

ZONING

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SECTION I
IN GENERAL

- 1.1 Title.** This Ordinance shall be known as, referred to, or cited as the Zoning Ordinance for the Village of Potter, Calumet County, Wisconsin.
- 1.2 Authority.** These regulations are adopted under the authority granted by ss. 61.35, 61.351 and 62.23(7), Wis. Stats.
- 1.3 Purpose.** The purpose of this Ordinance is to effect the purposes of s. 281.31, Wis. Stats. and to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Village.
- 1.4 Intent.**
- a. It is the general intent of this Ordinance to regulate and restrict:
 - 1. The use of all structures, land and water;
 - 2. Lot coverage, population distribution and density; and
 - 3. The size and location of all structures so as to:
 - (A) Lessen congestion in and promote the safety and efficiency of streets and highways;
 - (B) Secure safety from fire, flooding, panic and other dangers;
 - (C) Provide adequate light, air, sanitation and drainage;
 - (D) Prevent overcrowding;
 - (E) Avoid undue population concentration;
 - (F) Facilitate the adequate provision of public facilities and utilities;
 - (G) Stabilize and protect property values;
 - (H) Further the appropriate use of land and conservation of natural resources;
 - (I) Preserve and promote the beauty of the community; and
 - (J) Implement the community's comprehensive plan or plan components.
 - b. It is further intended that this Ordinance promote the administration and enforcement of its provisions and provide penalties for its violation.
- 1.5 Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- 1.6 Jurisdiction.** The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Village of Potter.
- 1.7 Compliance.** No structure, land, or water shall hereafter be used and no structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged, converted, structurally altered, or changed in use without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.
- 1.8 Abrogation and Greater Restrictions.**
- a. *Greater restrictions.* Wherever this Ordinance imposes greater restriction than other similar regulations, the provisions of this Ordinance shall govern.
 - b. *Deed restrictions.* It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or agreement. The Village of

Potter shall not enforce any easement, covenant, deed restriction or agreement to which it is not a party.

- c. *Prior permits.* It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to law.

1.9 Severability. If any section, paragraph, clause provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land, or waters 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 specially included in said judgment.

1.10 Effective Date. This Ordinance shall take effect and be in full force upon passage and publication as provided by law. This Ordinance adopted the 8th day of August, 2011.

1.11 Definitions.

- a. *Word usage.* In the interpretation of this Ordinance, the provisions and rules of this Ordinance shall be observed and applied, except when the context clearly requires otherwise:
1. Words used or defined in one tense or form shall include other tenses and derivative forms.
 2. Words in the singular number shall include the plural number, and works in the plural number shall include the singular number.
 3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
 4. The word "shall" is mandatory.
 5. The word "may" is permissive.

Abandonment. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Accessory Use. A use of land or of a building, or portion thereof, which is:

- (1) Located on the same lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance;
- (2) Clearly incidental to, subordinate in purpose to, customarily found in connection with, and serves the principal use; and
- (3) Clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal building or use.

Addition. An extension or increase in floor area or height of a building or structure.

Agriculture (farm). The use of land and buildings for the production, keeping, management or maintenance (for sale, lease or personal use) of plants and animals useful to man including, but not limited to:

- (1) Forages and commercial feedlots;
- (2) Sod crops;

- (3) Grain and seed crops;
- (4) Dairy animals and dairy products;
- (5) Poultry and poultry products;
- (6) Livestock, as well as the breeding, pasturage and grazing of any or all such animals, including the following:
 - a. Beef cattle;
 - b. Sheep;
 - c. Swine;
 - d. Horses;
 - e. Ponies;
 - f. Mules;
 - g. Goats; or
 - h. Any mutations or hybrids thereof;
- (7) Fur-bearing animals;
- (8) Game animals;
- (9) Fish and fish products;
- (10) Bees and apiary products;
- (11) Trees and forest products;
- (12) Fruits of all kinds, including grapes, nuts and berries;
- (13) Vegetables;
- (14) Nursery, floral, ornamental and greenhouse products; and
- (15) Lands devoted to soil conservation, forestry management programs, game preserves and wildlife sanctuaries.

For the purpose of this Ordinance, the term "agriculture" includes all necessary accessory uses for packing, treating or storing agricultural products produced on the premises; provided the operation of any such accessory use shall be secondary to that of the normal agricultural activity.

Agriculture Sign. See *Sign, Agriculture*.

Alteration. Any change, addition or modification in construction or occupancy of an existing structure.

Alteration, Structural. Any change or modification to the supporting members or framework of a building or structure such as bearing walls, columns, beams, girders, joists, rafters, etc.

Animal Cremation Service. A service dedicated to the disposition of dead animal remains by means of cremation that may also provide necessary goods and services for the memorialization of the animal if requested.

Animal Shelter. A facility for the care and shelter of homeless, stray, or abused animals.

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices, including supporting structures, which is used for the transmission or reception of electromagnetic waves, and which is external to or attached to the exterior of a building.

Art. The conscious use of skill, taste, and creative imagination in the production of objects whose primary or sole value is intended to be aesthetic. Art is distinct from other forms of production by the application of a person, un-analyzable creative power, not merely expertness in workmanship.

Art Gallery. An institution or business exhibiting or dealing in works of art.

Assisted Living and Retirement Home. A use where the primary function is to provide personal care, food or shelter to three or more unrelated adults whom are retired or do not need the care associated with a nursing or convalescent home, either for profit or nonprofit.

Automobile Sales and Service Lot. Any establishment where more than three automobiles are displayed for sale at any time, or where more than three automobiles are sold in any calendar year.

Basement. That portion of a building below the first floor or ground floor.

Bed and Breakfast Establishment. An owner-occupied dwelling unit that contains no more than three guestrooms where lodging, with or without meals, is provided for compensation.

Beacon. A stationary or evolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention, except, however, this term is not intended to include any lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Billboard. See *Off-Premises Sign*.

Boardinghouse. See *Lodginghouse*.

Board of Appeals. The board created in sec. 8.2, Board of Appeals, consisting of appointed members from the Village of Potter authorized to hear and decide appeals from any order, requirement, decision or determination of the Code Administrator; hear and pass upon applications for variances from the terms of this Ordinance; and hear and pass upon all matters referred to it, or upon which it is required to pass.

Boathouse. An accessory building or accessory structure which is accessible by boats from navigable water, is designed, constructed, and use solely for the purpose of storing or protecting boats and other water related recreational materials, and is used in conjunction with the principal use on a property.

Building. An enclosed structure, maintained, or intended to be used for the protection, shelter, or enclosure of person, animals, or property and which is affixed to the ground.

Building Area. Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.

Building, Detached. A building surrounded by open space on the same lot.

Building Height. The vertical distance measured from the mean elevation of the finished lot grade at the front of the building to the highest point of the roof of the building.

Building Setback. The distance from the boundaries of a lot or street right-of-way within which buildings, including any attachments thereto, shall not be erected.

Business, Drive-in. An establishment with street access which provides no interior seating or service; or an establishment which allows for interior seating or service but conducts a majority of its business by means of a service window, in-car service, or carry-out counter.

Campground. A tract or parcel of land on which space is provided for day or overnight camping.

Camping. The placement of a temporary shelter used as, or designed to be used for sleeping purposes. Example of shelter used for camping includes tents, trailer, motor homes, recreational vehicles, tarpaulins, bed rolls, and sleeping bag.

Carport. A permanent structure, open on at least one side, used to store vehicles.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Church. An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.

Clinic, Medical or Dental. An organization of physicians or dentists, or both, who have their offices in a common building. The term "clinic" shall not include inpatient care.

Club or Lodge. A nonprofit unincorporated association, or a nonprofit corporation of persons who are bona fide members paying dues, which owns, hires or leases a building or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcohol beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcohol beverages is in compliance with applicable federal, state and local laws.

Code Administrator. An authorized representative of the Village of Potter hired or appointed by the Village Board for the purpose of carrying out the terms of this Ordinance.

Conditional Use. A use whose nature, character, or circumstance is so unique or so dependant upon specific conditions that predetermination of permissibility by right is not practical, but which may be permitted on a case by case basis subject to the conditional use permit procedure.

Condominium. An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel or real property, together with a separate interest in space in a residential or commercial building, such as an apartment or office. A condominium may also include a separate interest in other portions of such real property.

Convalescent Home. See *Nursing Home*.

Copy. The advertising message, announcement or decoration of a sign.

County. Calumet County, Wisconsin.

Crop Sign. See *Sign, Crop*.

Cul-de-sac. A local street, one end of which is closed and consists of a circular turnaround.

Day Care Center, Group. An establishment for the care and supervision of nine or more children under seven years of age for more than four and less than 24 hours per day for more than ten days per month.

Day Care Home, Family. A private dwelling used for the care and supervision of one to eight children under seven years of age for more than four and less than 24 hours per day for more than ten days per month. For the purposes of this Ordinance, a family day care home shall be allowed as an accessory use to any permitted or legally established dwelling in any zoning district.

Deck. An open, unroofed, unenclosed floor structure which is elevated above the adjacent ground level and used for lounging, dining or recreation purposes.

Department. The Wisconsin Department of Natural Resources.

Density. The number of dwelling units per acre.

Development. The division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any use or extension of use of land.

Directional Sign. See *Sign, Directional*.

Distributing Facility. A building or premises used for the storage, wholesale and/or distribution of manufactured products, supplies or equipment.

District. A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.

Double-Faced Sign. See *Sign, Double-Faced*.

Driveway. A private, hard-surface roadway providing access from a street or public right-of-way to approved parking spaces on a lot or parcel of land. Driveways shall be paved with asphalt, concrete, paving bricks, or an equivalent hard-surface material. For the purpose of this definition, compacted gravel or crushed stone a minimum of four inches in thickness shall be considered an equivalent hard-surface material.

Duplex. See *Two-Family Dwelling*.

Dwelling. A building, or portion thereof, designed and used for residential purposes, containing one or more dwelling units, but not including hotels, motels or single-width manufactured homes (mobile homes).

Dwelling, Attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached. A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, Multi-Family. A building containing three or more dwelling units.

Dwelling, One-Family or Single-Family. A building containing one dwelling unit.

Dwelling, Single-Family. See *Dwelling, One-Family*.

Dwelling, Two-Family or Duplex. A building containing two dwelling units.

Dwelling Unit. A structure, or part of a structure, which consists of one or more rooms arranged, designed or used as living quarters for one family only, including complete, permanently installed bathroom and kitchen facilities.

Easement. A grant of one or more property rights by the owner of a parcel of land to, or for the use by, the public, a corporation, or another person or entity.

Electronic Reader Board Sign. See *Sign, Electronic Reader Board.*

Employee or Staff Member, Full-time. A person who works full-time at the building or use regulated. For computation of the sum of employees at a use scheduling more than one shift, the sum shall be based on the maximum number of employees at any one shift working at least 30 hours per week.

Establishment, Business. A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same lot.

Family. One or more persons each related to the other by blood, marriage, adoption or foster children, who are living together in a single dwelling unit and maintaining a common household. Not more than five unrelated persons living together on a premises may constitute a family. The term "family" includes any domestic servants and not more than one gratuitous guest residing on the premises.

Farm. See *Agriculture.*

Farm Sign. See *Sign, Farm.*

Fence. An enclosing barrier consisting of vegetation, wood, stone, metal or other material. For the purposes of this Ordinance, the term "fence" shall be construed to include plantings such as hedges.

First Floor. The first floor level above any ground floor or basement or, in the absence of a ground floor or basement, the lowest floor level of a building.

Floor Area.

- (1) For determining floor area, the sum of the gross horizontal areas of all floors in a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The term "floor area" of a building includes basement areas, elevator shafts, stairwells at each floor, floor space used for mechanical equipment (except open or enclosed equipment located on the roof), penthouse areas, interior balconies and mezzanines, enclosed porches, attached garages, and floor areas devoted to accessory uses. The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, shall be determined on the basis of ten feet in height shall equal one floor.
- (2) For determining off-street parking and loading requirements, the sum of the gross horizontal areas of all floors in a building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor areas devoted to retailing activities, the production or processing goods, or business or professional offices. The term "floor area" does not include:
 - a. Floor areas devoted primarily to storage purposes, except as otherwise noted herein;
 - b. Floor areas devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering spaces; or
 - c. Basement floor areas other than areas devoted to retailing activities, the production or processing of goods, or business or professional offices.

Freestanding Sign. See *Sign, Freestanding*.

Frontage. The smallest dimension of a lot abutting a street measured along the street line.

Frontage, Lot. The front lot line of the lot, lots or tract of land which abuts a public street, road, highway or right-of-way.

Funeral Home. An establishment where the activities necessary for the care and custody of the human dead, including: refrigeration, embalming; cremation; other necessary care; viewings; wakes; funerals; and other rites and ceremonies consistent with the final disposition of the dead, are conducted.

Garage, Private. Any accessory building or space for the storage only of not more than three motor vehicles per dwelling unit.

Garage, Public. An enclosed building used by the public for the storage of motor vehicles.

Garage, Repair. A building or premises in which or upon which motor vehicles are maintained, serviced, repaired, rebuilt or refinished, including both minor and major mechanical overhauling, body work and painting. See *Service Station*.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Grade, Sign. The elevation or level of the street closest to a sign, measured at the street's centerline.

Ground Floor. That level of a building on a sloping or multilevel lot, below the first floor, which has a portion of its floor line below grade and a portion at or above grade.

Hedge. A dense row of shrubs, vegetation, plantings, etc., forming a boundary, fence, or barrier.

High-Water Mark. The mark left by water at its highest level.

Home Occupation. A gainful occupation conducted in a residential structure which meets all of the following conditions:

- a. Employees. Only occupants of the home or no more than one non-occupant full-time equivalent employee as a conditional use.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- c. All sales in connection with such home occupation shall be clearly related to the service provided.
- d. Impact on neighbors.
 1. No vehicular traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
 2. No home occupation may have deliveries to or from the dwelling more than once in any one month or four times in any 12 month period by truck tractor trailer having a combined maximum vehicle and load weight limit in excess of 10,000lbs. or trailers requiring a

license to be operated on highways in this state. This delivery restriction does not apply to step van vehicles such as United Parcel Service or Federal Express vehicles.

3. No equipment process that creates visual/audio electrical interference.
 4. There shall be no noise, fumes, glare and vibrations generated by the home occupation.
 5. There shall be no visual display of products on the premises or there shall be no external visual display of products on the premises.
 6. There shall be no external evidence of the home occupation, with the exception of signage.
- f. No combustibles, oxidizers or other potentially dangerous supplies or equipment shall be stored on the premises, unless locked in a metal locker, designed for storage of same.
- g. Vehicles. Only one vehicle whose primary use is associated with the home occupation may be visible.
1. Visible shall be defined as parked on the driveway or on the street.
- h. Permitted home occupations include, but are not limited to, the following:
1. Barbering, hair styling, home beauty salon.
 2. Computer sales and consultation.
 3. Computerized sign making.
 4. Draperies, tailors and the like.
 5. Insurance office.
 6. Licensed gunsmith.
 7. Professional home offices.
 8. Real estate agent office.
 9. Telecommunications office.
- i. Conditional uses. The following may be permitted as conditional uses:
1. Cabinet making.
 2. Dog grooming.
 3. Picture framing.
 4. Printing.
 5. Any home occupation in a multi-family dwelling.
 6. Any home occupation with a non-occupant full-time employee.

- j. Not acceptable home occupations.
1. Auto or truck repair.
 2. Auto or truck sales.
 3. Heating, ventilation, air conditioning or similar businesses.
 4. Households holding rummage sales more than four times per year.
 5. Machine, tool and die, or similar type shops.
 6. Restaurants or antique shops.
 7. Tattoo parlors.
 8. Welding or metal working shops.
 9. Any and all businesses that would store or park heavy equipment on residential property. Heavy equipment may be defined as backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes, forklifts or similar like equipment.
 10. Any other uses or occupations that would have negative impact on the neighborhood and property values, or affects the health, safety and welfare of adjacent residents.

Hospital. An institution providing health services primarily for inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel. A building containing lodging rooms, a common entrance lobby, halls, and a stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies, and where more than 50 percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days.

Illuminated Sign. See *Sign, Illuminated.*

Incompatible Use. A use or service which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.

Junkyard or Salvage Yard. An unenclosed area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. The term "junkyard" or "salvage yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Kennel, Indoor. A building in which three or more dogs or four or more cats or other animals at least two months of age are commercially kept for board, propagation, training, sales or other uses, all of which are conducted within the building itself.

Kennel, Outdoor. A property on which three or more dogs or four or more cats or other animals at least two months of age are commercially kept for board, propagation, training, sales or other uses, all of which are conducted on the property itself.

Landfill. An operation in which refuse and earth or other suitable cover material are deposited in alternate layers of specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

Legal Nonconforming Sign. See *Sign, Legal Nonconforming.*

Lodge. See *Club.*

Lodginghouse, boardinghouse and roominghouse. An owner-occupied residential building, or portion thereof, but not a motel, apartment hotel, or hotel containing lodgingleasing rooms, which accommodates persons who are not members of the owner's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis.

Lodgingroom. A room rented as sleeping and living quarters, without cooking facilities, and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodgingroom for the purpose of this Ordinance.

Lot. For the purposes of this Ordinance, a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed together with the required open spaces; provided that no such parcel shall be bisected by the public street, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for road purposes shall be included in the computation of lot size for the purposes of this Ordinance. The term "lot" includes the terms "tract," "parcel" and "property."

Lot, Corner. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Line. A line bounding a lot which divides one lot from another lot or from a street or road.

Lot Line, Front. That boundary of a lot which is along an existing or dedicated public street or, where no public street exists, which is along a public way. In the case of a corner lot, the front lot line is that line which borders the street upon which the main entrance is or will be located.

Lot Line, Rear. That boundary of a lot which is most distant from and is, or most nearly is, parallel to the front lot line.

Lot Line, Side. Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record. A lot which is part of a subdivision, land division, replat or certified survey, the plat or map of which has been recorded in the office of the register of deeds of the county; or a parcel of land, the deed to which was recorded in the office of said register of deeds prior to the adoption of this Ordinance.

Lot, Substandard. A lot or parcel of land which does not comply with the minimum lot size requirements established in this Ordinance for the zoning district in which such lot or parcel is located.

Lot, Through. A lot having a pair of opposite lot lines along two more or less 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 distance between side lines of the lot measured at the front yard setback line.

Lot, Zero Lot Line. A lot upon which a building may be constructed so that one of its walls is placed on a side lot line. Such wall may be a common wall with an adjoining building on an adjoining lot.

Manufactured Home. A factory-built, single-family structure manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act of 1974, which is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the structure other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. For the purpose of this Ordinance, the term "manufactured homes" includes structures known as mobile homes.

Marina. A facility for storing, servicing, fueling, berthing, securing and launching of private pleasure craft, which may include the sale of fuel and incidental supplies for the boat owners, crews and guests.

Miniwarehouse and Self-Service Storage Facility. A building consisting of varying sizes of unheated, unattended, private, individual, compartmentalized, self-contained and controlled access units, stalls or lockers that are rented, leased or owned for the storage of household or business goods or wares.

Mobile Home. For the purposes of this Ordinance, a single-width, factory-built or manufactured home, which is designed to be used as a year-round residential dwelling, and which is transported as a single unit or section.

Motel. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transient lodging that has individual entrance from outside the building to serve each such sleeping unit where there is no permanent occupancy of any such unit except by the owner or the motel manager.

Modular Home. Structures which are delivered to the site in halves or other modular arrangements consisting of complete wall sections or large units fabricated off premises by the manufacturer of the basic unit and designed and intended to be attached to the basic unit and which when joined together exceed 18 feet in width throughout, meet minimum floor area requirements of this Ordinance, have a length to width ratio of not more than 2.5 to 1 (with length measured along the center of the longest roof access and width measured perpendicular to the above at the completed unit's most narrow span), and which are placed upon a permanent foundation, are considered one-family or single-family dwelling units.

Monument Sign. See *Sign, Monument.*

Moving Sign. See *Sign, Moving.*

Nonconforming Lot. A lot which does not comply with all of the regulations of this Ordinance, or of any amendment hereto, governing lot area and/or width for the zoning district in which such lot is located.

Nonconforming Sign. See *Sign, Nonconforming.*

Nonconforming Structures. A building or premises lawfully used, occupied, or erected at the time of the passage of this Ordinance or amendments thereto, which does not conform to the regulations of this Ordinance with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

Nonconforming Use. The use or occupancy of a building or premises, which is lawful at the time of the enactment of this Ordinance or amendment thereto, but which use or occupancy does not conform to the provisions of this Ordinance or any amendments thereto.

Nursing Home, Convalescent Home or Rest Home. A private establishment for the care of children, the aged or the infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury.

Off-Premises Sign. See *Sign, Off-Premises.*

On-Premises Sign. See *Sign, On-Premises.*

Outdoor Solid Fuel Burning Furnaces. Any furnace or similar appliance designed to be set up and operated in the open, outside of a building or structure, which burns wood, coal, pellets or other solid fuel for the purpose of supplying space heating for one or more buildings in proximity to the appliance.

Parking, Off-Street. Where licensed, operable motor vehicles are parked or temporarily stored while not in operation in garages, lots or ramps specifically set aside for idle vehicles.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Personal Service Establishment. A use which is any of the following: clothing and shoe repair or rental shops, barber/beauty shops, portrait/photography studios, tanning salons, travel agencies, fitness centers, or related uses. The list of examples is not intended to be exhaustive.

Philanthropic, Charitable. Any of the following:

- (1) A purpose described in section 501(c)(3) of the Internal Revenue Code.
- (2) A benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental conservation, civic or other eleemosynary objective.

Pier. A structure used for docking watercraft or for loading and unloading cargo or passengers and extends perpendicular to the shore line

Plan Commission. A body consisting of elected and appointed members from the Village of Potter authorized to consider zoning matters and make recommendations to the Village Board.

Principal Building. The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located. Or any structure which may adjoin or be attached to.

Professional Home Office. A portion of a dwelling unit of a doctor of medicine, dentist, clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician, real estate broker, professional photographer, insurance agent, and related professional used to conduct their profession.

Projecting Sign. See *Sign, Projecting.*

Property Line. A legally established line dividing a lot or parcel of land from an adjoining lot or parcel of land.

Public Utility, Governmental and Service Uses. Uses including, but not limited to, electric substations, gas regulator stations, post offices, fire stations, police stations, municipal buildings, railroad passenger stations, railroad rights-of-way (but not including railroad yards), public road rights-of-way, sewage treatment plants, dams, power plants, waterworks, reservoirs, pumping stations, filtration plants, telephone transmission equipment and buildings, and microwave relay towers.

Recorded. For the purpose of this Ordinance, means recorded in the office of the register of deeds of the county.

Rest Home. See *Nursing Home.*

Restaurant, Drive-in. A restaurant which has no interior seating or which has interior seating with in-car service.

Revolving Sign. See *Sign, Revolving.*

Right-of-Way. A strip or parcel of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm sewers, or any other use requiring maintenance by a public agency shall be dedicated to public use by the developer of the plat on which such right-of-way is established. The use of the term "right-of-way," for land platting purposes, means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

Roadside Stand. A temporary or seasonal building or structure for the display and sale of agricultural products with no space for customers or patrons within the structure itself.

Roof Sign. See *Sign, Roof.*

Roominghouse. See *Lodginghouse.*

Retreat Center. An establishment providing a place where six or more people stay overnight for a period of withdrawal for prayer, meditation, study, and/or instruction. Retreat centers are not schools, bed and breakfast establishments, motel, hotels, private residences, or other similar land use establishments.

Rooming House. See *Lodginghouse.*

Salvage Yard. See *Junkyard.*

Sanitarium. An institution for the care of invalids or convalescents.

Satellite Dish Antenna. A round, parabolic antenna whose purpose is to receive communications or other signals from orbiting satellites and other sources and magnify and transfer such signals to the interior of a building. For the purposes of this Ordinance only, the regulations contained herein shall not apply to satellite dish antennas measuring one meter or less in diameter or width.

Service Station. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication and minor repairs are conducted; but shall not include establishments where major automotive maintenance activities such as engine overhauls, vehicle painting or body work is conducted, See *Garage, Repair.*

Setback. The minimum horizontal distance between a building, structure or use and a property line or right-of way line.

Setback Area. The horizontal area or areas of a lot between the property lines or right-of-way lines and the minimum setback lines as established in the zoning district sections of this Ordinance.

Setback, Front Yard. The minimum horizontal distance between the front of a building, structure or use, and the front property line or right-of-way line.

Setback Lines. Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures or uses may be constructed, maintained or carried on, except as shown herein.

Setback, Rear Yard. The minimum horizontal distance between the rear of a building, structure or use, and the rear lot line.

Setback, Side Yard. The minimum horizontal distance between the side of a building, structure or use, and a side lot line.

Sign. Any illuminated or non-illuminated emblem, painting, banner, pennant, placard, design, identification, description, illustration or device intended to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution or business, including any permanently installed or situated merchandise intended to be visible from any road or from navigable water. For the purpose of removal, the term "sign" includes its supporting structure.

Sign, Agriculture. A sign advertising agricultural products which are available at a specific farm or are being produced on the farm on which the sign is located.

Sign, Crop. A temporary sign which designates a variety, brand, or provides other identification of an agricultural crop, fertilizer, herbicide or pesticide that is being grown or used at a specific location.

Sign, Directional. An on-premises, incidental sign designed to guide or direct pedestrians or vehicular traffic.

Sign, Double-Faced. A sign with copy on two back-to-back parallel sides, facing in opposite directions.

Sign, Electronic Reader Board. Any sign that by electronic means conveys a message or advertises a product or service and changes the message from one message to another message. Time/temperature signs shall not be considered electronic reader board signs.

Sign Face Area. The entire surface area of a sign display face upon which copy could be placed; or, if no background or frame, the total area of the smallest rectangle or rectangles, which can encompass all words, letters, figures, emblems, and any other element of the sign's message. When a sign has more than one display face, the combined surface area of all display faces that can be viewed simultaneously shall be considered the sign face area.

Sign, Farm. An on-premise sign identifying a farm by its name or by the farmer's name.

Sign, Flashing. An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Sign, Freestanding. A sign which is supported by one or more columns, uprights or braces, in or upon the ground.

Sign Height. The vertical distance, measured from the grade at the street right-of-way line where the sign is located, to the highest point of such sign.

Sign, Illuminated. A sign in which a source of light is used to make the message readable. The term "illuminated sign" includes internally and externally lighted signs.

Sign, Legal Nonconforming. A nonconforming sign which complied with applicable code regulations at the time it was originally erected.

Sign, Monument. A sign mounted on a base or platform. The base shall be constructed out of a solid material such as stone, brick or poured concrete and its dimensions shall be proportionate to those of the sign. The bottom of the sign shall be located within six inches vertically of the base and the height of the sign, as defined in this section shall not exceed eight feet.

Sign, Moving. Any sign that has motion.

Sign, Nonconforming. Any sign, legally established prior to the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the requirements imposed by this Ordinance.

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

Sign, On-Premises. A sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

Sign, Projecting. A single or double faced sign which is attached to and projects from a structure or building fascia more than 12 inches.

Sign, Reader Board. A blank sign, either permanently mounted or on a portable stand, allowing letters to be affixed to it so that messages may be changed by manual replacement of letters.

Sign, Revolving. A sign which revolves 360 degrees but does not exceed eight revolutions per minute.

Sign, Roof. A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by such building.

Sign Structure. Any structure which supports or is capable of supporting a sign. A sign structure may consist of a single pole or may be an integral part of a building.

Sign, Time/Temperature. A sign having electronically changing copy that displays current time/temperature not to exceed eight square feet.

Sign, Temporary. A sign, banner, inflatable sign, balloon, pennant, poster, portable reader board, or advertising display constructed of cloth, plastic, cardboard, wall board, or other materials, intended to be displayed on the exterior of a building for less than eight weeks in a calendar year and not permanently attached to a building or to the ground. For this Ordinance, permanently attached includes such means as bolts, concrete foot wings or foundations, or similar such devices.

Sign, Wall. A sign which is affixed to or painted on an exterior wall of a building or structure and which projects not more than 12 inches from the building or structure wall and which does not

extend more than six feet above the parapet, eaves or building facade of the building on which it is located.

Sign, Window. A permanent sign that is painted or affixed to a window pane, either on the interior or exterior side of the window pane, solely for the purpose or effect of identifying premises from the sidewalk or street; or a temporary sign advertising special sales, events or products which is not permanently painted on or affixed to the window pane.

Staff Member. See *Employee*.

Story. That part of a building between the surfaces of any floor and the floor next above or below, or roof next above, or any space not defined as a basement, ground floor, mezzanine, balcony, penthouse or attic.

Street. A legally established public thoroughfare or right-of-way, whether designated or not by name or number, such as avenue, boulevard, circle, court, drive, lane, place, road or way, which affords a primary means of vehicular access to abutting property.

Street Right-of-Way Line. The dividing line between a lot, trail or parcel of land and an abutting street.

Structure. An assembly of materials forming a construction, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision. A division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose, whether immediate or future, of sale or building development.

Substation, Public Utility. A facility where public utility services are switched in order to disconnect or reconnect parts of the system.

Structural Alteration. See *Alteration, Structural*.

Swimming Pool. Any permanent depression in the ground or any permanent above or below ground container in which water more than 18 inches deep is contained and which is used primarily for the purposes of bathing or swimming. For the purpose of this definition, the term "permanent" means a device which remains in place year-round and is not dismantle, stored, moved or removed on a seasonal basis. The term "swimming pool" does not include such temporary devices such as children's wading pools, inflatable pools or similar devices, regardless of water depth.

Temporary Building. For the purposes of this Ordinance, an easily erected and/or readily transportable building, without permanent sewer, water, heating or electrical power, which is used for a specific purpose for a limited period of time before being dismantled and/or removed. The term "temporary building" may include, but are not limited to:

- (1) Tents used for church picnics, revival meetings, charitable events and similar uses;
- (2) Greenhouses used for seasonal display and retail sale of nursery stock;
- (3) Roadside stands used for seasonal sale of agricultural products; or
- (4) Trailers used as temporary office space for employees.

Temporary Sign. See *Sign, Temporary*.

Tent. Any temporary structure or enclosure, the roof of which and/or one-half or more of the sides of which are constructed of silk, cotton, canvas, fabric or a similar pliable material.

Townhouses. Attached dwellings having common side walls with each unit having a separate front and rear entrance from the outdoors.

Use, Accessory. See *Accessory Use*.

Use, Conditional. See *Conditional Use*.

Use, Permitted. A use of land or buildings which may be lawfully established in a particular zoning district, provided it conforms with all applicable requirements, regulations, and standards of such district.

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

Variance. A departure from the terms of this Ordinance as applied to a specific building, structure or parcel of land. The Board of Appeals may grant a variance after finding that:

- (1) A literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought;
- (2) A literal enforcement of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district; and
- (3) The granting of a variance will not be detrimental to public health, safety or welfare, or injurious to other property or improvements in the neighborhood, or substantially diminish or impair property values.

In no case shall a variance be granted to allow a use not permitted in a particular zoning district.

Village. Village of Potter, Wisconsin.

Wall Sign. See *Sign, Wall*.

Warehouse. A building used primarily for the storage of goods and materials.

Window Sign. See *Sign, Window*.

Vision Clearance. An unoccupied triangular space at the intersection of two or more streets or highways, or highways and railways, which is bounded by the street lines, highway or railway right-of-way lines and a setback line connecting points specified by measurement from the corner on each street, highway or railway line.

Wetland. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wetland Natural Functions. Per NR 117.05(4)(d), Wis. Admin. Code, the following are natural functions of a wetland: storm and floodwater storage capacity; maintenance of dry season stream flow or the discharge of groundwater to a wetland; the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

Wheeled Vehicle. Any motor vehicle, off-road vehicle, ATV, equipment trailer, utility trailer, travel trailer, camper or similar wheeled device which is self-propelled or intended to be or towed behind a vehicle.

Yard. An open, unoccupied space on a lot on which a building or structure is located, unobstructed from ground level to the sky, except as otherwise permitted in this Ordinance. A yard extends along a lot line and to a depth or width which is bounded by the setback line or lines as established for the zoning district in which such lot is located.

Yard, Front. A yard extending along the full length of a front lot line between the side lot lines.

Yard, Rear. A yard extending along the full length of a rear lot line between the side lot lines.

Yard, Side. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and side lot line.

Zoning District Map, Official. A map, duly approved and adopted by the Village Board, which defines and identifies the boundaries and locations of zoning districts which is on file at the Village Hall.

SECTION II

GENERAL PROVISIONS

- 2.1 Number of Dwellings or Structures.** Not more than one single-family or two-family dwelling shall be located on a lot. There may be more than one multiple-family dwelling (including townhomes and condominiums), commercial, or industrial structures on a lot if all district requirements and parking are complied with for each structure.
- 2.2 Corner Lots.** In the case of a corner lot, the frontage upon which the main entry of a principal building faces shall be deemed "front yard" and shall meet the required front yard setback. The other frontage(s) shall be deemed the "side yard(s)" and the minimum setback shall be 60% of the required front yard setback from the same lot.
- 2.3 Accessory Buildings.** Accessory buildings shall not occupy more than 30 percent of the required rear yard area. Any accessory building projected forward of the rear building line of the principal building shall satisfy the same yard requirements as the principal building.
- 2.4 Open and Unobstructed Yards.** Every part of the required area of a yard shall be open and unobstructed except for permitted accessory buildings and the ordinary projections of sills, cornices and ornamental features. Fire escapes may project into a required yard not more than five feet.
- 2.5 Building Height Exceptions.** The maximum building height standards of this Ordinance shall not apply to church spires, church belfries, water towers or any type of power or communication utility tower or pole.
- 2.6 Public Sewerage.** In any zoning district where public sewerage is not available at the time of development, minimum lot width and area shall be sufficient to permit the use of an on-site sewage disposal system which is in full compliance with any applicable sections of Ch. COMM 83 of the Wisconsin Administrative Code.
- 2.7 Vision Clearance Triangle.** In each quadrant of any street intersection or street-railroad intersection, there shall be designated a vision clearance triangle bounded by the interior street

(and or railroad) right-of-way lines and a line connecting points on them 50 feet from their intersection. Within this triangle no structure or object of natural growth, except annually harvested crops (except fruit trees), shall be constructed, maintained or permitted to grow beyond the height of three feet above the elevation of the street or railroad grade at the centerline if it obstructs the view across the triangle. This provision shall be construed to mean that a sufficient number of trees may have to be removed to render clear visibility across the vision clearance triangle, the intent being to provide for the public safety; but it shall not necessarily be construed to mean that every tree in a given triangle must be removed. In a like manner, this restriction shall not apply to a chain link fence provided that such fence does not obstruct the view across the triangle.

2.8 Relaxation of Front Yard Setback Requirements. The front yard setback requirements of this Ordinance may not apply to any structure proposed after the effective date of this Ordinance if there are any pre-existing structures located wholly, or in part, within 100 feet of the proposed structure, on separate lots, which are already setback less than the required distance. In such cases, the proposed structure may be setback either a distance equal to one-half of the required setback, or a distance equal to the average of the setback(s) of the aforementioned existing nonconforming structure(s) and the required setback, whichever distance is greater.

2.9 Solar Access Protection. Within 100 vacant feet of any existing or passive solar powered structure, no proposed new structures may be placed (erected or moved); and no trees, bushes, hedges or other items of natural growth shall be allowed to grow beyond a height of ten feet, until the Board of Appeals has first issued a Solar Access Release, stating that the proposed new structure(s) will not, in any manner, infringe upon or interfere with the normal solar operation of the existing solar structure(s). Solar Access Release forms shall be provided by the Village and, once executed, shall be considered a permanent release allowing construction (or moving) of such new structure(s) and/or such natural growth beyond a height of ten feet. This provision shall, in no way, exempt any new structures from complying with any other minimum dimensional requirements of this ordinance.

2.10 Fences and Walls.

a. *Height of fences and walls.* Newly constructed or reconstructed fences and walls are permitted subject to the following:

1. In residential zoning districts, a fence or wall up to six feet in height may be erected within the rear lot line, side lot lines and return to the front corner of the principal building. In commercial and industrial zoning districts, a fence or wall up to eight feet in height may be erected with the rear lot line, side lot lines and return to the front corner of the principal building.
2. A fence or wall not exceeding three feet may be erected within the side lot lines and across the front yard forward of the front corners of the principle building.
3. Any wall retaining more than three feet of earth shall not be allowed unless certified computation prepared by a professional engineer are provided to the Code Administrator.
4. A terraced wall retaining no more than six feet of earth may be erected without providing engineering computations if the height of any individual wall does not exceed three feet and individual walls are spaced one and one-half the height of the highest individual wall.
5. If a retaining wall exceeds three feet, a three foot barrier fence shall be placed along the top of the wall, excluding one and two-family residential.

- b. *Fence maintenance and construction.* Fences may be wood, concrete, block, stone, steel, chain link or plantings or other ornamental materials with the finished side facing out. Such fences shall be kept in good repair, painted, trimmed and well maintained.
- c. *Barbed wire and electric fences.* Barbed wire and electric fences may be erected and maintained in the Agricultural (A) District for control of livestock. In all other districts, barbed wire and electric fences may be erected and maintained only after the person desiring to erect and maintain the barbed wire or electric fence has secured a conditional use permit.
- d. *Swimming pool safety fences.*
 - 1. Access requirements.
 - (A) All swimming pools to be constructed shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in diameter, except for doors and gates or by a retractable pool cover. The fence shall be of a type not readily climbed by children. A dwelling or accessory building may be used as part of such enclosure. An above ground pool with a wall greater than four feet in height does not require a fence if the wall cannot be readily climbed by children.
 - (B) Above ground pools shall be protected in such a way that access ways, other than those afforded by the dwelling or accessory buildings, shall be equipped with self-closing and self latching gates or doors (including removal of ladders to pools when not in use) and are kept securely closed at all times when not in actual use.
 - (C) This requirement is retroactive. All private swimming pools described in this Ordinance in existence on July 1, 2011, shall be in compliance on or before July 1, 2014.
 - 2. Construction requirements. As part of the land use permit requirement of sec. 7.1, Land Use Permits, an applicant shall conform to the following:
 - (A) Submit a scaled drawing site plan indicating the location of the building(s), pool, decking, fence and gates;
 - (B) Install safety fencing around pool site during construction and until a permanent fence and gate is in place. The permanent fence shall be in place within seven days of filling the pool. For the purpose of this subsection, seven days after filling shall be considered the end of the construction.
- e. *Access and use of utility easements.* No fence or hedge shall interfere with the free access and use of any utility easement. A gate opening for utility and emergency personnel shall be provided where no other reasonable access is provided.
- f. *Junkyard and salvage yard fences.* Junkyards and salvage yards shall be completely enclosed by a solid (opaque) wall or fence at least eight feet in height, including solid entrance and exit gates. Such fence shall be permanently installed and properly maintained throughout the life of the salvage business. The storage of junk outside fenced areas is prohibited.

2.11 Zero Lot Line Duplexes. Zero lot line duplexes shall be allowed in the One and Two-Family (R-1) and Multiple-Family (R-2) districts with a zero setback on one side provided that:

- a. *Ownership.* The lot adjacent to the zero side yard is held under the same ownership at the time of initial construction on both lots.
- b. *Adjacent zero side yard setbacks.* The adjoining side yard setback of the lot adjacent to the zero side yard setback is also zero.

- c. *Opposite yard.* The opposite side yard on both of said lots is not less than eight feet.
- d. *Private covenants and deed restrictions.* When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, and maintenance shall be addressed by private covenants and deed restrictions, all of which shall be recorded with the county register of deeds, and the Village of Potter shall not be held responsible for same.
- e. *Easements.* Easements shall be provided across zero lot lines where necessary for water, sewer, and utility services.
- f. *Common wall.* There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units there shall be a one-hour fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.
- g. *Utilities.* When attached dwelling units are created, the plans, specifications and construction of such buildings shall require that the installation and construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit. Both units may use common sewer and water laterals to the street, provided that such lateral connections are separated at a point outside the structure so as to provide separate access to each dwelling unit.

2.12 Temporary Buildings.

- a. *Short-term use.* A temporary building erected or used for a period not exceeding 60 days per calendar year per parcel shall not require a building permit and is exempt from the land use permit requirements set forth in sec. 7.1, Land Use Permits.
- b. *Long-term use.* A temporary building erected or used for a period exceeding 60 days per calendar year per parcel shall comply with the following regulations:
 1. The building shall be allowed as a conditional use only according to the regulations set forth in sec. 7.2, Conditional Uses.
 2. No conditional use approval granted by the Village Board shall be valid unless the building location (distance from property lines and other structure), intended use, size (length, width and height), composition of materials, exterior colors, and permitted duration of use are specifically approved by the Village Board upon Plan Commission recommendation.
 3. The building is exempt from the land use permit requirements set forth in sec. 7.1, Land Use Permits.
 4. No building shall be installed, placed, used or occupied without a building permit being obtained.
- c. *Validity.* A conditional use approval granted by the Village Board per sub. (b) shall be valid for a period not to exceed five years at which time the approval shall expire and the structure shall be dismantled and removed from the property.
- d. *Location.* No temporary building shall be located in a required yard unless specifically permitted as a conditional use per sub. (b).

2.13 Decks.

- a. *Where permitted.* Decks shall be permitted in any yard but shall not be located within the front yard setback area.
- b. *Setbacks.* Decks shall be constructed no closer than five feet to property lines in residential zoning district and no closer than ten feet to property lines in all other zoning districts.
- c. *Location.* Decks may be freestanding or may adjoin or be attached to other structures.

2.14 Radio and Television Antennas.

- a. *Applicability.* The regulations in this section shall apply to radio and television transmitting and receiving antennas, including satellite dish antennas.
- b. *Setbacks.* Antennas shall comply with the same setback regulations as the principal building for the zoning district in which such antenna is located and shall not be located in any required front, side or rear yard.
- c. *Roof-mounted antennas.* Antennas are allowed on the roof of any building in any zoning district, except that roof-mounted satellite dish antennas greater than one meter in diameter or width are not permitted in any residential or agricultural zone. Where roof mounting is permitted, antennas shall not occupy more than 25 percent of a roof area.
- d. *Height.* Antennas may be constructed to a maximum height of 20 feet above the maximum building height permitted for the zoning district in which such antenna is located.
- e. *Number.* Only one antenna exceeding the applicable zoning district building height limitations shall exist at any one time on any lot in a residential or agricultural zoning district.
- f. *Distance from right-of-way.* Antennas shall be setback from any public right-of-way a distance equal to or greater than the height of the antenna above ground.
- g. *Proximity to power lines.* The height of any antenna shall be limited to the linear distance from the base of the antenna or base of the structure on which the antenna is located to the nearest overhead electrical power line, less five feet.
- h. *Anchorage.* The distance from any guy anchorage or similar device to a property line shall be at least six feet.
- i. *Screening and protection.* Accessory or supplemental mechanical equipment and attachments for antennas shall be shielded from view and physically protected by suitable fencing or screening.

SECTION III

ZONING DISTRICTS AND THE ZONING MAP; USE REGULATIONS

- 3.1 Zoning Districts.** For the purpose of this Ordinance, the Village of Potter is hereby divided into the following Districts:

One and Two-Family Residence District (R-1)
Multiple-Family Residence District (R-2)
General Commercial District (C-1)
Highway Commercial District (C-2)

Extensive Commercial District (C-3)
Industrial District (I)
Agricultural District (A)
Conservancy District (CON)
Recreational District (REC)
Shoreland-Wetland District (W)

The land uses permitted and the minimum standards set forth in the following portions of this section apply to the zoning districts listed above and delineated on the zoning district map.

3.2 Zoning District Map. The boundaries of the above listed zoning districts are hereby established as shown on the Official Zoning District Map which is considered, legally, as an integral part of this Ordinance. This map, entitled "Village of Potter Official Zoning District Map", shall be certified by the Village Clerk and available for public inspection at the Village Hall. Any change in zoning district boundaries which may occur shall be recorded (shown graphically) on the map. No such change(s) shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

3.3 Zoning District Boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning district map the following shall apply:

- a. *Centerlines.* Where the district boundaries are depicted as approximately following the centerlines of streets or highways, centerlines of streams, drainage ways, or street or highway right-of-way lines, such centerlines, or right-of-way lines shall be construed to be such boundaries.
- b. *Lot lines.* Where district boundaries are so depicted that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- c. *Parallel.* Where district boundaries are so depicted that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
- d. *Platting lines.* Where district boundaries are so depicted that they approximately follow section lines, quarter section lines or other government survey lines; or that they approximately follow political subdivision lines such as county lines, town lines or corporate limits; such government survey lines or political subdivision lines shall be construed to be said district boundaries.
- e. *Zoning map revisions.* By March 1st of each year, the official zoning map shall be revised as necessary, to show any approved zoning district (map) changes.

3.4 Exempted Uses.

- a. *Uses.* Unless otherwise specifically regulated in this Ordinance, the following uses and buildings are exempted and permitted in any zoning district:
 1. Fire stations, police stations and village administration buildings;
 2. Public road rights-of-way and improvement projects;
 3. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves and other equipment and buildings for the following:

- (A) Communication;
- (B) Electric power;
- (C) Gas;
- (D) Sewer;
- (E) Water;
- (F) Telephone; and
- (G) Other public utility services.

Provided that such installations and buildings shall conform to the rules and regulations established elsewhere in this Ordinance and of the Federal Communications Commission, Federal Aviation Administration, and other authorities having jurisdiction.

- b. *Regulations.* Alternative energy sources and radio and television transmission and receiving antennas and towers, however, shall be subject to the general provisions specified in this Ordinance and the zoning district regulations prescribed for such uses.

3.5 Zoning District Regulations.

- a. *One and Two-Family Residence District (R-1).* The R-1 District is intended to provide quiet, pleasant and relatively spacious living areas protected from traffic hazards and the intrusion of incompatible land uses.

1. Permitted uses.

- (A) Cemeteries of one acre or less in area adjacent to a church.
- (B) Churches and their affiliated uses.
- (C) Community living arrangements, subject to the restrictions and conditions set forth in sec. 62.23(7)(i), Wis. Stats.
- (D) Museums, libraries, parks, playgrounds, recreational facilities, or community centers owned and operated by the Village of Potter, the State of Wisconsin, or any other governmental entity.
- (E) Nursery schools, elementary schools, and junior and senior high schools (nonboarding).
- (F) One and two-family dwellings.
- (G) Zero lot line duplexes.
- (H) Any other uses which are customarily incidental to any of the above uses: provided that no such use generates traffic or noise that would create a public or private nuisance.

2. Permitted accessory uses.

- (A) Boathouses.
- (B) Carports.
- (C) Family day care homes.
- (D) Home occupations.
- (E) Non-commercial storage structures (500 sq. ft. max.)
- (F) One private garage per single-family dwelling unit.
- (G) Private swimming pools, tennis and basketball courts.

The above accessory uses are permitted when located on the same lot as a principal residential structure.

3. Conditional uses.

- (A) Bed and breakfast establishments.
- (B) Cemeteries.

- (C) Colleges, junior colleges, and universities.
- (D) Elementary schools, and junior and senior high schools (boarding).
- (E) Funeral homes.
- (F) Hospitals and clinics.
- (G) Museums, libraries, parks, playgrounds, recreational facilities, or community centers not owned and operated by the Village of Potter, the State of Wisconsin, or any other governmental entity.
- (H) Philanthropic and charitable institutions.
- (I) Radio and television stations, transmitting and receiving equipment, and antenna towers.
- (J) Vocational schools.

4. Within the R-1 District the following standards shall apply:

Maximum Building Height	35 feet
Minimum Front Yard Setback	25 feet
<u>Minimum Rear Yard Setback:</u>	
Principal Building(s)	25 feet
Accessory Building(s)	3 feet
<u>Minimum Side Yard Setback:</u>	
Principal building	8 ft. each side except zero lot line duplexes (Sec. 2.17)
Accessory Building	3 feet
<u>Minimum Lot Width:</u>	
Single-Family Residences	75 feet
Zero Lot Line Duplexes	45 feet per single-family unit
Two-Family Residences (duplex)	90 feet
<u>Minimum Lot Area:</u>	
Single-Family Residences	8,500 sq. ft.
Zero Lot Line Duplexes	7,250 sq. ft. per single-family unit
Two-Family Residences (duplex)	10,000 sq. ft.
<u>Minimum Lot Frontage:</u>	
Single-Family Residences	45 feet
Zero Lot Line Duplexes	45 feet per single-family unit
Two-Family Residences (duplex)	55 feet
<u>Minimum Floor Area:</u>	
Single-Family Residences	
one-story	900 sq. ft.
two-story	1,150 sq. ft.
split-level (3 or more floors)	1,400 sq. ft.
Zero Lot Line Duplexes	
one-story	900 sq. ft. per single-family unit
two-story	1,150 sq. ft. per single-family unit
split level (3 or more floors)	1,400 sq. ft. per single-family unit
Two-Family Residences (duplex)	
one-story	1,500 sq. ft.
two-story	1,800 sq. ft.
split-level (3 or more floors)	2,100 sq. ft.

b. *Multiple-Family Residence District (R-2)*. The R-2 District is intended to provide for living areas that are pleasant but not so spacious or quiet as the R-1 District.

1. Permitted uses.

- (A) Any permitted use in the R-1 District.
- (B) Assisted living and retirement homes.

- (C) Day care centers.
- (D) Multiple-family residential dwellings.
- (E) Nursing homes.
- (F) Rooming and boardinghouses.

2. Permitted accessory uses.

Any permitted accessory use in the R-1 District, except that garages or carports incidental to the above permitted uses, except for one and two-family residences, must be located in the rear yard and at least 15 feet from side lot lines.

3. Conditional uses.

(A) All conditional uses listed in the R-1 District except those now permitted in sec. 3.5(b) (1).

4. Within the R-2 District the following standards shall apply:

Maximum Building Height	45 feet
Minimum Front Yard Setback	25 feet
<u>Minimum Rear Yard Setback:</u>	
Principal Buildings	25 feet
Accessory Buildings	5 feet
<u>Minimum Side Yard Setback:</u>	
Principal Buildings	8 feet each side except zero lot line duplexes (Sec. 2.17)
Principal Building (Multi-family)	15 feet
Accessory Building	3 feet
<u>Minimum Lot Width:</u>	
Single-Family Residence	75 feet
Zero Lot Line Duplexes	45 feet per single-family unit
Two-Family Residence (duplex)	90 feet
Multi-Family Residence	110 feet
<u>Minimum Lot Area:</u>	
Single-Family Residence	8,500 sq. ft.
Zero Lot Line Duplexes	7,250 sq. ft. per single-family unit
Two-Family Residence (duplex)	10,000 sq. ft.
Multi-Family Residence	12,000 sq. ft (3-4 unit) plus 2,000 sq. ft. per unit for each additional unit
<u>Minimum Lot Frontage:</u>	
Single-Family Residence	45 feet
Zero Lot Line Duplexes	45 feet per single-family unit
Two-Family Residence (duplex)	55 feet
Multi-Family Residence	70 feet
<u>Minimum Floor Area:</u>	
Single-Family Residence	
one-story	900 sq. ft.
two-story	1,150 sq. ft.
split-level (3 or more floors)	1,400 sq. ft.
Zero Lot Line Duplexes	
one-story	900 sq. ft. per single-family unit
two-story	1,150 sq. ft. per single-family unit
split-level (3 or more floors)	1,400 sq. ft. per single-family unit
Two-Family Residence (duplex)	
one-story	1,500 sq. ft.
two-story	1,800 sq. ft.

split-level (3 or more floors) 2,100 sq. ft.
Multi-Family Residence 700 sq. ft./unit

- c. *General Commercial District (C-1)*. The C-1 District is intended to provide an area(s) for the business and commercial needs of the community which can be most suitably located in a compact and centrally located business district.

1. Permitted uses.

- (A) Banks and other financial institutions.
- (B) Bed and breakfast establishments.
- (C) Bicycle shops, including facilities for the repair of non-motorized bicycles only.
- (D) Coffee shops.
- (E) Coin-operated laundry and dry cleaning establishments (laundromats).
- (F) Conference facilities.
- (G) Copying and duplicating services.
- (H) Dwelling units located above the first floor.
- (I) Hotels.
- (J) Libraries, museums and art galleries.
- (K) Medical and dental clinics.
- (L) Motion picture theaters, except drive-in theaters.
- (M) Personal service establishments.
- (N) Philanthropic and charitable institutions.
- (O) Post offices.
- (P) Private lodges and clubs.
- (Q) Professional offices and studios.
- (R) Radio and television stations.
- (S) Restaurants, excluding drive-in restaurants or food serving facilities offering in-car service from a drive-through service window or counter.
- (T) Retail stores.
- (U) Rooming and boarding houses.
- (V) Schools, dance and music business.
- (W) Taverns
- (X) Taxidermists.
- (Y) Watch, clock and jewelry repair.
- (Z) Wineries/micro breweries.
- (AA) Any other uses which are customarily incidental to any of the above uses: provided that no such use generates traffic or noise that would create a public or private nuisance.

2. Conditional uses.

- (A) Amusement establishments, archery ranges, bowling alleys, miniature golf, golf driving ranges, shooting galleries, game rooms, swimming pools, skating rinks, and similar facilities.
- (B) Appliance service and repair establishments.
- (C) Carwashes.
- (D) Commercial publishing and printing establishments.
- (E) Gasoline and motor vehicle fuel sales businesses provided that all gasoline pumps, storage tanks, and accessory equipment be located at least 30 feet from any existing or officially proposed street line.
- (F) Group day care centers.
- (G) Motorcycle and other small engine service and repair establishments.
- (H) Public parking lots, garages and structures (nonaccessory).
- (I) Public utility, governmental and service uses, except as specifically exempted in sec. 3.4, Exempted Uses.

- (J) Restaurants and other eating places, including drive-in restaurants or food serving facilities offering in-car service from a drive-through service window or counter.
- (K) Taxi and limousine service.

3. Within the C-1 District, the following standards shall apply:

Maximum Building Height	55 feet
Maximum Building Area	7,500 sq. ft.
Minimum Lot Area	10,000 sq. ft.
Minimum Front Yard Setback	None
<u>Minimum Rear Yard Setback:</u>	
Principal Buildings	None, except when abutting a residential district there shall be a rear yard of at least 25 feet.
Accessory Buildings	None, except when abutting a residential district there shall be a rear yard of at least 5 feet.
<u>Minimum Side Yard:</u>	
Fireproof Construction	None, except when abutting a residential district there shall be a side yard of at least 10 feet on each abutting side.
Non-fireproof Construction	10 feet
Minimum Lot Width	45 feet

4. Within the C-1 District, the following building architecture and style standards shall apply to any new structures, buildings or additions thereof:

- (A) Except as specifically permitted in sec. 3.5(c)(4)(G), exposed exterior walls shall be surfaced with brick, stone, textured concrete or an equivalent masonry material on all sides. A proportionate amount of decorative nonmasonry material, such as wood, steel, vinyl, etc. shall be permitted on the building exterior for ornamental or accent purposes only.
- (B) Exterior building colors shall be earth tones.
- (C) All mechanical equipment shall be screened from public view.
- (D) Building walls exceeding 40 feet in length shall be broken or staggered.
- (E) Where awnings are desired, canvas or fabric awnings shall be used. Wood or metal awnings are prohibited.
- (F) Trash dumpsters and recycling containers. The following regulations shall apply to all exterior trash dumpsters, recycling containers and other refuse storage areas for businesses and uses established on or after the effective date of this Ordinance:
 - i. Trash dumpsters, recycling containers and other exterior refuse storage shall be effectively screened from public view by opaque fences, walls or enclosures constructed of materials matching that of the principal structure on the property.
 - ii. Doors or gates constructed of decorative metal or vinyl shall be provided at the entrances to enclosures required in sec. 3.5(c)(4)(F)(i) and such doors or gates shall be kept in a fully closed position when the enclosure is not in use.
 - iii. Trash dumpsters, recycling containers and other exterior refuse storage shall not be located in front of or closer to a street right-of-way than the principal building or structure.
 - iv. Trash dumpsters, recycling containers and other exterior refuse storage shall not be located on, adjacent to or in front of any building wall containing a primary building entrance.
- (G) Building additions need not comply with the exterior wall surface regulations set forth in sec. 3.5(c)(4)(A) as long as the following conditions are met:

- i. The existing building was constructed prior to the effective date of this Ordinance.
 - ii. The construction of the existing building was authorized by a valid building permit.
 - iii. The total floor area of the building addition does not exceed that of the existing structure.
 - iv. The exterior wall material used on the building addition is identical to that of the existing structure.
- d. *Highway Service Commercial District (C-2)*. The C-2 District is intended to provide an area(s) for those business activities which would be most appropriately located along major thoroughfares or highways.

1, Permitted uses.

- (A) Any permitted use in the C-1 District.
- (B) Amusement establishments, archery ranges, bowling alleys, miniature golf, golf driving ranges, shooting galleries, game rooms, swimming pools, skating rinks, and similar facilities.
- (C) Automobile repair.
- (D) Automobile sales and service including motorcycles.
- (E) Carwashes.
- (F) Commercial publishing and printing establishments.
- (G) Funeral homes.
- (H) Group day care centers.
- (I) Hospitals.
- (J) Motels.
- (K) Public utility, governmental and service uses, except as specifically exempted in sec. 3.4, Exempted Uses.
- (L) Recreational vehicle sales and service.
- (M) Restaurants and other eating places, including drive-in restaurants or food serving facilities offering in-car service from a drive-through service window or counter.
- (N) Taxi and limousine service.
- (O) Trailer dealers, utility.

2. Conditional Uses.

- (A) All conditional uses listed in the C-1 District except those now permitted in sec. 3.5(d) (1).
- (B) Animal cremation service.
- (C) Commercial trucking establishments.
- (D) Kennels.
- (E) Gasoline and motor vehicle fuel sales businesses, provided that all gasoline pumps, storage tanks, and accessory equipment be located at least 30 feet from any existing or officially proposed street line.
- (F) Seasonal roadside stands for the sale of farm produce only.
- (G) Warehouses, mini-warehouse and self-service storage facilities.
- (H) Wholesale merchandise establishments.
- (I) Veterinary clinics and hospitals with outdoor kennels.
- (J) Vocational schools.

3. Within the C-2 District, the following standards shall apply:

Maximum Building Height	35 feet
Maximum Building Area	none
Minimum Front Yard Setback	25 feet

Minimum Rear Yard Setback	50 feet
<u>Minimum Side Yard:</u>	
Principal Building	10 ft. each side
Accessory Building	3 ft. each side
Minimum Lot Width	75 feet
Minimum Lot Area	20,000 sq. ft.

e. *Extensive Commercial District (C-3)*. The C-3 District is intended to provide a suitable location for those businesses which require a fairly large area of land, or for which it is desirable that they be located an appreciable distance from other activities.

1. Permitted uses.

- (A) Any permitted use in the C-2 District.
- (B) Coal, wood or fuel oil dealers.
- (C) Commercial sports clubs, athletic fields, arenas, and similar facilities.
- (D) Commercial trucking establishments.
- (E) Contractors offices, shops and yards.
- (F) Drive-in motion picture theaters.
- (G) Equipment (construction, industrial, etc.) rental and leasing services.
- (H) Farm implement sales and service.
- (I) Greenhouses and nurseries.
- (J) Hay, grain and feed stores.
- (K) Liquid petroleum gas (bottle gas) dealers.
- (L) Plumbing, heating and air-conditioning equipment dealers.
- (M) The sale or storage of lumber or other building materials.
- (N) Warehouses, miniwarehouse and self-service storage facilities.
- (O) Wholesale merchandise establishments.
- (P) Uses customarily incidental to the above uses.

2. Conditional uses.

- (A) All conditional uses listed in C-2 District except those now permitted in sec. 3.5(e)(1).
- (B) Animal shelters.
- (C) Circuses, carnivals, musical or theatrical performances, public lectures, religious meetings or other similar public functions which are customarily held for short periods of time, which are customarily held in temporary structures, and for which an admission is charged or a collection is requested.
- (D) Food storage and/or packaging facilities, including rental food lockers.
- (E) Manufactured home dealers.
- (F) Research and testing laboratories.
- (G) Resorts, tourist cottages or cabins, commercial camping, ski lodges, group camps, and similar facilities.
- (H) Riding stables or schools.

3. Within the C-3 District, the following standards shall apply:

Maximum Building Height	45 feet
Maximum Building Area	none
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback	50 feet
<u>Minimum Side Yard:</u>	
Principal building	10 ft. each side
Accessory building	3 ft. each side
Minimum Lot Width	100 feet
Minimum Lot Area	none

- f. Industrial District (I). This district is intended to provide an area for manufacturing and industrial 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 intend to create conditions of public or private nuisance, hazards, 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.

1. Permitted uses.

- (A) A dwelling unit provided for a caretaker or superintendent in the case of an industrial use which requires constant supervision.
- (B) Automobile repair.
- (C) Coal, wood or fuel oil dealers.
- (D) Commercial publishing and printing establishments.
- (E) Commercial trucking establishments.
- (F) Contractors offices, shops and yards.
- (G) Distributing facilities.
- (H) Fabrication establishments, including but not limited to lumber and building material sales and bulk storage yards, excluding petroleum products.
- (I) Liquid petroleum gas (bottle gas) dealers.
- (J) Mail order houses.
- (K) Manufacturing establishments, usually described as factories, mills, plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.
- (L) Public utility, governmental and service uses, except as specifically exempted in sec. 3.4, Exempted Uses.
- (M) Railroads, including rights-of-way, railroad yards, and structures normally incidental to the operation of railroads, including station houses, platforms, and signal towers.
- (N) Vocational schools.
- (O) Warehouses, mini-warehouse and self-service storage facilities.
- (P) Wholesale merchandise establishments.
- (Q) Uses customarily incidental to the above uses.

2. Conditional uses. The following are permitted as conditional uses within the district. All such uses shall be subject to the consideration and approval of the Village Board with regard to such matters as the creation of nuisance conditions for the public or for users of nearby areas, the creation of hazards to health or safety, or other factors affecting the general welfare.

- (A) Acid manufacture.
- (B) Aircraft landing field, hangar, or accessory structures.
- (C) Animal cremation service.
- (D) Animal shelters.
- (E) Automobile wrecking yards, junk yards and salvage yards.
- (F) Cement, lime gypsum or plaster of paris manufacture.
- (G) Concrete mixing plants.
- (H) Explosives manufacture or storage.
- (I) Fat rendering.
- (J) Fertilizer manufacture.
- (K) Glue manufacture.
- (L) Kennels.
- (M) Mineral extraction and mining, including processing and storage.
- (N) Petroleum or petroleum products storage or refining.
- (O) Radio and television stations and towers.

- (P) Refuse disposal sites, dumping grounds, sanitary landfill operations or similar uses; provided that such uses comply with solid waste disposal standards and pollution control requirements of the State of Wisconsin.
- (Q) 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. This includes but is not limited to lumber and building material sales and bulk storage yards, excluding petroleum products.
- (R) Slaughterhouses.
- (S) Smelting.
- (T) Stockyards.
- (U) Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.

4. Within the I District the following standards shall apply:

Maximum Building Height	45 feet
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback	50 feet
<u>Minimum Side Yard:</u>	
Principal Building	20 feet
Accessory Building	5 feet
Minimum Lot Width	100 feet
Minimum Lot Area	45,000 sq. ft.

- g. *Agricultural District (A)*. This district is intended to help conserve good farming and natural areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements services (such as sewer and water lines).

1. Permitted uses.

- (A) Agriculture, provided that buildings in which farm animals are kept, barnyards, feed lots and manure storage facilities shall be kept at least 1,000 feet from the nearest Residential, Recreational or Commercial District boundary and the nearest existing non-farm residence, and at least 500 feet from any lake, pond or continuous stream (as defined on United States Geological Survey Quadrangle maps).
- (B) In-season roadside stands for the sale of farm products produced on the premises.
- (C) Single-family dwellings provided that soil analysis indicates suitability for a private on-site wastewater treatment system.
- (D) Uses customarily incidental to any of the above uses.

2. Conditional uses.

- (A) Aircraft landing field, hangar, or accessory structures.
- (B) Animal shelters.
- (C) Campgrounds and tourist camps subject to the provisions of this ordinance and Ch. COMM 83 of the Wisconsin Administrative Code.
- (D) Cemeteries.
- (E) Churches and their affiliated uses.
- (F) Golf courses.
- (G) Institutional recreation camps.
- (H) Kennels.
- (I) Nursery schools, elementary schools, and junior and senior high schools (nonboarding).

- (J) Parks, playgrounds, recreational facilities, or community centers owned and operated by the Village of Potter, the State of Wisconsin, or any other governmental entity.
- (K) Public utility, governmental and service uses, except as specifically exempted in sec. 3.4, Exempted Uses.
- (L) Riding stables, riding schools.
- (M) Sanitariums.
- (N) Trap or skeet shooting facilities, target ranges, gun clubs, shooting reserves.
- (O) Veterinary clinics and hospitals.

3. Within the A District, the following standards shall apply:

Maximum Building Height	35 feet residential structures; no maximum on other structures.
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback	50 feet
<u>Minimum Side Yard:</u>	
Principal Buildings	20 ft. each side
Accessory Buildings	5 ft. each side
Minimum Lot Area	5 acres
Minimum Lot Width	200 feet

h. *Conservancy District (CON)*. This district is intended to preserve the natural state of scenic areas in the Village and to prevent the uncontrolled spread of residential or other development; and to help discourage intensive development of marginal lands so as to prevent hazards to public and private property.

1. Permitted uses.

- (A) Harvesting of wild crops, such as marsh hay, berries, and tree fruits.
- (B) Forestry and forest management.
- (C) Hunting, fishing and trapping as permitted by the Department of Natural Resources.
- (D) Nature preserves or arboretums.
- (E) Preservation of areas of scenic, historic or scientific value.
- (F) Public and private parks, picnic areas and similar uses.
- (G) Public boat launching ramps.
- (H) Recreational trails.
- (I) Soil and water conservation activities.
- (J) Wildlife management including waterfowl, fish and other similar lowland animals and nonresidential buildings used solely in conjunction with such activities.
- (K) Wildlife preserves.

2. Conditional Uses.

- (A) Campgrounds.
- (B) Golf courses.
- (C) Greenhouses and nurseries.
- (D) Gun clubs and shooting ranges.
- (E) Institutional recreation camps.
- (F) Piers, docks and boathouses (private).
- (G) Public utility, governmental and service uses, except as specifically exempted in sec. 3.4, Exempted Uses.
- (H) Retreat centers.

i. *Recreational District (REC)*. This district is intended, primarily, to provide for the development of those recreational uses consistent with surface water and its shoreland.

1. Permitted uses.
 - (A) Golf courses.
 - (B) Parks, playgrounds, recreational facilities, or community centers owned and operated by the Village of Potter, the State of Wisconsin, or any other governmental entity.
 - (C) Private clubs and lodges.
 - (D) Public swimming pools.
 - (E) Recreational trails.
 - (F) Retreat centers.
 - (G) Woodlots and tree farms.

2. Conditional uses.
 - (A) Campgrounds.
 - (B) Gun clubs and shooting ranges.
 - (C) Institutional recreation camps.
 - (D) Marinas, boat liveries, bait and fishing equipment sales, fish farms, and forest industries.
 - (E) Resorts, hotels or motels.
 - (F) Summer theaters and/or outdoor amphitheaters.

3. Within the REC District, the following standards shall apply:

Maximum Building Height	35 feet
Maximum Building Area	30% of lot area
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback	50 feet
<u>Minimum Side Yard:</u>	
Principal building	10 ft. each side
Accessory building	3 ft. each side
Minimum Lot Width	200 feet
Minimum Lot Area	1 acre
Minimum Setback from High Water Mark Along Shoreline of a Lake, Pond, or Stream (Waterfront Lots).	75 ft. (except boathouses).

- j. *Shoreland-Wetland District (W)*. This district is intended to prevent the destruction and depletion of the village's wetlands; protect watercourses and navigable waters and the public rights therein; to maintain the purity of water and lakes and streams and to prevent pollution thereof; and to protect spawning grounds, fish, and habitat for wild flora and fauna. Furthermore, this district is intended to prevent the changing of the natural character of wetlands.

1. Permitted uses.
 - (A) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating.
 - (B) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seed, in a manner that is not injurious to the natural reproduction of such crops and that does not involve filling, flooding, draining, dredging, ditching, tiling or excavating.
 - (C) The practice of silviculture, including the planting, thinning and harvesting of timber, provided no filling, flooding, draining, dredging, ditching, tiling or excavating is done except as required for:

- i. Temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on the conduct of silvicultural activities if not corrected; or
 - ii. The construction and maintenance of roads necessary to conduct silvicultural activities, as permitted under sec. 3.5(j)(1)(K).
- (D) The pasturing of livestock and the construction and maintenance of fences, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done, except limited filling and excavating necessary for the construction and maintenance of fences.
- (E) The cultivation of agricultural crops if cultivation can be accomplished without filling, flooding, or artificial drainage of the wetland through ditching, tiling, dredging or excavating except for:
 - i. Flooding, dike and dam construction, and ditching for the purpose of growing and harvesting cranberries;
 - ii. The maintenance and repair of existing farm drainage ditches, where permissible under s. 30.20, Wis. Stats., or of other existing agricultural drainage systems (such as tiling) to restore the functional drainage of existing agricultural lands, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling permissible under ch. 30, Wis. Stats., and the dredged spoil is placed on existing spoil banks where possible; or
 - iii. The construction and maintenance of roads necessary for agricultural cultivation, as permitted under sec. 3.5(j)(1)(K).
- (F) The construction and maintenance of duck blinds provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.
- (G) The construction and maintenance of nonresidential buildings provided that:
 - i. The building is used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals, or used solely for some other purpose which is compatible with wetland preservation;
 - ii. The building cannot as a practical matter be located outside the wetland;
 - iii. The building does not exceed 500 square feet in size; and
 - iv. No filling, flooding, draining, dredging, ditching, tiling or excavating is done, except limited filling and excavating necessary to provide structural support for the building.
- (H) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is done, except limited filling and excavating necessary for the installation of pilings.
- (I) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game farms and wildlife preserves, and public boat launching ramps, provided that:
 - i. No filling or excavating is done except for limited filling and excavating necessary for the development of boat launching ramps, swimming beaches or the construction of park shelters or similar structures.
 - ii. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose.
 - iii. The construction and maintenance of roads necessary for the uses permitted under this paragraph may be permitted if the requirements of sec. 3.5(j)(1)(K) are met.

- iv. Ditching, excavating, dredging, dike and dam construction may be allowed in game refuges and closed areas, fish and wildlife habitat improvement projects, game farms, and wildlife areas provided that they are done for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (J) The construction and maintenance of electric and telephone transmission lines and water, gas and sewer distribution lines, and related facilities, provided that:
- i. Such lines cannot as a practical matter be located outside the wetland; and
 - ii. Any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland as defined in sec. 1.11, Definitions - "*Wetland Natural Functions*".
- (K) The construction and maintenance of roads which are necessary for the continuity of the street system, necessary for the provision of essential utility and emergency services, or necessary to provide access to uses permitted under this subsection, provided that:
- i. The road cannot, as a practical matter, be located outside of the wetland;
 - ii. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland as defined in sec. 1.11, Definitions - "*Wetland Natural Functions*";
 - iii. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - iv. Road construction activities are carried out in the immediate area of the roadbed only; and
 - v. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is done must be necessary for the construction or maintenance of the road.
- (L) The construction and maintenance of railroad lines provided that:
- i. Such lines cannot as a practical matter be located outside the wetland; and
 - ii. Any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland as defined in sec. 1.11, Definitions - "*Wetland Natural Functions*."
- (M) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland as defined in sec. 1.11, Definitions - "*Wetland Natural Functions*."
- (N) The maintenance, repair, replacement, and reconstruction of existing county, city and village highways and bridges.
- (O) The maintenance and repair of existing non-agricultural drainage ditches, where permissible under s. 30.20, Wis. Stats., or of other existing non-agricultural drainage systems (such as tiling) to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under ch. 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible.
2. Prohibited uses.

Any use not listed in par. (1) is prohibited in the shoreland-wetland zoning district unless the wetland, or a portion thereof, is rezoned by amendment of the village shoreland-

wetland zoning ordinance in accordance with s. 62.23(7)(d)2., Wis. Stats., and the procedures outlined in sec. 7.6, Amendments.

3. Within the W District, the following standards shall apply:

Maximum Building Height	25 feet
Maximum Building Area	10% of lot area
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback	50 feet
Minimum Side Yard Setback	10 feet
Minimum Lot Width	200 feet
Minimum Lot Area	1 acre

3.6 Uses Not Listed.

- a. *Determination of Use Classification by the Code Administrator and Plan Commission.* The Code Administrator and Plan Commission shall determine if a proposed use can be classified as a principal use already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this Ordinance.
- b. *Unclassified Uses.* A proposed use that cannot be classified as a listed principal use shall be considered an unclassified use and shall be regulated as follows:
 - 1. The Code Administrator shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this Ordinance.
 - 2. If the Code Administrator determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be notified in writing.
 - 3. The Code Administrator may refer unclassified use to the Plan Commission if the Code Administrator is uncertain how to classify any uses not listed.
- c. *Amendment.* After making a determination regarding an unclassified use, the Code Administrator shall recommend an amendment to the Ordinance and the previously unclassified use.

SECTION IV

SIGNS

4.1 Generally.

- a. *Scope.* This section shall pertain to and regulate all signs in the Village with the exception of those signs located in or on a public right-of-way or public domain.
- b. *Compliance.* No sign in the Village shall hereafter be erected, constructed, altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this section.

4.2 General Requirements.

- a. *Sign permits required.* Except as specifically exempted in sec. 4.3, Exempt Signs, no person shall erect, construct, enlarge or structurally alter a sign in the Village, or cause the same to be done, without first obtaining a permit for such sign(s) from the Code Administrator.

Permits shall not be required for a change of copy on any sign, or for routine painting, cleaning, maintenance or repair of a sign or sign structure. Any sign permit issued under the provisions of this section, shall lapse and become void if the work described in such permit is not commenced within one year from its date of issuance.

- b. *Sign permit application.* Application for a sign permit shall provide the following information:
 - 1. Name, address and telephone number of the applicant;
 - 2. Location of the building, structure or lot upon which the sign is to be attached or located;
 - 3. Name of person, firm or agent erecting the sign;
 - 4. Written consent of the owner of the building, structure or land upon which the sign is to be erected.
 - 5. Any electrical permit required and issued for the erection of the sign;
 - 6. Dimensions of the sign face area, material of which the sign is to be constructed, height at which the sign will be erected, a sign inventory of existing signage on the property with sign face areas, the nature of the information to be displayed on the sign and any necessary building or lot frontage.
- c. *Sign permit fee.* For each sign permit application, a fee will be paid in the amount listed in the Village fee schedule on file with the Village Clerk.
- d. *Prohibited signs.* No undulating, swinging, rotating, moving, or off-premise signs shall be permitted. Beacons and searchlights shall also be prohibited.
- e. *Illumination of signs.* External illumination shall be directed entirely on the sign.
- f. *Location of freestanding and monument signs.* Freestanding and monument signs shall be located within the property lines and shall be setback from the right-of-way a distance at least equal to or greater than the height of the sign.
- g. *Number of freestanding and monument signs.* The maximum number of freestanding and monument signs shall be limited to either one freestanding sign or one monument sign per parcel. If more than one parcel of land is used to support the business or service being advertised, for purposes of this section, the multiple parcels shall be considered one parcel.
- h. *Maintenance of signs.* All signs and sign structures shall be properly maintained and kept in an appropriate state of repair and appearance.
- i. *Mounting of signs.* All signs shall be mounted so that the back of the sign blends with the surrounding environment or is screened from public view. This shall be accomplished by mounting against a building or wall, back-to-back in pairs or clusters, or by painting and maintaining the sign back a neutral color.
- j. *Neighborhood identification signs.* Signs identifying a neighborhood, subdivision or housing complex are permitted in any residential zoning district. Such signs shall identify only the name of the neighborhood, subdivision or housing complex and may consist of a masonry wall, landscaping or other material combined to form a display. Neighborhood identification signs shall not exceed a height of eight feet, shall be limited to 32 square feet in sign face area, and may be illuminated. The sign shall be setback ten feet from the right-of-way and located no closer than eight feet to any adjacent lot. Signs shall be located on private property and shall not be located in the right-of-way.

- k. *Roof-mounted signs.* Roof-mounted signs are permitted only in the commercial and industrial zoning districts. The highest point of a roof-mounted sign shall not exceed the highest point of the building upon which such sign is located.
- l. *Window Signs.* Unless restricted in size elsewhere in this section, the sign face area of window signs shall not exceed 25% of the glass area of the window to which the sign is attached.
- m. *Temporary signs.* Business establishments shall be permitted to display one temporary sign not exceeding 50 square feet in sign face area, for a total of eight weeks per calendar year per business, to advertise, identify, promote or direct attention to goods, products, services or activities available or offered on the premises where the sign is installed or displayed. Temporary signs shall be subject to the sign permit regulation set forth in sec. 4.2(a), *Sign permits required*, but in no case shall a permit for a temporary sign be issued for a time period less than one week in length. Temporary signs shall be located entirely on the property to which they pertain and shall comply with all other applicable regulations set forth in this section. Temporary signs may be permitted in addition to the permanent signs allowed in sec. 4.5, District Sign Regulations.
- n. *Electronic reader board signs.*
 - 1. An electronic reader board shall be permitted where monument and freestanding signs are permitted and shall be subject to the setback and size restrictions of the district in which erected.
 - 2. An electronic reader board shall not exceed sixty (60) percent of the overall sign face area.
 - 3. Messages displayed on the electronic reader board shall only advertise the business, commodities, or services available on the property.
 - 4. Messages displayed on an electronic reader board sign shall not scroll, flutter or flash.
 - 5. Temporary signs as defined in sec. 4.2(m), *Temporary signs*, are prohibited on a lot where an electronic reader board sign exists.
- o. *Safety standards.* Signs shall not be permitted or continue that:
 - 1. Obstruct vehicular or pedestrian movement in any way;
 - 2. Would tend, by location, color or nature, to be confused with or obstruct traffic control signs or devices;
 - 3. Are located in the public right-of-way, except as specifically exempted in this section;
 - 4. Obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress to any building or structure;
 - 5. Violate the vision clearance triangle as defined in sec. 2.7, Vision Clearance Triangle.
- p. *Abandoned signs.*
 - 1. Abandoned signs shall be removed by the owner or lessee within 12 months after the business, products, or services that it advertises is no longer conducted thereon.

2. If the owner or lessee fails to remove the abandoned sign, the Village shall give the owner a thirty (30) day written notice by certified mail to remove the sign.
 3. Upon failure to comply with the notice, the Village shall either cause removal to be executed or shall be subject to the prosecution and penalties as provided in secs. 9.2, Prosecution, and 9.3, Penalties. If the Village causes removal, then the expense shall become a lien against the property at the time of the removal and shall automatically be extended upon the tax roll as a delinquent tax against the property.
- q. *Unsafe and unlawful signs.* If the Code Administrator finds that any sign or other similar device regulated by this section is unsafe, insecure, unlawful or is a general menace to the public, the Code Administrator shall give written notice to the permittee or property owner thereof. If the permittee or property owner fails to remove or alter the sign so as to comply with the provisions of this section, within ten days after the receipt of such written notice, the Village may have such a sign removed at the permittee's or property owner's expense. If the Code Administrator determines that any sign is an immediate peril or danger to the public, such sign may be removed summarily and without notice. Costs of this immediate action shall be the responsibility of the permittee or property owner.
- r. *Setbacks.* Unless further restricted elsewhere in this section, no permanent sign shall be located less than five feet from a right-of-way nor less than five feet from an adjacent property line.
- s. *Special sign permits.* The Village Board may grant special sign permits in the event an applicant's proposed sign, though nonconforming in terms of the rules and regulations of this section, may be aesthetically acceptable, innovative, functional and in the best interest of the Village. It is recognized that this section, in attempting to regulate signs, may inhibit the creativity of advertisers in the interest of conforming to standards. Without destroying the purpose of these regulations, certain unconventional signs may be in order and acceptable. Such special sign permits must meet the following criteria:
1. The applicant illustrates a consideration for aesthetic qualities that would be prohibited under other provisions of this section.
 2. The applicant can prove that erection of the proposed sign will cause no extraordinary inconvenience to traffic and pedestrian movement.
 3. The applicant has shown consideration for other property owners adjacent to or nearby the location of the sign.
 4. The process by which a special sign permit is obtained is that process by which a conditional use permit is obtained as provided for in sec. 7.2, Conditional Uses.

4.3 Exempt Signs.

- a. *Applicability.* The signs in this section are permitted in any zoning district and are exempt from the permit requirements specified in sec. 4.2(a), *Sign permits required.* Such signs, however, shall comply with all other applicable regulations as set forth in this section.
- b. *Awning signs.* Signs that consist of one line of copy upon the boarder of the awning.
- c. *Building numbers and nameplates.* Signs that identify building street numbers and/or names of property owners. Such signs shall not exceed two square feet in sign face area per building. Buildings located on corner lots shall be permitted two such signs, one facing each street.

- d. *Construction signs.* Signs that identify a construction project and/or contractor. A maximum of one construction sign, no greater than 100 square feet each in sign face area, shall be permitted per construction project. Such signs shall be confined to the construction site and shall be removed within 30 days of completion of construction or prior to occupancy, whichever occurs first. Construction signs located in residential zoning district shall not be illuminated.
- e. *Directional and instructional signs.* Signs which provide instruction or direction including, but not limited to, those identifying restrooms, telephones, parking areas, entrances and exits. Such signs shall be located entirely on the property to which they pertain and shall not exceed eight square feet each in sign face area. Directional signs may identify a business by means of a business name, emblem or logo, but shall not contain advertising. Directional and instructional signs located in residential zoning districts shall not be illuminated.
- f. *Election campaign signs.* Signs erected on behalf of candidates for public office or measures on election ballots shall comply with the following:
 - 1. Election campaign signs located on residential property, as defined in s. 12.04, Wis. Stats., shall not be erected or displayed prior to the election campaign, as defined in s. 12.04 Wis. Stats., and shall be removed within seven days after the election.
 - 2. Election campaign signs located on property other than residential property, as defined in s. 12.04, Wis. Stats., shall meet the following:
 - i. The signs shall not be placed on public property.
 - ii. The signs shall not exceed 24 square feet in sign face area.
 - iii. The signs shall not be erected or displayed earlier than 60 days prior to the election to which they pertain.
 - iv. The signs shall be removed within 7 days after the election.
 - v. The signs shall not be illuminated.
- g. *Government signs.* Signs erected by or on the order of a public official in the performance of his public duties including, but not limited to, traffic control signs, regulatory signs, danger signs, railroad crossing signs, public utility signs, and signs which aid in public service or safety.
- h. *Cornerstone signs and plaques.* Signs which identify the name of a building and date of erection. Such signs shall be limited to four square feet in sign face area unless they are cut into a masonry surface or inlaid so as to be part of the building. Such signs shall not be illuminated.
- i. *No trespassing and no dumping signs.* No trespassing and no dumping signs shall not exceed 1 ½ square feet each in sign face area.
- j. *Portable signs.* Signs not permanently attached to the ground or a building and are of an A-frame, hinged or sandwich type design that are displayed only during business hours. One portable sign shall be permitted per business, in addition to permanent signage. For the purposes of this section “permanently attached” includes such means of attachment as bolts, concrete footings or foundations, or similar such devices. Such sign shall not exceed a height of four feet and a width of four feet. Portable signs shall not be placed in the right-of-way when outside of the General Commercial (C-1) district.
- k. *Public notices.* Signs which display public notices and which are posted by a public official in the performance of his duties.

- l. *Public signs.* Signs specifically authorized or required for a public purpose by any law, statute or ordinance.
- m. *Real estate signs.* Signs which advertise buildings, property or real estate for sale, rental or lease. Such signs shall be located entirely on the premises to which they directly pertain and shall not be illuminated. No more than one real estate sign shall be permitted per lot or parcel of land, except on corner lots where two signs are permitted, one facing each street. Such signs shall not exceed 32 square feet in sign face area in nonresidential zoning districts and eight square feet in residential zoning districts. Real estate signs shall be removed within 30 days after the sale, rental or lease has been accomplished.
- n. *Symbols, plaques, insignias and emblems.* Symbols, commemorative plaques, insignias and identification emblems of any nation, political organization, association, religious order or recognized historic agency. Such signs shall be located entirely on the property to which they pertain and shall not be illuminated.
- o. *Certain temporary signs.* Signs pertaining to civic, philanthropic, educational or religious drives or events shall not exceed four square feet in sign face area. Such signs shall be posted no more than 30 days prior to said event, and shall be removed within 15 days after the event. Temporary signs shall be located entirely on the property to which they pertain and shall not be illuminated.
- p. *Vehicular signs.* Signs mounted on trucks, busses, trailers or other vehicles operating during the normal course of business, excluding businesses primarily engaged in the display of signs.
- q. *Corporate flags.* Flags bearing a corporate or business name, emblem, logo, design or identification flown on the property to which they pertain. Such flag shall not exceed 25 square feet in size, shall be flown only on commercial and industrial zoned lots, shall be flown from a flagpole not exceeding the height allowed for buildings in the applicable zoning district, shall have an underclearance of at least ten feet, and shall comply with the United States Flag Code. Only one such flag shall be permitted per lot.
- r. *Rummage, garage and yard sale signs.* Signs which advertise private rummage sales, garage sales, yard sales or similar activities or events shall not be illuminated. Such signs shall not exceed an area of four square feet in sign face area and shall be located entirely on the premises on which such sale or event takes place. No more than one such sign shall be permitted per lot or parcel of land, except on corner lots where two signs are permitted, one facing each street. Rummage, garage and yard sale signs shall be displayed no sooner than one day prior to the beginning of the sale and shall be removed within one day after the sale has taken place, but in no case shall any such sign be display more than ten consecutive days per sale or event. Directional rummage, garage and yard sale signs shall not be erected more than one day prior to the beginning of the sale and shall be removed within one day after the sale has taken place. Such signs shall not exceed an area of four square feet in sign face area and may be located in the right-of-way. If located in the right-of-way, they shall be placed in the ground and not on any public light, sign, utility pole, tree or other similar structure.
- s. *Murals.* Outdoor murals or other outdoor artwork which do not advertise a product, service, logo or other insignia considered advertising as determined by the Code Administrator.
- t. *Home improvement signs.* In residential districts, non-illuminated on-site home improvement (i.e. builder, plumber, painter, electrician) signs may be placed in the yard where and when said improvements are being made. No signs shall be placed on any tree or rock. Home improvement signs shall not exceed six square feet in sign face area and may be placed

during construction, but must be removed no later than 14 calendar days after construction is completed.

4.4 Nonconforming Signs.

- a. *Modifications prohibited.* A nonconforming sign shall be allowed to continue in use but shall not be enlarged, replaced, rebuilt, relocated or altered, except to change the message or content of the sign, without being brought into compliance with the requirements of this section.
- b. *Routine repair and maintenance.* Nothing in the provisions of this section shall be construed as prohibiting routine repair and maintenance of any sign.

4.5 District Sign Regulations.

- a. *Residential Districts.*
 1. Nonresidential uses in residential zoning districts shall be allowed one wall sign not to exceed 32 square feet in sign face area or one monument sign not to exceed 32 square feet in sign face area. Signs must be setback ten feet from the right-of-way and located no closer than five feet to the adjacent lot.
 2. Home occupations. One, non-illuminated sign per dwelling shall be allowed for home occupations. Signs for home occupations shall not exceed four square feet in sign face area.
- b. *General Commercial (C-1) District.* Signs permitted in this district shall adhere to the following requirements:
 1. The total sign face area for signs on any one lot shall not exceed an area in of one square foot of sign face area for every one lineal foot of building face parallel or substantially parallel to a street lot line.
 2. The sign face area of any sign shall not exceed 32 square feet.
 3. Signs erected in this district shall not project out from the face of any building more than seven feet and may extend into the right-of-way. This horizontal distance shall include any necessary mounting or erection apparatus with which the sign is affixed thereto.
 4. No sign shall extend a vertical distance closer than eight feet to the average grade of the sidewalk.
 5. Internally illuminated signs shall be prohibited.
 6. Sign materials shall be consistent or compatible with the original construction materials and architectural style of the building façade. Natural materials such as wood and metal shall be permitted.
- c. *Highway Commercial (C-2) and Extensive Commercial (C-3) Districts.* Signs permitted in this district shall comply with the following regulations:
 1. The total sign face area for signs on any one lot shall not exceed an area of two square feet of surface area for every one lineal foot of lot frontage.
 2. One freestanding or monument sign shall be permitted per lot. An additional free standing or monument sign may be permitted for lots that have 400 feet or more of lot frontage.

3. No freestanding or monument sign shall have a sign face area that exceeds 60 square feet.
 4. Freestanding or monument signs that are landscaped (plantings and shrubbery) at the base may be permitted to exceed these area limits by no more than 20 percent.
 5. Projecting signs may be permitted if such projecting signs do not project into the right-of-way and have a minimum underclearance of ten feet, measured from the bottom of the sign to grade level at the right-of-way line.
- d. *Industrial (I) District.* Sign regulations for this district shall be the same as those in sec. 4.5(c), *Highway Commercial (C-2) and Extensive Commercial (C-3) Districts.*
- e. *Agricultural (A) District.* Sign regulations for this district shall comply with the following regulations.
1. Farm signs shall be limited to one sign per lot, and shall not exceed an area of 24 square feet and shall not exceed eight feet in height. Such signs shall not be illuminated and shall be setback ten feet from the right-of-way.
 2. Agriculture signs shall be limited to one sign per street frontage, and shall not exceed an area of 24 square feet and shall not exceed eight feet in height. Such signs shall not be illuminated and shall be setback ten feet from the right-of-way.
 3. Crop signs shall have a maximum size of three square feet and be erected to a height not to exceed ten feet. There shall not be more than one such sign per row of crop.
 4. Crop signs are permitted only while the crop is being grown and for no more than 30 days after harvest.
 5. A permit shall not be required for crop signs.
 6. Nonresidential uses shall be allowed one wall sign not to exceed 32 square feet in sign face area or one monument sign not to exceed 32 square feet in sign face area. Signs must be setback ten feet from the right-of-way and located no closer than five feet to the adjacent lot.
- f. *Conservation (CON) and Recreational (REC) Districts.* Sign regulations for this district shall comply with the following regulations:
1. Nonresidential uses shall be allowed one wall sign not to exceed 32 square feet in sign face area or one monument sign not to exceed 32 square feet in sign face area. Signs must be setback ten feet from the right-of-way and located no closer than five feet to the adjacent lot.
 2. Recreational directory signs shall not be more than 12 square feet in sign face area. Where a common posting standard is provided, all such signs shall be attached to the standard recreational directory. The resulting sign shall not exceed 32 square feet in sign face area. Signs may be placed at the right-of-way line.

SECTION V

PARKING, LOADING AND ACCESS REQUIREMENTS

5.1 General Off-Street Parking Requirements. In all districts and in connection with every use, there shall be provided off-street parking spaces at the time any use or structure is erected, moved, or enlarged.

- a. *Size.* The size of each parking space shall be at least nine feet in width, measured at right angles to the centerline of vehicle as parked, and at least 18 feet in length for angle parking and 23 feet in length for parallel parking exclusive of the aisles and drives.
- b. *Location.* Off-street parking areas shall be located at least five feet from all lot lines. The parking stalls shall be located on the same lot as the principle use but not over 400 feet from such use.
- c. *Aisles and drives.* Aisles or drives required for access to off-street parking spaces shall be:
 1. At least 24 feet wide for 90-degree angle parking;
 2. At least 18 feet wide for 60-degree angle parking;
 3. At least 15 feet wide for 45-degree angle parking; and
 4. At least 12 feet wide for parallel parking.

For the parking spaces that are angled, the angle is measured from the centerline of the parking space to the centerline of the aisle.

- d. *Utilization.* No off-street parking spaces or portions thereof shall serve as required parking for more than one use, except that off-street parking spaces for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements. Required off-street parking spaces shall be utilized solely for the parking of passenger motor vehicles belonging to patrons, occupants or employees of the use or building served. Spaces allocated to required off-street loading spaces shall not be used to satisfy space requirements for off-street parking facilities.
- e. *Computation.* When the computation of off-street parking spaces required by this section does not result in a whole number, any fraction of less than one half may be disregarded, while a fraction of one half or more shall be counted as one parking space. The computation of spaces required for employee parking shall be based on the maximum number of employees on duty or occupying the premises at any one time.
- f. *Approvals and plans.* No construction, expansion, improvement or development work shall commence on any off-street parking lot, facility or area until approval is granted in accordance with the requirements and procedures set forth in sec. 7.1, Land Use Permits. The design plans for such site development shall be reviewed and approved by the Code Administrator prior to commencement of construction or development. Required plans shall be drawn to scale, fully dimensioned and shall show all property lines, setbacks, building location, proposed parking spaces and loading facilities, aisles, driveways, access points, site drainage, and other information and data sufficient to determine compliance with the requirements specified in this section.
- g. *Drainage.* All off-street parking, drive and loading areas shall be adequately drained in such a manner as not to create a public nuisance. Where storm sewer is available and where deemed necessary by the Code Administrator for proper storm and clear water management, area drains shall be installed and connected to the storm sewer system. The property owner shall be responsible for all costs involved in the installation of the drain system on the property and for connection of the drain system and other appropriate sources of clear water to the storm sewer. The design and sizing of parking, drive and loading area drain systems

shall be in accordance with the tables, standards and provisions established in the plumbing code of the Wisconsin Administrative Code.

- h. *Surfacing.* Off-street parking, drive and loading areas shall be surface in accordance with the following regulations:
 - 1. Residential districts. Driveways and parking spaces in all residential zones shall be paved with asphalt, concrete, paving bricks or an equivalent hard-surface material. This regulation shall include and apply to parking spaces used for the open storage of wheeled vehicles. For the purpose of this subsection, compacted gravel or crushed stone that is a minimum of four inches in thickness shall be considered an equivalent hard-surface material.
 - 2. Commercial districts. Parking, drive and loading areas in all commercial zoning districts shall be paved with asphalt, concrete, or an equivalent hard-surface material.
 - 3. Industrial zones. Parking, drive and loading areas located in front or corner side yards in any industrial zoning district shall be paved with asphalt or concrete.
 - 4. Agricultural, conservation and recreational districts. Parking, drive and loading areas in all agricultural, conservation and recreational zoning districts shall be surfaced with asphalt, concrete, or an equivalent hard-surface material.
- i. *Maintenance and marking.* All paved and unpaved parking, drive and loading areas shall be maintained at all times in such a manner as to prevent wind and water erosion or the release of dust to the air. All off-street parking spaces required by this section shall be clearly identified by paint striping, marking or other approved method and bumper guards shall be installed where required by grade.
- j. *Lighting.* Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties and public streets in such a manner as not to create a public nuisance.
- k. *Screening.* All open, off-street parking areas containing more than three parking spaces shall be effectively screened on each side adjoining any property situated in a residential zoning district by a solid wall or fence at least six feet in height, unless such wall or fence is specifically prohibited in sec. 2.10, Fences and Walls. Off street loading spaces shall be similarly screened by a solid wall or fence at least eight feet in height, unless such wall or fence is specifically prohibited in sec. 2.10, Fences and Walls.
- l. *Sales, service and repair.* No business, servicing, repair work, processing, sales or storage shall be permitted in any parking lot, facility or area unless specifically authorized by the Village Board.
- m. *Increased use.* When the use of any building or premises is increased due to the addition of dwelling units, expansion of floor area, increase in seating capacity, or other cause, additional off-street parking and loading facilities shall be provided as required herein for such increase in use, and for at least 50 percent of any existing deficiency in parking or loading facilities.
- n. *Change of use.* Whenever the existing use of a building or premises is changed to a different use, off-street parking and loading facilities shall be provided as required herein for such new use.
- o. *Damage or destruction.* For any conforming or legally nonconforming building or use in existence on the effective date of this Ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed,

reestablished or repaired, off-street parking and loading facilities shall be provided as required herein for such building or use.

- p. *Possession.* When required off-street parking facilities are not located on the same lot as the building or use served, such facilities shall be in common possession with the building or use to which the parking facilities area accessory. Such possession may be by deed or long term lease, the terms of such lease to be determined by the Board of Appeals. Such deed or lease shall be filed with the register of deeds of the county and shall require the owner or the owner's heirs and assigns to maintain the required number of parking spaces for the duration of the use served or the term of the deed or lease, whichever shall terminate first.
- q. *Handicapped parking requirements.* All off-street parking facilities shall comply with ss. 101.13 and 346.503, Wis. Stats., which set forth standards and regulations regarding parking requirements for physically disabled persons.
- r. *Existing parking facilities.* Accessory off-street parking facilities serving a building or use in existence on the effective date of this Ordinance shall not hereafter be reduced below the minimum requirements established in this section for such building or use.

5.2 Required Number of Off-Street Spaces. The minimum number of off-street parking spaces to be provided shall be in accordance with the guidelines set forth in this section for the uses listed. In the event a proposed use is not specifically listed in this section, the Code Administrator shall determine minimum parking requirements based on building areas, number of employees, volume of business generated and other standards. In cases where garages are provided, the number of required spaces shall be reduced by the number of parking spaces within the garages.

<u>Use</u>	<u>Minimum Parking Required</u>
Single-family dwellings and mobile homes.	2 spaces per dwelling unit
Multi-family dwellings	2 spaces per dwelling unit
Group homes and community living arrangements	1 space for every 4 occupants plus 1 space per employee
Family day care homes	2 spaces plus 1 space per employee not residing at the home
Boardinghouse	1 space per bedroom or sleeping room
Hotels, motels	1 space per guest room plus 1 space per employee
Bed and breakfast establishments	2 spaces plus 1 space per rental room
Colleges, secondary and elementary schools	1 space for every 2 employees plus 1 space for every 10 students of 16 years of age or more.
Theaters, auditoriums, community centers, vocational schools and other places of public assembly.	1 space for every 3 seats

Fraternities, sororities and dormitories	1 space for every 3 active members or dormitory residents plus 1 space for the manager
Lodges and clubs	1 space for every 5 members
Libraries, art galleries, and museums	1 space for every 250 square feet of floor area
Hospitals	1 space for every 2 beds plus 1 space for every 3 employees
Medical and dental clinics	5 spaces per doctor/dentist
Nursing homes, rest homes, convalescent homes and sanitariums	1 space for every 5 beds, plus 1 space for every 3 employees
Churches and funeral homes	1 space for every 4 seats
Bowling alleys	5 spaces per alley
Shooting ranges and driving ranges	1 space per shooting station or golf driving tee
Miniature golf courses and putting greens	2 spaces per golf hole
Golf courses	8 spaces per hole plus 1 space for every 200 square feet of floor area
Public swimming pools	1 space for every 100 square feet of pool area plus 1 space per employee
Launching ramps	5 spaces per launching lane (each space 10 feet by 40 feet long)
Marinas	1 space for every 2 boat slips
Restaurants, taverns, and places of entertainment	1 space for every 150 square feet of floor area and 1 space for every 2 employees
Drive-in and carry-out restaurants	1 space for every 50 square feet of building floor area devoted to patron use (excluding restrooms) plus 6 stacked spaces for every drive-up window plus 1 space per employee
Retail stores and personal service establishments	1 space for every 150 square feet of floor area
Veterinarian clinics and kennels	2 spaces per employee
Financial institutions, business, government, and professional	1 space for every 300 square feet of floor area plus 1 space for every

offices	2 employees.
Dry cleaners and full-service laundries	1 space for every 2 employees
Self-service laundries (laundromats)	1 space for every 2 self-service units
Carwash facilities	3 stacked spaces for every wash bay or lane plus 1 space per employee
Motor vehicle and machinery sales businesses	1 space for every 400 square feet of floor area plus 1 space per employee
Outdoor sales areas (automobiles, boats, trailers, building materials, nurseries, etc.)	1 space for every 1,000 square feet of open sales area plus 1 space per employee
Motor vehicle repair garages	2 spaces for every service stall plus 1 space per employee
Gas stations	3 stacked spaces for every fueling position plus 1 space per employee
Music, dance and business schools	1 space for every 5 students plus 1 space for every 2 employees
Nursery schools and group day care centers	1 space for every 8 children plus 1 space per employee or 1 space for every 10 children plus 1 space per employee if a patron pickup and dropoff zone is provided on a directional driveway
Radio and television stations	1 space for every 2 employees
Theaters, indoor	1 space for every 2 seats, based on the maximum seating capacity of the building, plus 1 space per employee
Manufacturing and processing plants, laboratories and warehouses.	1 space for every 2 employees
Commercial riding stables	1 space for every 3 horses

5.3 Loading and Unloading Requirements.

- a. *Location.* Any use which requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no lawn or landscaped pervious surface is used as loading or unloading space, and, no public street, alley, or access to any parking area is blocked by such activities.
- b. *Separation.* The loading and unloading space shall be separate from any parking aisle or parking spaces unless delivery or pick up activities are scheduled for hours when the parking area is not in use.

- c. *Size.* Each required off-street loading and unloading space shall be at least 55 feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least 15 feet.

5.4 Access Requirements.

- a. *Access.* Adequate access to a public street shall be provided for each parking area.
- b. *Number.* For all single-family residential uses, no more than one (1) driveway per lot shall be permitted. For all two-family residential uses, no more than two (2) driveways may be permitted per lot. For all other uses, no more than one (1) driveway per lot shall be permitted unless a greater number is approved by the Plan Commission. Where a property owner owns more than one adjacent parcel (of the same use) with frontage, all parcels shall be treated as a single parcel for the purposes of this section.

- c. *Driveway widths.*

- 1. For all one and two-family dwelling units, private driveways to or from public streets shall be subject to the following restrictions:

Maximum width at curb opening		Maximum width at property line	
Single Drive	Combined Drive	Single Drive	Combined Drive
35 feet	50 feet	25 feet	40 feet

- 2. For all other uses, private driveways to or from public streets shall be subject to the following restrictions:

Maximum width at curb opening		Maximum width at property line	
Single Drive	Combined Drive	Single Drive	Combined Drive
45 feet	60 feet	35 feet	50 feet

- 3. Where it is not possible or practical to achieve the minimum required spacing, two driveways may be combined if the combined widths do not exceed the maximums prescribed by secs. 5.4(c)(1) and (c)(2).
- d. *Setback.* Except where any easement or agreement exists between owners of abutting property, driveways shall not cross nor be located within five feet of any lot line.
- e. *Driveway corner setback or location to a street corner.* Driveways on corner lots shall not be located closer to the intersecting extensions of street right-of-way lines than the following:
 - 1. On a village or local street, 30 feet for R-1 and R-2 zoned parcels and 50 feet for other zoning districts.
 - 2. On a county trunk highway, 40 feet for R-1 and R-2 zoned parcels and 100 feet for other zoning districts.
 - 3. On a federal or state trunk highway, 50 feet for R-1 and R-2 zoned parcels and 150 feet for other zonings.
- f. *County highway standards.* Nothing in this section is meant to supersede county highway access standards; the more restrictive shall apply.

SECTION VI

NON-CONFORMING USES, STRUCTURES AND LOTS.

6.1 Non-Conforming Uses, Structures and Lots.

- a. *Intent.* Within the districts established by this Ordinance or amendment that may later be adopted, there exist uses, structures and lots, which were lawful before this Ordinance was passed or amended. But these would now be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.
- b. *Non-conforming uses of land or structure.*
 1. Change in tenancy, ownership, or management. The tenancy, ownership or management of a nonconforming use may be changed, provided that the nonconforming use is not enlarged or changed to a more intensive use.
 2. Change of use. A nonconforming use may be changed to a conforming use. Once the change has been effected, the use shall not revert back to the prior nonconforming use.
 3. Enlargement. A nonconforming use shall not be enlarged, increased, or extended to occupy a greater area of land or structure than was occupied at the effective date of adoption of this Ordinance.
 4. Relocation. A nonconforming use shall not be moved in whole or in part to any other portion of the lot or structure than was occupied as of the effective date of this Ordinance.
 5. Discontinuance. A nonconforming use which has been discontinued for a period of twelve (12) months shall not be reestablished, and any future use of the land or primary structure shall conform to the provisions of this Ordinance.
 6. Repairs and nonstructural alterations. Ordinary repairs and nonstructural alterations may be made to structures containing nonconforming uses. Ordinary repairs and nonstructural alterations include internal and external painting; decorating; paneling; the repair or replacement of doors, windows, nonbearing walls, fixtures, heating and cooling components, wiring, plumbing, roofing and other nonstructural components; and the maintenance, repair, or replacement of existing private sewage and water supply systems or connections to public utilities. For the purpose of this section, nonstructural repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement and other replacement of or substitutions for machinery or equipment not involving structural alterations to the building or structure.
 7. Structural repairs and alterations. Structural repairs or alterations made to a building, premises, structure, or fixture containing a nonconforming use are permitted provided that the value of such repair or alteration does not exceed 50 percent of the assessed value of the building or structure at the time the first permit was issued unless permanently changed to a conforming use. Subsequent permits shall draw down from the 50 percent value established at the time the first permit was issued.
- c. *Non-conforming structures.*
 1. Repairs and nonstructural alterations. Ordinary repairs and nonstructural alterations may be made to nonconforming structures. Ordinary repairs and nonstructural alterations include internal and external painting; decorating; paneling; the repair or replacement of doors, windows, nonbearing walls, fixtures, heating and cooling components, wiring,

plumbing, roofing and other nonstructural components; and the maintenance, repair, or replacement of existing private sewage and water supply systems or connections to public utilities. For the purpose of this section, nonstructural repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement and other replacement of or substitutions for machinery or equipment not involving structural alterations to the building or structure.

2. Structural repairs and alterations. Structural repairs or alterations made to existing nonconforming structures are permitted provided that the value of such repair or alteration does not exceed 50 percent of the assessed value of the building or structure at the time the first permit was issued. Subsequent permits shall draw down from the 50 percent value established at the time the first permit was issued.
 3. Additions or expansion. Nonconforming structures shall not be enlarged in a way which would increase its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 4. Damage or destruction. A nonconforming structure which is damaged on or after march 2, 2006, by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored or rebuilt to its size, location, and use that it had immediately before the damage or destruction occurred, except that it may be constructed larger in size to the extent required to comply with applicable state or federal requirements. Such reconstruction shall start within one (1) year from the date of damage or destruction and diligently pursued to completion.
 4. Relocation. Should such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- d. *Nonconforming lots.* An existing lot which does not comply with lot width or lot area requirements may be used for a permitted use provided that:
1. The lot has been legally created.
 2. The lot or parcel is in separate ownership from abutting lands. If abutting lands are under the same ownership as the nonconforming lot, the contiguous parcels shall be replatted to meet minimum lot area and lot width requirements.
 3. All structures conform to the regulations for the district in which is located.

SECTION VII

PROCEDURES

7.1 Land Use Permits.

- a. *Land use permit required.* No land use shall be substantially altered, and no building or structure or any part thereof, except us herein provided, shall hereafter be erected, enlarged, altered, repaired or moved within the areas subject to the provisions of this Ordinance until a land use permit shall have been applied for in writing and obtained from the Code Administrator. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, repair or moving.

- b. *Application.* A land use permit application shall be filed in writing with the Code Administrator on such forms as shall be provided by the Village and shall be accompanied by an application fee as set forth in the Village fee schedule on file with the Village Clerk.
- c. *Site plan.* All applications for a land use permit shall be accompanied by a sketch showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing and intended use of the building, the number of families to be accommodated, its situation with setbacks to property lines; and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this Ordinance.
- d. *Unsewered lots.* All applications for a land use permit for structures intended for human habitation and/or occupancy on parcels not served by a public sewerage system shall be accompanied by a state sanitary permit application.
- e. *Exemptions.* No land use permit shall be required in any of the following instances, however, all other provisions of this Ordinance shall apply:
 - 1. For any improvement or alteration to an existing building costing less than \$500 which does not affect a change in use.
 - 2. For any maintenance repairs regardless of the cost.
 - 3. Ponds.
 - 4. Provided, however, that before any of the above construction or alteration is started, the owner or his authorized agent shall notify the Code Administrator in writing of such proposed construction or alteration, giving the address and exact nature of the work proposed to be done, by whom it will be done, when it will be started and the estimated cost. The Code Administrator may require that a drawing of the proposed work be submitted to him if he deems it necessary to the proper understanding of the work. A building permit may still be required.
- f. *Definition.* The term "Land Use" as used in this section shall include any building, structure or use of land which is governed by the requirements of this Ordinance.
- g. *Expiration.* Any land use permit issued under the provisions of this Ordinance, shall lapse and become void if the work described in such permit is not commenced within one year from its date of issuance.

7.2 Conditional Uses.

- a. *Applicability.* The provisions of this Ordinance are based upon the division of the Village into zoning districts within which the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location. Such uses are referred to in this Ordinance as conditional uses.
- b. *Eligibility.* Any person having a freehold interest in land; a possessory interest in land entitle to exclusive possession; a contractual interest in land which may become a freehold interest; or an exclusive possessory interest in land may file an application to use such land for one or more of the conditional uses specified in this Ordinance in the zoning district in which such land is located.

- c. *Application.* An application for conditional use approval shall be filed in writing with the Code Administrator on such forms as shall be provided by the Village and shall be accompanied by a nonrefundable application fee as set forth in the Village fee schedule on file with the Village Clerk. The application shall be accompanied by a written statement from the applicant, such plans and data as prescribed by the Plan Commission, and adequate evidence showing that the proposed conditional use will conform to the standards set forth in sub. (h). Such application shall be forwarded to the Plan Commission. No application for conditional use approval, which is identical or substantially similar to a previous request, shall be heard or acted upon within six months of the Plan Commission or Village Board action on such previous request.
- d. *Public hearing.* The Plan Commission shall hold a public hearing on each application for conditional use approval at such time and place as shall be established by the Plan Commission. The public hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Plan Commission shall by rule prescribe from time to time. A notice of public hearing shall be posted as a Class 2 Notice in accordance with Ch. 985, Wis. Stats., and mailed directly to interested parties within 200 feet of the subject property and, if involving the shoreland-wetland zoning district, to the appropriate office of the Department. Such mailing to be made at least ten days prior to the date of the public hearing.
- e. *Findings and recommendations.* Following such public hearing, the Plan Commission shall make written findings of fact on the proposed conditional use and shall submit such findings, together with its recommendation for approval or disapproval, to the Village Board. Such recommendation shall include any stipulations, conditions or guarantees deemed necessary by the Plan Commission for the protection of the public interest. See sec. 7.2(h), *Conditions and guarantees.*
- f. *Village Board action.* The Village Board shall not act upon an application for conditional use approval until it has received a written report and recommendation for approval or disapproval from the Plan Commission on such proposed conditional use. Village Board action shall be taken and a decision rendered within 90 days from the date of filing of the application for conditional use approval. If involving the shoreland-wetland zoning district, a copy of the decision on each conditional use permit application shall be provided to the appropriate office of the Department within 10 days of the decision.
- g. *Standards.* The Plan Commission shall not recommend and the Village Board shall not approve a conditional use unless findings are first made, based on evidence presented, that the following standards are met:
1. The conditional use shall not be a detriment to or endanger the health, safety, morals, comfort or general welfare of the public.
 2. The conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted, nor shall it substantially diminish or impair property values with the neighborhood.
 3. The conditional use shall not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.
 4. The exterior architectural appeal and functional plan of proposed buildings and structures shall not be so at variance with existing buildings and structures, or buildings and structure under construction in the immediate area, or the character of the zoning district, as to cause a substantial depreciation in property values within the neighborhood.

5. Adequate utilities, access roads, drainage, and other necessary facilities are in place or will be provided.
 6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and traffic hazards in the public streets.
 7. The conditional use shall, in all other respects, conform to applicable regulation of the zoning district in which it is located, except as such regulation may be modified by the Village Board pursuant to Plan Commission recommendations.
- h. *Conditions and guarantees.* Prior to approval of a conditional use, the Plan Commission may recommend and the Village Board may require the placement of such conditions and restrictions upon the establishment, location, construction, maintenance and/or operation of such conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards established in sec. 7.7(g), *Standards*. Whenever approval is granted for a conditional use, the Village Board shall require such evidence and guarantees as it may deems necessary as proof that the conditions required in connection therewith are being and will be adhered to.
 - i. *Validity.* No conditional use approval granted by the Village Board shall be valid for a period longer than two years from the date of approval unless the conditional use has been established within such period. In the event the conditional use is not established within such period, without further action by the Plan Commission or Village Board, the conditional use or approval thereof shall be null and void.

7.3 Certificate of Occupancy.

- a. *Issued by the Code Administrator.* Certificates of occupancy shall be issued by the Code Administrator in accordance with the regulations of this section.
- b. *When required.* A certificate of occupancy is required prior to the occupancy or use of any building or building addition constructed after the effective date of this Ordinance; any land vacant on the effective date of this Ordinance; or any building or premises changed form one use to another.
- c. *Notification.* Upon project completion, the property owner or authorized agent shall contact the Code Administrator to request a final inspection and certificate of occupancy. Within seven days of the request, the Code Administrator shall issue a certificate of occupancy or notify the applicant in writing of the reasons why a certificate cannot be issued.
- d. *Issuance.* No certificate of occupancy shall be issued until construction or development is complete and a final inspection is conducted by the Code Administrator verifying that all buildings and land uses comply with the provisions of this Ordinance and are in conformity with the plans and specifications upon which the zoning approval was based. Any certificate of occupancy issued in conflict with this subsection or any provision of this Ordinance shall be null and void.
- e. *Temporary occupancy.* Prior to final completion of a construction or development project and pending the issuance of a certificate of occupancy, approval may be granted by the Code Administrator for temporary or partial occupancy or use of a building or premises for a period not to exceed six months. Temporary or partial occupancy approval may only be granted if all buildings and land uses are in substantial compliance with the provision of this Ordinance and no reasonable threats to the health, safety or welfare of the public exist. All construction shall be completed, required inspections conducted, and a certificate of occupancy issued in accordance with the above regulations prior to expiration of the temporary occupancy approval.

7.4 Variances.

- a. *Authority to grant.* The Board of Appeals may vary the regulations of this Ordinance in harmony with its general purpose, spirit and intent, only in the specific cases hereinafter set forth, where such Board makes findings of fact in accordance with the standards hereinafter prescribed, and further finds that enforcement of the strict letter of the regulations of this Ordinance would result in practical difficulties or unnecessary hardships.
- b. *Application.* An application or petition for variance shall be filed in writing with the Code Administrator on such forms as shall be provided by the Village and shall be accompanied by a nonrefundable application fee as set forth in the Village fee schedule on file with the Village Clerk. The application shall contain such information as the Board of Appeals may by rule require. No variance petition, which is identical or substantial similar to a pervious application, shall be heard or acted upon within six months of board of Appeals action on such previous petition.
- c. *Public hearing.* The Board of Appeals shall hold a public hearing on each petition for variance at such time and place as shall be established by the Board of Appeals. The public hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Board of Appeals shall by rule prescribe from time to time. A notice of public hearing shall be posted as a Class 2 Notice in accordance with Ch. 985, Wis. Stats., and mailed directly to interested parties within 200 feet of the subject property. Such mailing to be made at least ten days prior to the date of the public hearing. The Board of Appeals shall thereafter render its decision within 60 days from the date of filing of the variance petition.
- d. *Variance standards.* It is the duty of the Board of Appeals to reserve, to the extent possible, the provisions of this Ordinance without modification, while ensuring substantial justice for the property owner. The Board of Appeals shall not vary the regulations of the Ordinance unless it shall first make findings, based upon evidence presented to it by the applicant, that all the following variance standards are met:
 1. *Unnecessary hardship.* The applicant must show that the difficulty or hardship faced has been created by this Ordinance and is not self-imposed and that, in the absence of a variance, no feasible use of the property can be made. The difficulty or hardship must be unique to the parcel in question and not one which affects all parcels in the area similarly. Potential loss of profit or desire for financial gain is not, in and of itself, grounds for a variance. Additionally, violations by or variances granted to neighboring property owners does not justify the granting of a variance.
 2. *Unique property limitation.* The applicant must show that unique physical characteristic of the property itself, not his own personal desires or preferences, prevent him from building or developing in compliance with the provisions of this Ordinance. The characteristics may include topographical conditions, parcel shape, physical surroundings, wetland areas or soil types which limit the reasonable use of the property.
 3. *Protection of public interest.* The applicant must show that the granting of a variance will not harm the public interest, including the interests of the public at large, not just those of nearby property owners. The granting of a variance must not result in an inadequate supply of light or air to adjacent property, a substantial increase in congestion of public streets, an increase in the danger of fire, endangerment of the public safety, or reduction or impairment of property values within the neighborhood. The lack of local opposition to a variance petition does not in itself mean that the variance will not harm the public interest.

- e. *Conditions and restrictions.* The Board of Appeals may impose such conditions or restrictions upon the premises benefited by a variance as may be necessary to protect adjoining property, preserve the general character of the neighborhood, comply with the standards established in this subsection, and achieve the objectives of this Ordinance.
- f. *Authorized variances.* The Board of Appeals may only grant variances from dimensional standards incorporated in this Ordinance and in no other circumstances. For the purposes of this subsection, the term “dimensional standard” includes any regulation establishing a minimum or maximum width, depth, length, height, elevation, distance, dimension, area, size, number, sum, percentage, ratio, proportion, measurement, pitch, slope or comparable dimensional reference.
- g. *Validity.* No variance granted by the Board of Appeals shall be valid for a period longer than two years from the date granted unless construction or development has commenced or the use has been established within such period. Once granted and established, a variance is attached to the property as a permanent right.

7.5 Appeals.

- a. *Board of Appeals to hear.* The Board of Appeals may hear and rule upon an appeal by any person, firm, corporation, office, department, board or bureau aggrieved by any order, requirement, ruling or decision made under this Ordinance by the Code Administrator.
- b. *Filing.* A notice of appeal, specifying the grounds for grievance, shall be filed with the Code Administrator within 30 days of the order, requirement, ruling or decision in question, and shall be accompanied by a nonrefundable application fee as set forth in the Village fee schedule on file with the Village Clerk. The Code Administrator shall forthwith transmit to the Board of Appeals the notice of appeal and all records upon which such appeal is based.
- c. *Stay of proceedings.* The filing of an appeal shall stay all actions or legal proceedings in furtherance of the order appealed unless the Code Administrator certifies to the Board of Appeals after notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a Court of Record on application, on notice to the Code Administrator, and on due cause shown.
- d. *Public hearing.* The Board of Appeals shall hold a public hearing on each appeal at such time and place as shall be established by the Board of Appeals. The public hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Board of Appeals shall by rule prescribe from time to time. A notice of public hearing shall be posted as a Class 2 Notice in accordance with Ch. 985, Wis. Stats., and mailed directly to interested parties and, if involving the shoreland-wetland zoning district, to the appropriate office of the Department. Such mailing to be made at least ten days prior to the date of the public hearing. The Board of Appeals shall thereafter render its decision within 60 days from the date of filing of the appeal.
- e. *Rulings.* The Board of Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. If involving the shoreland-wetland zoning district, a copy of the decision on each appeal shall be provided to the appropriate office of the Department within 10 days of the decision.

7.6 Amendments.

- a. *Purpose.* For the purpose of promoting public health, safety, morals, comfort and general welfare; conserving the value of property throughout the community; and lessening or avoiding congestion of public streets and highways; the Village Board may, from time to time in the manner hereinafter set forth, amend the regulations imposed by this Ordinance or amend zoning district boundary lines provided that, in all amendatory ordinances adopted under the authority of this subsection, due allowance shall be made for existing conditions and property uses, conservation of property values, and orderly community development. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that such amendment is in the public interest and is not solely for the interest of the applicant.
- b. *Application.* Amendments may be proposed by any governmental body or by any interested person or organization. An application for amendment shall be filed in writing with the Code Administrator on such forms as shall be provided by the Village and shall be accompanied by a nonrefundable application fee as set forth in the Village fee schedule on file with the Village Clerk. Such application shall be forwarded to the Plan Commission. If involving the shoreland-wetland zoning district, a copy of each proposed text or map amendment shall be submitted to the appropriate office of the Department within 5 days of the submission of the proposed amendment to Village. No application for amendment to this Ordinance, which is identical or substantially similar to a previous request, shall be heard or acted upon within six months of the Plan commission or Village Board action on such previous request.
- c. *Public hearing.* The Plan Commission shall hold a public hearing on each application for amendment at such time and place as shall be established by the Plan Commission. The public hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Plan Commission shall by rule prescribe from time to time. A notice of public hearing shall be posted as a Class 2 Notice in accordance with Ch. 985, Wis. Stats., and mailed directly to interested parties and, if involving the shoreland-wetland zoning district, to the appropriate office of the Department. Such mailing shall be made at least ten days prior to the date of the public hearing. Where the proposed amendment involves a change in zoning district classification, the mailing shall be made to property owners within 300 feet of the subject property.
- d. *Findings and recommendations.* Following such public hearing, the Plan Commission shall make written findings of fact on the proposed amendment and shall submit such findings, together with its recommendations for approval or disapproval, to the Village Board. If involving the shoreland-wetland zoning district, a copy of the findings of fact shall be forwarded to the appropriate office of the Department within ten days after the submission of those recommendations to the Village Board. Where the purpose and effect of a proposed amendment is to change the zoning district classification of a particular property, the Plan Commission shall make findings, based upon evidence presented to it in each specific cases, with respect to the following matters:
1. Existing land uses within the general area of the property in question.
 2. The zoning district classification of land within the general area of the property in question.
 3. The suitability of the property in question to uses permitted under the existing zoning district classification.
 4. The trend of development in the general areas of the property in question, including recent changes, if any, in zoning district classification.
- e. *Changes in zoning district classification.* In no case shall a lot or parcel of land qualify for a change in zoning district classification unless it possesses at least 200 feet of frontage on a

public street or right-of-way, or is at least 25,000 square feet in area, or adjoins a lot or parcel of land which bears the same classification as proposed in the amendment. The Plan Commission may recommend the adoption of an amendment changing the zoning district classification of the property in question to a higher classification than that requested by the applicant. For the purpose of this subsection, the One and Two-Family Residence District (R-1) shall be considered the highest classification and the Industrial District (I) shall be considered the lowest classification.

- f. *Village Board action.* The Village Board shall not act upon a proposed amendment to this Ordinance until it has received a written report and recommendation for approval or disapproval from the Plan Commission on such proposed amendment. Village Board action shall be taken and a decision rendered within 90 days from the date of filing of the application for amendment. If involving the shoreland-wetland zoning district, a copy of the decision on each amendment shall be provided to the appropriate office of the Department within 10 days of the decision.
- g. *Contested amendments.* In the event of the filing of a written protest against a proposed amendment, such protest to be signed and acknowledge by the owners of 20 percent or more of any of the following described lands, the amendment shall not be approved except by a favorable vote of two-thirds of all the members of the Village Board:
 - 1. The land include in such proposed amendment.
 - 2. The property immediately adjacent to and extending 100 feet from the land included in such proposed amendment.
 - 3. The property directly opposite to and extending 100 feet from the street frontage of the land included in such proposed amendment.

7.7 Annexed Territory. All new territory annexed to the Village of Potter shall automatically become a part of the One and Two-Family Residential District (R-1) and all the provisions of this Ordinance applicable in the R-1 District shall apply to all such annexed territory until definite district boundaries and regulations for such annexed territory are adopted by the Village Board; provided, however, that definite district boundaries and regulations for such annexed territory shall be adopted by the Village Board within 90 days from the date of annexation to the Village.

SECTION XIII

ADMINISTRATION

8.1 Plan Commission.

- a. *Authorization.* The Plan Commission is established under the provisions of s. 62.23(1), Wis. Stats., and Village of Potter Ordinance 2004-1.
- b. *Jurisdiction.* The Plan Commission is hereby vested with such authority as is specified in state statutes and in furtherance of such authority shall discharge the following duties:
 - 1. Review and conduct public hearing on all application for conditional use approval, zoning chapter amendments, and planned development, and report findings and recommendations to the Village Board.
 - 2. Periodically review existing regulations and recommendations for amendments, changes, corrections, updates and rewrites received from the Code Administrator and report conclusions and recommendations to the Village Board.

3. Hear and rule upon all matters referred to it, or upon which it is required to pass under this Ordinance.

8.2 Board of Appeals.

- a. *Establishment.* The Board of Appeals is established under the provisions of s. 62.23(7)(e), Wis. Stats.
- b. *Composition.* The Board of Appeals shall consist of five (5) members appointed by the Village President, subject to confirmation by the Village Board, for three (3) years, except that of those first appointed, one member shall serve one (1) year, two members for two (2) years and two members for three (3) years. The members shall serve at such compensation to be fixed by Ordinance, and shall be removable by the Village President for cause upon written charges and after public hearing. The Village President shall designate one of the members Chairman. The Board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- c. *Jurisdiction.* The Board of Appeals is hereby vested with such authority as is specified in the Wisconsin Statutes and in furtherance of such authority shall discharge the following duties:
 1. Hear and rule upon petitions for variances from the terms of this Ordinance in the manner prescribed by and subject to the standards established herein.
 2. Hear and rule upon appeals of any order, requirement, ruling or decision made under this Ordinance by the Code Administrator.
 3. Hear and rule upon all matters referred to it, or upon which it is required to pass under this Ordinance, as prescribed by s. 62.23, Wis. Stats.
- d. *Meetings and rules.* All meetings of the Board of Appeals shall be held at the call of the chair, and at such times as the Board of Appeals and chair may determine. All hearings conducted by the Board of Appeals shall be open to the public and any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. The chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings showing the attendance and vote of each member on each question, or, if absent or failing to vote, indication such fact and shall keep records of its hearings and other official actions. A copy of the minutes and every rule, regulation, order, requirement, decision, or determination of the Board of Appeals shall be filed immediately in the office of the Village Clerk and shall be a public record. The Board of Appeals shall adopt rules and establish procedures which do no conflict with this Ordinance or with applicable state statutes and shall select or appoint such officers as it deems necessary.
- e. *Finality of decisions.* All decisions and findings of the Board of Appeals on variance petitions, appeals or other matters shall in all instances be final administrative decisions and shall be subject to judicial review as provided by law.

8.3 Code Administrator.

- a. *Jurisdiction.* The Code Administrator is hereby vested with full authority to administer and enforce the provisions of this Ordinance and in furtherance of such authority shall discharge the following duties:
 1. Issue of all applicable approvals, permits and certificates referred to in this Ordinance.

2. Inspect buildings, structures, and land uses to determine compliance with the terms of this Ordinance.
 3. Forward all variance petitions, appeals and other relevant matters to the Board of Appeals.
 4. Forward all applications for conditional use approval, zoning chapter amendments, and planned developments to the Plan Commission.
 5. Maintain current and permanent records including, but not limited to, maps, plats, plans, applications, permits, certificates, amendments, conditional uses, variances and appeals.
 6. Periodically review existing regulations and submit recommendations for amendments, changes, corrections, updates and rewrites to the Plan Commission.
 7. Forward public hearing notices to the appropriate office of the Department when applicable to the shoreland-wetland zoning district as required by NR 117, Wisconsin Administrative Code.
- b. *Relief from personal responsibilities.* The Code Administrator charged with the enforcement of this Ordinance, while acting on behalf of the Village, shall not thereby be rendered liable personally, and is hereby relieved of all personal liability for any damage occurring to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against the Code Administrator because of an act performed in the lawful discharge of duties and under the provisions of this Ordinance, shall be defended by the legal representative of the Village until the final termination of the proceedings. The Code Administrator shall not be liable for any costs in any action, suit or proceedings that is instituted in pursuance of the provisions of this Ordinance.

SECTION IX

ENFORCEMENT

9.1 Violations.

- a. *Unlawful activity.* It shall be unlawful to locate, erect, construct, reconstruct, alter, enlarge, extend, convert, or relocate any building, structure, or sign or use any building, structure, land, or sign in violation of the provisions of this Ordinance or amendments thereto, lawfully adopted by the Village Board. It shall also be unlawful to fail to obtain permits as required by this Ordinance or to fail to comply with any requirement or condition imposed by the Board of Appeals or Village Board.
- b. *Separate offense.* Each and every day of violation described in sec. 9.1(a), *Unlawful activity*, shall be deemed a separate offense and violation.
- c. *Prosecution.* Any person, firm, association, or corporation or authorized agent failing to comply with the provisions of this Ordinance may be subject to prosecution under the terms of this Ordinance.

9.2 Prosecution.

- a. *Civil proceedings.* Pursuant to s. 66.0114, Wis. Stats., an action for violation of this Ordinance shall be a civil action.

- b. *Notification.* The Code Administrator shall serve any violators with a notice of violation stating the following:
1. The nature of the violation.
 2. Corrective measures required to eliminate the violation.
 3. That the violator shall be subject to:
 - (A) Civil action to remove or otherwise eliminate the violation and/or
 - (B) Penalties, upon conviction, as set forth in Sec. 9.3, Penalties.
 - (C) The Code Administrator shall report violations to the Village Board. The Village Board may direct the Village's legal counsel to commence legal action or proceedings to prosecute alleged violators pursuant to the proceedings outlines in s. 66.0114, Wis. Stats., or pursuant to issuance of a Summons and Complaint.
- c. *Injunction.* Compliance with this Ordinance may also be enforced by an injunction at the suit of the Village of Potter or the owner or owners of real estate within the zoning district affected by such regulation.
- d. *Penalty.* Those actions commenced on behalf of the Village of Potter, may, in addition, seek a forfeiture or penalty as set forth in Sec. 9.3, Penalties.
- e. *Special inspections warrants.* The provisions of s. 66.0119(1) and (2), Wis. Stats., shall govern the issuance of all special inspection warrants.

9.3 Penalties. Any person, firm, association or corporation or authorized agent who fails to comply with the provisions of this Ordinance or any order of the Code Administrator, Village Board or Board of Appeals, issued in accordance with this Ordinance shall, upon conviction thereof, forfeit, not less than double of the normal permit fees, as well as, the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and cost shall be imprisoned until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate violation.