additional telecommunications facilities as follows:

Application for a zoning/building permit shall be made to the Zoning Administrator and application for an amendment to the existing conditional use permit or a new conditional use permit shall be made to the Village. The Village Board may, at their discretion, amend any existing conditional use permit or issue a new conditional use permit.

The total height of the modified tower and telecommunications facilities attached thereto shall be established by the new or amended conditional use permit, if granted.

Permission to exceed the existing height shall not require an additional distance separation from designated areas as set forth in this subdivision. The tower's pre-modification height shall be used to calculate such distance separations.

A tower that is being rebuilt to accommodate the co-location of additional telecommunications facilities may be moved on site subject to the setback requirements of this chapter.

Non-conforming Telecommunications Towers and Facilities. Any telecommunication tower or facility approved or constructed before the adoption of this chapter, and not meeting the standards set forth herein, shall be considered a non-conforming structure and shall not be modified, enlarged, moved or reconstructed in any way, except to meet the provisions of this code, unless required to do so by State or Federal law. However, if a non-conforming tower is capable of co-location, such co-location shall be allowed under the procedures set forth in this chapter. Additionally, the owner of any such non-conforming tower shall provide the information as set forth in paragraph (22) of this section. If the owner does not promptly provide this information, the Village may, at its discretion, retain outside technical assistance to perform any such tests and the owner of the tower shall reimburse the Village for any reasonable costs incurred.

Abandoned or Unused Towers or Portions of Towers. Abandoned or unused towers and associated above ground facilities must be removed within six months of the cessation of

operations of an antenna facility at the site unless an extension is approved by the Village Board. A copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site must be submitted at the time of application. If a tower is not removed within six months of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property.

Evaluation and Monitoring. As a condition of approval for telecommunication facilities the applicant shall provide the Village with current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the Village's reasonable request. The Village may, at its discretion, retain any outside technical assistance it deems necessary to evaluate this evidence at the applicants expense.

Co-location of Antennas on Existing Alternative Tower Structures. Antennas may be located in all zoning districts, except P-1 Park, subject to conditional use permit procedure and site plan approval as follows:

Antennas and associated appurtenances may be attached to conforming church steeples, roofs, utility poles, artificial trees, smoke stacks, water towers, municipal buildings, schools, hospitals and existing radio towers in accordance with applicable siting guidelines and performance standards set forth in paragraph (b) and (c) below, after the applicant has provided to the Village a written statement of approval from the tower or structure owner or lessor, and after review and recommendation by the Planning Commission, a conditional use permit has been issued by the Village Board, and a zoning/building permit has been obtained.

The antenna shall not serve to extend the height of the existing structure by more than fifteen (15) feet, measured from the highest point of the structure.

The applicant shall provide written documentation and engineering specifications showing that the structure is capable of supporting the antenna or equipment to be attached and that the proposed antenna shall not cause any interference with any other existing radio, television or telecommunications facility. Stealth design shall be incorporated to the greatest extent possible.

Variances. The Zoning Board of Appeals may grant a variance to the setback, separation or buffer requirements of this section based only on the criteria set forth in Sec.13-1-170 of this ordinance, sub-section (25) below and after review and recommendation by the Planning Commission.

Additional Criteria for Variance. The Zoning Board of Appeals may only grant a variance, after review and recommendation by the Planning Commission, if the applicant also demonstrates with written or other satisfactory evidence that;

The location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area and not change the character of the neighborhood in which the tower is proposed to be located;

The variance will not create a threat to the public health, safety or welfare;

In the case of a requested modification to the setback requirement, that the size of plat upon which the tower is proposed to be located makes compliance impossible, and the only alternative for the applicant is to locate the tower at another site but poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land;

In the case of a request for modification of separation requirements, if the person provides written technical evidence from an engineer that the proposed

tower and telecommunications facilities must be located at the proposed site in order to meet the coverage needs of the applicant's wireless communications system and if the person agrees to create approved landscaping and other buffers to screen the tower from being visible to the residential area;

Failure to Comply:

If the permittee fails to comply with any of the terms imposed by the conditional use permit, the Village may impose penalties or discipline for noncompliance, which may include revocation of the permit, in accordance with the following provisions;

Except as provided in subsection (26)(a,2), the imposition of any penalty shall be preceded by (i) written notice to the permittee of the alleged violation, (ii) the opportunity to cure the violation during a period not to exceed thirty days following receipt of the written notice and (iii) a hearing before the Village Board at least fifteen days after sending written notice of the hearing. The notices contained in (i) and (iii) may be contained in the same notification. The hearing shall provide the permittee with an opportunity to show cause why the permit should not be subject to discipline.

If the Village finds that exigent circumstances exist requiring immediate permit revocation, the Village may revoke the permit and shall provide a post-revocation hearing before the Village Board not more than fifteen days after permittee's receipt of written notice of the hearing. Following such hearing, the Village Board may sustain or rescind the revocation, or may impose such other and further discipline, as it deems appropriate.

Any decision to impose a penalty or other discipline shall be in writing and supported by substantial evidence contained in a written record.

Definitions. For the purposes of this chapter, the terms defined herein shall have the following meanings;

Accessory Equipment Structure. A building or cabinet like structure located adjacent to, or in the immediate vicinity of, a wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.

Alternative Tower Structures. Structures other than towers to which antennas may be attached such as building walls or roofs, grain silos, utility poles, clock towers, steeples, water tanks, light poles or artificial trees.

Antenna. Equipment used for transmitting or receiving radio frequency signals which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omni-directional whip type antennas.

Antenna Support Structure. Any building, pole, telescoping mast, tower, tripod or any other structure, which supports an antenna.

Base Transceiver Station. Equipment that provides the link between wireless communications and land based public telephone switching networks, including radio frequency transceivers, backup power amplifiers and signal processing hardware, typically contained in a small building or cabinet.

Co-location. The location of wireless telecommunication equipment from more than one provider on a common tower, building or structure.

Commercial Receiving and/or Transmitting Antenna. Any antenna erected to transfer information for commercial use.

Mast. The portion of the outside antenna system to which the antenna is attached and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.

Personal Wireless Services. Licensed commercial wireless communications services, including cellular, personal communication services (PCS), enhanced specialized mobile radio (EMR), paging and similar services.

Public Property. Land, buildings or other structures owned or operated by the Village.

Tower. Any pole, spire or structure, or combination thereof, to which an antenna could be attached or which is designed for an antenna to be attached including all supporting lines, cables, wires and braces.

Uniform Building Code. The Wisconsin Uniform Building Code.

Section 13-1-135 through 13-1-139 Reserved for Future Use

Article K: Accessory Uses and Structures; Fences

Sec. 13-1-140 Accessory Uses or Structures.

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.

Placement Restrictions — Residential District. An accessory use or structure in a residential district may be established subject to the following regulations:

Accessory Building Number Limits. In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a lot.

Attached Accessory Building Limits. No attached accessory building or structure shall exceed the height of the principal building or structure. All accessory buildings, which are attached to the principal building, shall comply with the yard requirements of the principal building.

Detached Accessory Buildings. No detached accessory building (non-garages) shall occupy any portion of the required front yard, and no detached accessory building shall be larger than nine hundred (900) square feet or occupy more than thirty percent (30%) of the required rear yard (whichever is more restrictive), or be located within three (3) feet of any other accessory building or rear or side lot line. In addition, detached accessory buildings shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) 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.

Attached Garages. Attached garages shall comply with the dimensional requirements of the zoning district in which located. Attached garages shall comply with the setback requirements applicable for principal structures on the lot.

Detached Garages. Detached garages are permitted in the rear yard and side yards only. They shall not exceed the area requirements found in the standards for each zoning district and the roof pitch shall not exceed the steepest pitch of the principal structure. The total lot coverage shall not exceed the total allowed as set forth in the zoning district where the garage will be located. Total lot coverage shall include all buildings located on the lot. Detached garages shall not be located nearer than three (3) feet to a rear or side yard lot line, shall not be located forward of the front line of the principal structure, and shall comply with the same fire resistive construction and location restrictions as accessory structures listed above. * [13-1-140 (b3)]

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.

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 (3) feet to any side or rear lot line.

Reversed Corner Lots. When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.

Landscaping and Decorative Uses. Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation

include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.

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.

Outdoor Lighting. Outdoor residential lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

Lawn Accessories. Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.

Retaining Walls. Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed three (3) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.

Agricultural Structures. Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

Sec. 13-1-141 Outside Storage of Firewood.

No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.

Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of within fifteen (15) days and shall not be allowed to remain on the premises.

Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.

Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 13-1-142 Fences.

Fences Defined. For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials, which would constitute a nuisance.

Fences Categorized. Fences shall be categorized into four (4) classifications:

Boundary Fence. A fence placed on or within three (3) feet of the property lines of adjacent properties.

Protective Fence. A fence constructed to enclose a hazard to the public health, safety and welfare.

Architectural or Aesthetic Fence. A fence constructed to enhance the appearance of the structure or the landscape.

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.

Height and Placement of Fences Regulated.

A fence or wall may be erected, placed or maintained along a lot line on residentially zoned property (or property primarily residential in use) or adjacent thereto to a height not exceeding six (6) feet above the ground level and be no closer than three (3) feet to a public right-of-way, except that no such fence or wall which is located in a required front yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence or wall along such lot line.

a. In order to provide adequate vision clearance on corner lots, no fence shall be erected or maintained within the triangular space formed by two (2) intersecting street, alley, or driveway (public or private) property lines and a line joining points on such property lines (or projections thereof) located less than:

A minimum of twenty (20) feet from the intersection of the two street property lines;

A minimum of fifteen (15) feet from the intersection of the two alley property lines; or

A minimum of ten (10) feet from the intersection of the two driveway property lines.

Street or alley property lines are measured from the right-of-way or easement lines establishing such street or alley. Driveway lines are measured from the easement establishing such driveway, or, in the case of no easement, from the edge of the driveway surface.

No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.

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

Security Fences. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed eight (8) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

Prohibited Fences.

No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground height and project toward the fenced property and away from any public area. Although fences which conduct electricity or are designed to electrically shock are generally prohibited, such fences using smooth wire are allowed for the limited purpose of deer control. No woven, twisted, welded or interlaced wire fence shall be located in a Residential District, unless such fencing is ornamental in character.

No wood-slat or plastic snow fence shall be permitted in a Residential District, except as a temporary use under Subsection (h).

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.

Temporary Fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.

Nonconforming Fences. Any fence existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but alterations, modifications or improvements of more than fifty percent (50%) of said fence shall require the owner to bring the fence into compliance with this Section.

Fence Permit Required. No person shall erect a fence in the Village without first obtaining a fence permit from the Village and paying a fee to be determined by Village Board. The applicant shall provide the Zoning Administrator with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this Section.

Location Determination. The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his/her property.

Sec. 13-1-143 Swimming Pools.

Definition. A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, having an area greater than one hundred fifty (150) square feet, used or intended to be used solely by the owner, operator or lessee thereof and his/her 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.

Exempt Pools. Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.

Construction Requirements. In addition to such other requirements as may be reasonably imposed by the Zoning Administrator, the Zoning Administrator shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:

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.

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.

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.

Setbacks and Other Requirements.

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

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

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

Sec. 13-1-144 through Sec. 13-1-149 Reserved for Future Use.

Article L: Administration

Sec. 13-1-150 General Administrative System.

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 Zoning Chapter require review and action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

Sec. 13-1-151 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:
Maintain records of all permits issued, inspections made, work approved and other official actions.

Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.

Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.

Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.

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.

Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.

Request assistance and cooperation from the Village Clerk, Building Inspector and Village Attorney as deemed necessary.

Due to the size of the Village of Frederic it may not be feasible to find a suitable person willing to take on the responsibility of being Zoning Administrator on a part-time basis. It is therefore provided that the function of the Zoning Administrator can be delegated to a committee of the Board or a single member of the Board or the Village President. An officer other than a Board member or another employee of the Village may also be designated to handle the duties of Zoning Administrator on part-time basis in addition to the other duties performed by such person. In the absence of a different appointment being made, the Village Administrator shall serve as the Zoning Administrator.

Sec. 13-1-152 Role of Specific Village Officials in Zoning Administration.

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, planned

unit development conditional uses, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter.

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 N of this Chapter for detail provisions.

Sec. 13-1-153 Zoning Permit.

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.

Application. Applications for a zoning permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:

Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.

Description of the subject site by lot, block and recorded subdivision or by metes and bounds or 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.

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.

Fee receipt from the Zoning Administrator or Village Clerk in an amount to be specified in the fee schedule, per application.

Additional information as may be required by the Zoning Administrator, Plan Commission or Village Board.

Action.

Subject to the requirements of Section 13-1-154, a zoning permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of application if no site plan is required. If a site plan is required, the permit shall be granted or denied in writing within thirty (30) days of final site plan approval. The applicant shall post such permit in a conspicuous place at the site.

The permit shall expire within six (6) months unless substantial work has commenced or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the applicant shall reapply for a zoning permit before commencing work on the structure.

Any permit issued in conflict with the provisions of this Chapter shall be null and void.

Sec. 13-1-154 Site Plan Approval.

Site Plan Approval Requirement. Before construction or alteration of any buildings, additions, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on any property within the Village of Frederic that is zoned

commercial, industrial, or as a mobile home park, a site plan for such buildings or improvements shall be submitted to the Plan Commission for review and approval.

Contents of Site Plan. Plans drawn to appropriate scale shall be submitted to the Plan Commission for review. Three (3) sets of all site plans, building plans, and grading plans shall be submitted. The standards which the Plan Commission shall apply are as follows:

Site Plan Criteria. Site plans shall show:

Location of structure(s) on owner's lot (dimensioned).

Dimensions on all front, side, and rear yards, access driveways, etc.

A schedule showing:

Lot area.

Total area expressed in square feet of each building and of each floor of each building.

Number of parking spaces.

Number of employees.

Total square feet of impervious surface, including building, parking lots, loading areas, sidewalks, etc.

Parking and access drive locations, stall dimensions, loading docks, etc.

Size, location, access to and screening of trash receptacles and utility areas.

Other paved areas and walls.

Outdoor lighting, including location, direction of beams and foot candle calculations.

A landscaping and screening plan showing the location, common and botanical names, planting size, root condition and quantity of all plant material. The plan shall also show all ground cover and mulch areas and landscape construction materials.

Irrigation plan showing all underground water lines, irrigation leads and connection to water source.

Locations and dimensions of all easements.

Surface details of all outside areas, such as paving.

Design, size, location, illumination, etc., of all signs.

Designation of proposed future expansion areas.

Grading Plan. Grading site plans shall show:

Existing and proposed grades and contours.

Surface water drainage and detention facilities.

Finished grades at building.

Catch basins and storm sewer locations.

Connections to existing utilities.

Construction site erosion control plan.

Approval of Site Plans. Before starting the construction or alterations of any buildings, additions, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements, the owner shall first submit its building plans, specifications, site and landscape plans, and an elevation sketch of all improvements to the Plan Commission for its written approval. In the event the Plan Commission or its designee fails to approve or disapprove in writing such building plans, specifications, landscape plans, and elevation sketch within the required length of time, then these covenants and restrictions will be deemed to have been complied with. The Plan Commission may delegate all or part of this review to any entity it so chooses.

Sec. 13-1-155 Violations and Penalties.

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.

Remedial Action. Whenever an order of the Zoning Administrator has not been complied with within thirty (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.

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 Section 1-1-6 of this Code of Ordinances.

Sect 13-1-156 through Sec. 13-1-159 Reserved for Future Use.

Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-160 Authority.

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 and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review of the Village Board.

Sec. 13-1-161 Initiation of Changes or Amendments.

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 and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter by reference.

Sec. 13-1-162 Procedure for Changes or Amendments.

Application. 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 Village Clerk, 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:

Plot plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.

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

Together with additional information as may be required by the Village Board.

Hearings.

The application shall be referred to the Plan Commission, which shall review such application and make an advisory recommendation to the Village Board.

The Village Board shall hold a public hearing at a time established by the Village Board 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 ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

Village Board's Action. Following such hearing, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment.

Sec. 13-1-163 Protest.

In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.

Sec. 13-1-164 through Sec. 13-1-169 Reserved for Future Use.

Article N: Appeals

Sec. 13-1-170 Appeals to the Zoning Board of Appeals.

Scope of Appeals. Appeals to the 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 thirty (30) days of the alleged grievance or judgment in question by filing with Village Clerk 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 of appeals upon which the appeals action was taken from.

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 certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the 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.

Powers of Zoning Board of Appeals. In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:

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.

Variances. To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.

Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Planning Commission has made a review and recommendation.

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 and the Planning Commission has made a review and recommendation. Whenever the Board of Appeals permits such a substitution, the use may not thereafter be changed without application.

Unclassified Uses. To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Planning Commission has made a review and recommendation.

Temporary Uses. To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Planning Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.

Permits. The Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

Appeals Applications. Parties intending to appeal an authorized matter to the Board of Appeals shall file with the Village Clerk an application satisfying the requirements of Section 13-1-173(b), along with an application fee as per the fee schedule.

Sec. 13-1-171 Hearing on Appeals.

The 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 (7) days prior thereto, 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 (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

Sec. 13-1-172 Decisions of Board of Appeals.

Timeframe. The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board of Appeal's decision to the appellant or applicant and the Zoning Administrator.

Conditions. Conditions may be placed upon any zoning permit ordered or authorized by the Board of Appeals.

Validity. Variances, substitutions or use permits granted by the Board of Appeals shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

Sec. 13-1-173 Variances.

Purpose.

A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code 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. The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district or 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.

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.

Application for Variation. The application for variation shall be filed with the Village Clerk. 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:

Name and address of applicant and all abutting and opposite property owners of record.

Statement that the applicant is the owner or the authorized agent of the owner of the property and a statement on why this matter is being brought before the Zoning Board of Appeals.

Address and description of the property.

A site plan showing an accurate depiction of the property.

Additional information required by the Village Engineer, Village Board, Zoning Board of Appeals or Zoning Administrator.

Fee receipt in the amount specified in the fee schedule.

Public Hearing of Application. The Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one (1) 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 of Appeals shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.

Action of the Board. For the Board of Appeals to grant a variance, it must find that:

Denial of variation may result in hardship to the property owner due to geographical 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 the Zoning Code should be changed.

The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.

The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.

Board of Appeals Action. Parties may appeal decisions of the Village Board under this Section to the Board of Appeals; the Board of Appeals shall follow the procedures applicable to the Village Board under this Section.

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

Sec. 13-1-174 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 thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

Sec. 13-1-175 through Sec. 13-1-179 Reserved for Future Use.

Article O: Mobile Homes

Sec. 13-1-180 Intent—Where Mobile Home Parks Permitted.

Mobile home parks may hereafter be established only in accordance with the procedures, requirements and limitations set forth in this Article. Mobile home parks, 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. For purposes of this Article, manufactured homes are not considered to be mobile homes.

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 1976 are prohibited. Mobile homes meeting the requirements of the One- and Two-Family Building Dwelling Code shall not be permitted in a mobile home park except as a conditional use. Such Conditional Use Permits may be obtained only after approval by the Village Board.

Sec. 13-1-181 Definitions.

The following definitions are used in this Article:

Unit. Any mobile home unit.

Non-dependent Unit. A mobile home that has a complete toilet and bath or shower facilities.

Mobile Home Park. Any park, camp, court, site, plot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or locations or accommodations for ten (10) or more mobile homes and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. "Mobile Home Park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the sole purpose of inspection and sale.

Space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home unit.

Person. An individual, partnership, firm, corporation, association, trust, whether owner, lessee, licensee or their agent, heir or assignee.

Dependent Mobile Home. A mobile home which does not have complete bathroom facilities.

Licensee or Operator. Any person licensed to operate and maintain a mobile home park under this Article.

Licensing Authority. The Village of Frederic.

Mobile Home Subdivision. A parcel of land platted for subdivision according to all requirements of the Village Subdivision Ordinance and comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.

Residential Mobile Home. A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, COMM 20.12-20.17. "Mobile Home" also means any

coach, cabin, trailer, house ear or other structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped or used for sleeping, eating or living quarters or as a place of business, or is intended to be so used, whether mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle, and includes any additions, attachments, foundations, annexes and appurtenances thereto.

Statutory Definitions. In addition to the above definitions, definitions contained in Sec. 66.058 of the Wisconsin Statutes shall also be applicable.

Sec. 13-1-182 Mobile Homes in Parks Only.

It shall be unlawful, except as provided in this Article, for any person to park or use any mobile home on any street, alley, highway or road or other public place, or on any parcel of land or other space within the Village of Frederic.

Emergency or temporary stopping or parking is permitted on any street, alley, highway or road for no longer than six (6) hours, subject to any other and further prohibition, regulation or limitation imposed by the traffic and parking regulations or ordinance for that street, alley, highway or road.

In mobile home park communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted.

No mobile home park site shall be rented for a period of less than thirty (30) days.

No person shall park or occupy any mobile home on any premises which is situated outside an approved licensed mobile home park.

Sec. 13-1-183 Mobile Home Park License and Application.

It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him a mobile home park within the limits of the Village of Frederic without first having obtained a license for each such mobile home park from the Village Board pursuant to this Article. Such license shall expire one (1) year from the date of issuance but may be renewed under the provisions of this Article for additional periods of one (1) year.

The application for such license or the renewal shall be accompanied by a fee as per the fee schedule.

The application for a license or a renewal thereof shall be made on forms furnished by the Village Clerk and shall include the name and address of the owner in fee of the lands upon which said mobile home park is to be located (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him/her to construct or maintain the mobile home park and to apply for a license), and the location and legal description of the premises upon which the mobile home park is to be or is located as will readily identify and definitely locate the premises. The application shall be accompanied by two (2) copies of the complete mobile home park plan showing the following, either existing or as proposed: (1) the extent and area used for mobile park purposes; (2) roadways and driveways; (3) location of space for mobile homes; (4) location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of spaces; (5) method and plan of sewage disposal; (6) method and plan of garbage removal; (7) plan for water supply; (8) plan for lighting of spaces; (9) plan for rubbish disposal; (10) all other matters required of this Chapter. If the existing or proposed mobile home park is designed to serve non-

dependent mobile home units, such plans shall clearly set forth the location of all sewer and water pipes and connections.

Every licensee shall furnish the Village Clerk and Village Assessor with information on mobile homes added to the mobile home park within five (5) days after their arrival on forms prescribed by the Department of Revenue.

Sec. 13-1-184 Inspection and Enforcement.

No mobile home park license shall be issued until the Zoning Administrator shall notify the Village Board, and the Village Board or its designee shall have inspected each application and the premises on which mobile homes will be located to insure compliance with the regulations, ordinances and laws applicable thereto. No licensee will be renewed without a re-inspection of the premises. For the purposes of making inspections and securing the enforcement of this Chapter, such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

Whenever the Village Board determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, the Village Board shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:

Be in writing;

Include a statement of the reasons for its issuance;

Allow a reasonable time for the performance of any act it requires;

Be served upon the owner or his/her agent as the case may require, provided: such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his/her last known address, or when he/she has been served with such notice by any method authorized or required by the laws of this state;

Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter shall take the remedial action required to effect compliance with the provisions of this Chapter. In the event that such action is not taken in the period provided for in the notice issued pursuant to Subsection (b) herein, the license or permit shall be subject to revocation or suspension pursuant to Sec. 66.058(2)9d, Wis. Stats. The holder of the license or permit shall be entitled to a public hearing on the issue of revocation or suspension; shall be given ten (10) days' notice in writing of such hearing; and shall be entitled to appear and be heard as to why such license shall not be revoked. The holder of such permit or license shall have such rights to appeal revocation or suspension of his/her permit or license as shall be provided by law.

Sec. 13-1-185 Mobile Home Park Standards.

Each mobile home space within a mobile home park shall be clearly defined and shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant; such space shall be no less than fifty (50) feet in width and no less than one hundred (100) feet in depth. The area occupied by a mobile home shall not exceed fifty percent (50%) of the total area of the mobile home space (including any awnings, carports, vehicles or attachments thereto).

Each mobile home space shall be landscaped in accordance with the plans approved by the

Village Board. The mobile home park shall be so arranged that all spaces shall face or abut on an approved public roadway giving easy access thereto. Each space shall have a ten (10) square feet by twenty (20) square feet paved off-street parking space for an automobile. The yard shall be landscaped except for necessary driveway and sidewalk needs, which shall not exceed one-half (1/2) the width of the space. Temporary storage shall not be allowed on lawn areas.

Roadways shall be paved to Village specifications. There shall be a concrete sidewalk along at least one (1) side of roads, access drives off roads to all parking spaces, and mobile home spaces shall be paved.

- (1) A minimum of two (2) off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each mobile home space.

Each mobile home park shall maintain paved off-street parking lots for guests of occupants in the amount of one (1) parking space for each mobile home space. Such parking shall be located within three hundred (300) feet of the mobile homes to be served.

Each space shall be properly landscaped with at least one (1) tree, hedges, grass, fences, windbreaks and the like. All mobile home parks shall have a greenbelt or buffer strip not less than twenty (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 (5) 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 (6) 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.

No mobile home shall be parked closer than five (5) feet to the side lot lines nor closer than twenty (20) feet to the front lot line or within twenty-five (25) feet of the rear lot line.

There shall be an open space of at least ten (10) feet between the sides of adjacent mobile homes. Automobiles may park no closer than five (5) feet to the side of any mobile home; automobiles shall not, however, be parked nearer than five (5) feet to any side lot line.

No tents shall be erected or occupied on any space, and there shall be no outdoor camping anywhere in the mobile home park.

All non-dependent units must be connected to public water and sanitary sewer systems, and plans for disposal of surface storm water shall be approved by the Village Board.

Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse with not less than one hundred (100) amperes capacity and a heavy-duty outlet receptacle. All utility lines shall be placed underground.

No mobile home shall be parked in a mobile home park outside of a designated space therein.

Each mobile home space shall contain a paved area upon which said mobile home is to be placed. Said paved area shall be at least as large as the mobile home which is to be placed thereon.

The mobile home park shall be so arranged that no dependent unit shall be located further than two hundred (200) feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be paved and well lighted.

The mobile home park shall contain a recreation area. The recreation area shall be a minimum of one-half (1/2) acre for each one hundred (100) sites. The minimum recreation area in a mobile home park shall be one-half (1/2) acre.

Sec. 13-1-186 Water Supply.

An adequate supply of pure water furnished through a pipe distribution system connected directly with the public water main with supply faucets located not more than two hundred (200) feet from any dependent mobile home shall be furnished for drinking and domestic service in all mobile home parks.

Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of such mobile home. Such system shall be adequate to provide twenty (20) pounds per square inch pressure and capable of furnishing a minimum of one hundred twenty-five (125) gallons of water per day per space. No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.

Every mobile home park servicing dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

Sec. 13-1-187 Waste and Garbage Disposal.

All liquid wastes from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into the public sewer system.

Every space designed to serve a non-dependent unit shall be provided with sewer connections which shall comply with all applicable state plumbing codes. The sewer connections shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.

All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.

Each faucet shall be equipped with facilities for drainage of waste and excess water.

Every mobile home unit shall be provided with a substantial fly-tight, watertight, leak-proof, non-absorbent metal garbage depository from which contents shall be removed and disposed of in a sanitary manner by the park custodian at least weekly.

Sec. 13-1-188 Operation of Mobile Home Parks; Responsibilities of Park Management.

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.

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:

Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:

Names and addresses of all owners and occupants of each mobile home.

Number of children of school age.

State of legal residence.

Dates of entrance and departure of each mobile home.

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.

Place of employment of each occupant, if any.

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.

Report to Village authorities all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.

Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tie-downs.

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.

Maintain the park free from growth of noxious weeds.

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.

Check to insure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, 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.

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 Village, including regulations promulgated by the Fire Chief.

Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 13-1-190(b) of this Chapter.

Sec. 13-1-189 Responsibilities and Duties of Mobile Home Park

Occupants.

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.

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.

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.

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.

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.

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.

No person shall discharge any wastewater on the surface of the ground within any mobile home park.

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.

Sec. 13-1-190 Additional Regulations on Mobile Homes and Mobile Home Parks

Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the Village. The Building Inspector shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector so determines, he 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 his 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 thirty (30) days.

The Building Inspector, Fire Chief or their lawful agents or employees are authorized and directed to inspect mobile home parks not less than once in every twelve (12) 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.

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.

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.

All mobile homes in mobile home parks shall be skirted unless the unit is placed within one (1) 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.

No person shall construct, alter or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the Building Inspector. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This Subsection shall not apply to 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.

Storage under mobile homes is prohibited.

Sec. 13-1-191 Compliance with Plumbing, Electrical and Building Ordinances

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

Sec. 13-1-192 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:

No more than one (1) identification sign, not exceeding twenty (20) square feet in area, for each principal entrance.

No more than one (1) sign, not exceeding four (4) square feet in area, advertising property for sale, lease or rent, or indicating "Vacancy" or "No Vacancy," may be erected at each principal entrance.

In the case of new mobile home communities consisting in whole or in part of mobile home subdivisions or condominiums, one (1) sign, not exceeding twenty (20) square feet in area, may be erected for a period of not more than two (2) years at each principal entrance to advertise the sale of lots or dwellings.

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 (5) feet of any exterior property line.

Sec. 13-1-193 Common Recreational Facilities.

No less than ten percent (10%) of the total area of any mobile home community 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 (1) principal recreation and community center shall contain not less than five percent (5%) of the total area of the community.

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.

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.

Sec. 13-1-194 Standards for General Site Planning for Mobile Home Communities

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

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.

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.

Protection of Visibility—Automotive Traffic, Cyclists and Pedestrians. At intersections of any streets, public or private, the provisions of Section 13-1-90 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 two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty-five (25) feet from said access measured at right angles to the path.

Exterior Yards for Mobile Home Communities; Minimum Requirements; Occupancy. The following requirements and limitations shall apply to yards at the outer edges of mobile home communities:

Along Public Streets. Where mobile home parks adjoin public streets along exterior boundaries, a yard at least twenty-five (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.

At Edges of R-MH Districts (Other Than at Streets or Alleys). Where mobile home parks are so located that one (1) or more boundaries are at the edges of mobile home parks and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (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.

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.

Yards, Fences, Walls or Vegetative Screening at Edges of Mobile Home Communities.

Along the edges of mobile home communities, 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 community. 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.

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:

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.

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 fifty (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 fifty (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.

Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles.

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 one hundred (100) feet.

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.

Sec. 13-1-195 Temporary Use of Premises for Mobile Homes In Hardship Cases

In hardship cases, the Village Board may in its discretion grant a temporary permit, not to exceed six (6) months; said permit to clearly state the expiration date thereon, provided sanitation rules

as set forth in this Article are complied with and provided that consent of all adjacent owners or occupiers of land is obtained. The temporary permit may be renewed for additional six (6) month periods by the Village Board if the hardship continues beyond the licensed period.

Sec. 13-1-196 Site Plan Review for Mobile Home Parks.

The site plan review standards of Section 13-1-154 shall be complied with for all mobile home park applications under this Article.

Sec. 13-1-197 through Sec. 13-1-199 Reserved for Future Use.

Article P: Definitions

Sec. 13-1-200 Definitions.

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.

Accessory Use or Structure. A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

Advertising Sign, Outdoor. A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.

Advertising Structure, Outdoor. Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.

Alley. A special public right-of-way affording only secondary access to abutting properties.

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

Apartment House. See “Dwelling, Multiple.”

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

Authority. A person, committee, or board to whom the power to issue a permit, or make a determination, decision, or judgment has been delegated.

Basement or Cellar. A story partly underground but having at least one-half (1/2) of its height, or five (5) or more feet, below the mean level of the adjoining ground. See COMM Chapters 20, 21 and 22, Wis. Adm. Code.

Boardinghouse. A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for four (4) or more persons, not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

Buildable Area. The calculated area of any lot, minus the area for required setbacks that a primary structure may be erected on.

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.

Building, Alterations Of. Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.

Building Area. The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.

Building, Front Line Of. A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.

Building, Height Of. The vertical distance from the highest point of a finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs.

Building, Principal. A building in which the principal use of the lot on which it is located is conducted.

Business. An occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

Carport. See “Garage.”

Clinic. A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or non-boarding basis only.

Clothing Repair Shops. Shops where clothing is repaired, such as shoe repair shops, shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but not employing over five (5) persons.

Clothing Stores. Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery and millinery shops.

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

Commercial Feed Lot. Confinement of two hundred (200) or more head of livestock on a farm or other site for the purpose of intensive feeding prior to slaughter or shipment in such concentration that ground vegetation is substantially destroyed where:

The farm or site does not produce a minimum of sixty percent (60%) of the feed necessary to sustain the herd.

The farm or site is insufficient in size to provide for the disposal of all animal wastes in a manner that they will not run off, seep, percolate, or wash into surface or subsurface waters.

Community Living Arrangement. The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Sec. 48.60, Wis. Stats., group foster homes for children under Sec. 48.02(7m), Wis. Stats., and community-based residential facilities under Sec. 50.01, Wis. Stats.; but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Sees. 46.03(22), 59.97(15), 62.23(7)(i), and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.

Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district, allowed only under conditions specified under this Chapter.

Conforming Use. Any lawful use of a building or lot which complies with the provisions of this Chapter.

Court. An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.

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

Curb Level. The level of the established curb in the front of the building measured at the center of such front.

Day Care Center. A place or home which provides care for four (4) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec. 48.65, Wis. Stats.

Development. Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to building, other structures,

or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

District. A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and buildings are uniform.

Double-Wide Mobile Home. A double wide mobile home is a mobile home consisting of two (2) mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.

Drive-in Restaurant. An establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises.

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

Dwelling, Efficiency. A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.

Dwelling, One-Family. A detached building designed, arranged or used for and occupied exclusively by one (1) family, whether attached, detached or semi-attached. Shall include specially designed buildings covered by earth and manufactured homes.

Dwelling, Two-Family. A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.

Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, attached townhouses and condominiums, with the number of families in residence not to exceed the number of dwelling units provided.

Dwelling Unit. A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.

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

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

Family. One (1) or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family, or not to exceed more than four (4) persons if not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this Chapter if he is dwelling for the purpose of adoption or for a foster care program.

Farm. Land consisting of five (5) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.

Floor Area. The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For

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

Foster Family Home. The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Sec. 48.62, Wis. Stats., and amendments thereto.

Frontage. The smallest dimension of a lot abutting a public street measured along the street line.

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

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

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

Gift Stores. Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

Group Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.

Hardware Stores. Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods and paints are sold.

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 thereto and meeting the standards in Section 13-1-71.

Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.

House Trailer. A non self-propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.

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

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

Lodging House. See "Boardinghouse."

Lot. A parcel of land having frontage on a public street, or other officially approved 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, yard, parking area and other open space provisions of this Chapter.

Lot, Corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less, measured on the lot side.

Lot, Interior. A lot situated on a single street which is bounded by adjacent lots along each of its other lines.

Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Lines, Front. Any property line separating a lot from any public or private street, but not including alleys. In the case of corner lots, the primary front lot line is that property line most parallel to the street from which access is gained; the secondary front lot line is the other lot line with street frontage. In the case of a double frontage lot, there is one (1) front lot line that is the property line most parallel to the street from which access is gained.

Lot Line, Rear. The lot line which is opposite and most distant from the front line. In the case of a four (4) sided lot, the owner shall select any lot line, other than one (1) of the front lot lines, to be the rear lot line. In the case of a double frontage lot, the rear lot line shall be most opposite the front lot line along the street frontage for which access is not gained. The rear lot line of any irregularly shaped lot or triangular lot shall be a line within the lot which is ten (10) feet long and most parallel to and distant from the front lot line. For a triangular lot which is also a corner lot, there shall be no rear lot line.

Lot Line, Side. The lot line that is not a front lot line or a rear lot line.

Lot Depth. The least distance from the rear lot line to the front lot line.

Lot of Record. A platted lot of a recorded subdivision, certified survey map, or parcel of land for which the deed, prior to the adoption of this Chapter, is on record with the Polk County Register of Deeds and which exists as described therein.

Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Substandard. A parcel of land held in separate ownership having frontage on a public street, or other officially approved 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.

Lot, Through. A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

Lot Width. The minimum horizontal distance between the side lot lines measured along a straight line most parallel to the front lot line. This minimum measurement or greater is maintained from the front building setback to the rear building setback.

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

Machine Shops. Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing; heating and electrical repair and overhaul shops.

Marquee or Canopy. A roof-like structure of permanent nature which projects from the wall of a building.

Manufactured Home. A structure certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:

Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and ILHR 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for

such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

Is installed in accordance with the manufacturer's instructions;

Is properly connected to utilities; and

Meets other applicable standards of this Chapter.

Minor Structures. Any small, movable accessory erection or construction, such as birdhouses; tool houses; pet-houses; play equipment; arbors, garden storage sheds, etc. A minor structure must be one-hundred twenty (120) square feet or less in area, not permanently fastened to the ground and not exceed eight (8) feet in height.

Mobile Home. A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof) or thirty-two (32) feet or more in length (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; excluded from this definition are manufactured homes.

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.

Motel. A building containing lodging rooms having adjoining individual bathrooms, and where each lodging has a doorway opening directly to the outdoors, and more than fifty percent (50%) of the lodging rooms are for rent to transient tourists for a continuous period of less than thirty (30) days.

Motor Freight Terminal. A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

Motor Vehicle. Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

Nonconforming Uses or Structures. 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. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

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

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

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

Parking Area, Semi-Public. An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.

Parking Lot. A structure or premises containing ten (10) or more parking spaces open to the public.

Parking Space. An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto.

Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

Party Wall. A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above, and which separates contiguous buildings but is in joint use for each building.

Other Officially Approved Access. A private road or easement extending from a private property to a component of the public street system which the Village Plan Commission has approved as a primary means of access.

Planned Unit Development. A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.

Property Lines. The lines bounding a platted lot as defined herein.

Public Way. Any sidewalk, street, alley, highway or other public thoroughfare.

Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed the standards in Section 13-1-71 and only one (1) nonresident person is employed.

Railroad right-of-way. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

School, Private. An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for mental defectives or a college or other institution of higher learning.

School, Commercial. A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.

Seat. Furniture upon which to sit having a linear measurement not less than twenty-four (24) inches across the surface used for sitting.

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 overhanging eaves/cornices shall not exceed twenty-four (24) inches. Any overhang of the eave/cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of the eave/cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback as provided in Section 13-1-13.

Sign, Awning. A sign that is mounted or painted on, or attached to an awning, canopy, or marquee.

Sign, Copy. The message or advertisement, and any other symbols on the face of a sign.

Sign, Face. The area or display surface used for the message.

Sign, Ground. Any sign placed upon or supported by the ground independent of any other structure.

Sign, Portable. A sign that is not permanent, affixed to a building, structure, or to the ground. Such sign may be mounted on wheels to make it transportable.

Sign, Projecting. A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.

Sign, Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve (12) inches from such building or structure.

Sign, Window. A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window.

Story. That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.

Story, Half. A story which is situated in a sloping roof, the floor area of which does not exceed two-thirds ($2/3$) of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

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

Street Yard. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof excluding uncovered steps. Where the street line is an arc, the street yard shall be measured from the arc. In some ordinances, the street yard is also called a setback.

Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

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

Trailer Park. Any lot on which are parked two (2) or more house trailers or mobile homes for longer than forty-eight (48) hours.

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

Use, Accessory. A subordinate use on the same lot which is incidental and customary in connection with the principal use.

Use, Nonconforming. Any use of a building or premises which at the effective date of this Chapter does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premise is located.

Use, Principal. The main use of land or building as distinguished from a subordinate or accessory use.

Use, Permitted. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.

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, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.

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

Yard. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angle to such lot line between side lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, Corner Side. A side yard which adjoins a public street.

Yard, Front. A yard extending along the full width of the front lot line between the side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such a lot is located.

Yard, Rear. A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

Yard, Side. A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

Yard, Street. Yard abutting a street.

Yard, Transitional. That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.

Zero Lot Line Duplex. This dwelling unit type consists of a single-family residence, which is attached on one (1) side to another single-family residence. A zero lot line duplex is distinguished from a duplex merely by having each unit located on an individual lot. These dwelling unit types shall not be split into additional residences.

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