

## TITLE 10

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## CHAPTER 1

### Zoning

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## ARTICLE A

### Introduction

#### SEC. 10-1-1 AUTHORITY.

These regulations are adopted under the authority granted by Section 61.35 and 62.23(7) of the Wisconsin Statutes.

#### SEC. 10-1-2 PURPOSE.

The purpose of this Chapter is to promote the health, safety, prosperity, aesthetics, and general welfare of the Village of St. Cloud, Wisconsin.

#### SEC. 10-1-3 INTENT.

It is the general intent of this Chapter to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways, secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's general plan or plan components. It is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

#### SEC. 10-1-4 ABROGATION AND GREATER RESTRICTIONS.

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

#### SEC. 10-1-5 INTERPRETATION.

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

#### SEC. 10-1-6 SEVERABILITY.

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

SEC. 10-1-7 REPEAL.

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

SEC. 10-1-8 TITLE.

This Chapter shall be known as, referred to, or cited as the "Zoning Ordinance" or "Zoning Code," Village of St. Cloud, Wisconsin.

SEC. 10-1-9 EFFECTIVE DATE.

This Chapter shall be effective after a public hearing, adoption by the Village Board of the Village of St. Cloud and publication or posting as provided by law.

**ARTICLE B**

## General Provisions

**SEC. 10-1-10      JURISDICTION.**

The jurisdiction of this Chapter shall include all lands and waters within the limits of the Village of St. Cloud.

**SEC. 10-1-11      COMPLIANCE WITH CHAPTER.**

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit except minor structures and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.

**SEC. 10-1-12      ZONING PERMIT.**

- (a) The Village Board hereby designates the Clerk-Treasurer as the official to receive, process, and, following approval by the Village Board, issue zoning permits.
- (b) Cases when a zoning permit is required:
  - (1) Before any building or other structure which is the principal permitted use is erected, moved or structurally altered so as to change its use or increase its floor area.
  - (2) Before any land use is substantially altered.
  - (3) Before any building or structure is erected or substantially altered which would be a Conditional Use or require a variance regardless of whether principal or accessory use.
  - (4) Before building an accessory structure, even though not intended for human occupancy.
- (c) The permit application shall be made to the Clerk-Treasurer on forms provided by the Village. Applications shall be submitted in duplicate, except that when a site plan approval under Sec. 10-1-13 is required, they shall be submitted in quadruplicate. The application shall include the following information:
  - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
  - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (3) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site.
  - (4) Proposed sewage disposal plan. If Village sewerage service is not available, this plan shall be reviewed by the Village Engineer who shall certify in writing that

- satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state health regulations.
- (5) Proposed water supply plan if Village water service is not available. This plan shall be reviewed by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.
  - (6) Additional information as may be required by the Village Board, Village Engineer, and Building, Plumbing or Health Inspectors, including all information required for site plan approval under Sec. 10-1-13 of this Chapter.
  - (7) Fee receipt from the Clerk-Treasurer in the amount of Five (\$5.00) Dollars.
- (d) The Clerk-Treasurer shall review the application and, if the application is complete and contains all required information, shall refer it to the Village Board.
  - (e) Upon referral of the application, the Village Board shall schedule a public hearing thereon as soon as practical and the Village Board shall notice said hearing as deemed appropriate.
  - (f)
    - (1) Following public hearing, necessary study and investigation, the Village Board shall render its decision in writing and a copy made a permanent part of the Board's minutes. Such decision shall include an accurate description of the zoning use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval. The Village Board may impose any conditions or exemptions necessary to minimize any burden on any persons affected by granting the special use permit.
    - (2) A Zoning Permit shall be granted or denied in writing by the Village Board within thirty (30) days or within sixty (60) days of said date when site plan approval or a conditional use permit is required. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Chapter shall be null and void.
  - (g) When a Zoning Permit does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare the special grant may be terminated by action of the Village Board following a public hearing thereon.
  - (h) Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Village Board and if in the opinion of the Village Board such change or addition constitutes a substantial alteration, a public hearing before the Board shall be required and notice thereof be given.

**SEC. 10-1-13      SITE PLAN APPROVAL.**

- (a) **SITE PLAN APPROVAL.** All applications for Zoning Permits for any construction, reconstruction, expansion or conversion shall require site plan approval by the Village Board in accordance with the requirements of this Section.
- (b) **APPLICATION.** An application for any such Zoning Permit shall be submitted to the Clerk-Treasurer in quadruplicate. The applicant shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Village Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (c) **ADMINISTRATION.** The Building Inspector shall make a preliminary review of the application and plans, and refer them, along with a report of his findings, to the Village Board within ten (10) days. The Village Board shall review the application



and may refer the application and plans to one or more expert consultants selected by the Board to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within forty-five (45) days of its receipt of the application, the Board shall authorize the Building Inspector to issue or refuse a Zoning Permit. The Building Inspector shall then act on the permit within five (5) days, in accordance with the recommendation of the Board.

- (d) **REQUIREMENTS.** In acting on any site plan, the Village Board shall consider the following:
- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
  - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
  - (3) The adequacy of the proposed water supply, drainage facilities, and sanitary and waste disposal.
  - (4) The landscaping and appearance of the completed site. The Village Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.
- (e) **EFFECT ON MUNICIPAL SERVICES.** Before granting any site approval, the Village Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Village Board shall not issue final approval until the it has entered into an agreement with the applicant regarding the development of such facilities.
- (f) **FEE FOR SITE PLAN APPROVAL.** A fee of Five (\$5.00) Dollars will be charged for the filing of an application for site plan approval. The applicant will also be required to pay the cost of any consultant's reports which may be required by the Village Board under Subsection (c) above.

SEC. 10-1-14      SITE RESTRICTIONS.

- (a) **SITE SUITABILITY.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated run-off, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Board in applying the provisions of the section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.
- (b) **STREET FRONTAGE.** All lots shall abut upon a public street, and each lot shall have a minimum street frontage and area as set forth in this Code of Ordinances.
- (c) **DEDICATED STREET.** No Zoning Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

- (d) **PRINCIPAL STRUCTURES.** All principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot, except for planned area developments in accordance with the provisions of this Chapter.
- (e) **PRESERVATION OF TOPOGRAPHY.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (f) **ESTABLISHMENT OF GRADES.** Every building hereafter erected, structurally altered, or relocated shall be at a grade approved by the Building Inspector as being in satisfactory relationship with the established street grades, or with the existing street grades where none is established, with particular consideration for proper drainage and safe vehicular access.
- (g) **PRIVATE SEWER AND WATER.** In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system, designed in accordance with Sec. H65, Wisconsin Administrative Code. In any district where a public water service or public sewerage service is not available, the lot width and area shall be determined in accordance with Sec. H65, Wisconsin Administrative Code, but for one-family dwellings shall be not less than one hundred (100) feet and not less than twenty thousand (20,000) square feet respectively.

SEC. 10-1-15      USE RESTRICTIONS.

- (a) **PRINCIPAL USES.** Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- (b) **CONDITIONAL USES.** Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Board pursuant to Article D of this Chapter.
- (c) **UNCLASSIFIED OR UNSPECIFIED USES.** Unclassified uses may be permitted by the Village Board after the Board has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.
- (d) **TEMPORARY USES.** Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Clerk-Treasurer.
- (e) **PERFORMANCE STANDARDS.** Performance standards listed in Article I shall be complied with by all uses in all districts.
- (f) **MOBILE HOMES.** No mobile home shall be used for the purpose of habitation except within an approved mobile home park.
- (g) **REDUCTION OR JOINT USE.** No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
- (h) **ANIMAL YARDS.** Animal feed yards, animal sales yards, commercial kennels for dogs or cats, riding academies and public stables shall be located no closer than two hundred (200) feet from any property line, shall provide automobile and truck egress,

shall provide parking and loading spaces, so designed as to minimize traffic hazard and congestion, proponent shall show that odor, dust, noise, drainage shall not constitute a nuisance or a hazard to adjoining property or uses.

SEC. 10-1-16      ACCESSORY BUILDINGS.

- (a) TIME OF CONSTRUCTION. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (b) PERCENTAGE OF REQUIRED REAR YARD OCCUPIED. No detached accessory building or buildings shall occupy more than thirty (30%) percent of the area of the required rear yard. Any accessory building in a Residential District which exceeds four (4) automobile stalls or eight hundred (800) square feet of floor area shall first obtain a conditional use permit.
- (c) HEIGHT OF ACCESSORY BUILDINGS IN REQUIRED REAR YARDS. No detached accessory building located in a required rear yard shall exceed fifteen (15) feet in height.
- (d) LOCATION IN RESIDENTIAL DISTRICTS.
  - (1) No accessory building in a residential district shall be erected in any yard except a rear yard, and all accessory buildings shall be located not less than six (6) feet from all lot lines and from any other building or structure on the same lot; except as provided in Subsections (e) and (f).
  - (2) When an accessory building is a part of the main building, or is substantially attached thereto or lies within ten (10) feet of an exterior wall of the main building, the side yard and rear yard requirements for the main building shall be applied to the accessory buildings.
- (e) GARAGES IN EMBANKMENTS IN FRONT YARDS. Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
  - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
  - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
  - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (f) IN COMMERCIAL AND MANUFACTURING DISTRICTS. All accessory buildings shall be located no less than ten (10) feet from the rear lot line.

SEC. 10-1-17      OUTSIDE STORAGE OF FIREWOOD.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days, from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other

vermin are public nuisances and may be abated pursuant to the provisions of Title 9, Chapter 6, of this Code of Ordinances.

- (e) Not more than fifteen (15%) percent of the side or rear yard may be used for storage of firewood at any one time.

SEC. 10-1-18      ENFORCEMENT AND PENALTIES.

- (a) VIOLATIONS. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, Building Inspector, or any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter.
- (b) PENALTIES. Any person, firm or corporation who fails to comply with the provisions of this Chapter shall upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

SEC. 10-1-19      RESERVED FOR FUTURE USE.

**ARTICLE C**

**Zoning Districts**

**SEC. 10-1-20 ESTABLISHMENT OF DISTRICTS.**

- (a) **DISTRICTS.** The Village of St. Cloud is divided into the following thirteen (13) zoning districts:
- (1) R-1 Single-Family Residential District
  - (2) R-2 Single-Family Residential District
  - (3) R-3 Multi-Family Residential District
  - (4) RD Rural Development District
  - (5) B-1 General Commercial District
  - (6) I-1 General Industrial District
  - (7) C Conservancy District
  - (8) PUD Planned Unit Development District
- (b) **DISTRICT BOUNDARIES.** Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, Village of St. Cloud, Wisconsin," which accompanies and is part of this Chapter. Such boundaries shall be construed to follow: corporate limits; U. S. Public Land Survey lines, lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.
- (c) **VACATION OF STREETS.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (d) **ANNEXATIONS.** Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the R-D Rural Development District unless the annexation ordinance temporarily places the land in another district.

**SEC. 10-1-21 ZONING MAP.**

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

**SEC. 10-1-22 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.**

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

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.

- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

SEC. 10-1-23      R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

- (a) **PERMITTED USES AND STRUCTURES.** Single-family dwellings and their accessory structures or uses.
- (b) **CONDITIONAL USES AND STRUCTURES.** Parks, greenways and open spaces, playgrounds, public and private schools, guesthouses, cemeteries, governmental and community service buildings and functions, utility lines, pumping stations, nursing homes, golf courses, churches, libraries, single-family planned residential development, private stables, home occupations, nursery schools, swimming pools, mobile home parks and agricultural uses (except that mobile home parks shall conform with the specific requirements of this Code of Ordinances governing such uses).
- (c) **LOT SIZE.**      Width:    100 feet minimum  
                         Area:    12,150 square feet minimum
- (d) **BUILDING.**      Height: 30 feet maximum
- (e) **SETBACKS.**      Street: 30 feet minimum  
                         Rear:    25 feet minimum  
                         Side:    10 feet minimum each

SEC. 10-1-24      R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT.

- (a) **PERMITTED USES AND STRUCTURES.** Single-family dwellings and their accessory structures or uses.
- (b) **CONDITIONAL USES AND STRUCTURES.** Parks, greenways and open spaces, playgrounds, public and private schools, guesthouses, cemeteries, governmental and community service buildings and functions, utility lines, pumping stations, golf courses, churches, single-family planned residential development, home occupations, nursery schools, swimming pools, nursing homes, mobile home parks and agricultural uses.
- (c) **LOT SIZE.**      Width:    60 feet minimum  
                         Area:    7,350 square feet minimum
- (d) **BUILDING.**      Height: 35 feet maximum
- (e) **SETBACKS.**      Street: 25 feet minimum  
                         Rear:    25 feet minimum  
                         Side:    5 feet minimum each

SEC. 10-1-25      R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

- (a) **PERMITTED USES.** Single-family residential uses and multi-family uses provided they conform to the regulations below.

- (b) **CONDITIONAL USES AND STRUCTURES.** Parks, greenways and open spaces, playgrounds, public and private schools, cemeteries, nursing homes, governmental and community service buildings and functions, utility lines, pumping stations, churches, single-family planned residential development, home occupations, swimming pools, agricultural uses, nursery schools and multi-family planned residential development.
- (c) **LOT SIZE.** Width: 100 feet minimum  
Area: 10,000 square feet minimum
- (d) **BUILDING.** Height: Maximum 45 feet or four stories, whichever is the least.
- (e) **SETBACKS.** Front: 20 feet minimum  
Rear: 20 feet minimum  
Side: 10 feet minimum each

SEC. 10-1-24      RD RURAL DEVELOPMENT DISTRICT.

- (a) **PERMITTED USES AND STRUCTURES.** Single-family residences, parks, open spaces, agriculture and general farming except farms feeding offal or garbage.
- (b) **CONDITIONAL USES AND STRUCTURES.** Mink farms, cemeteries, mausoleums, columbariums, municipal service functions and structures, pumping stations, excavating operations, sewage disposal plants, churches, taverns, home occupations, fairgrounds, mobile home parks, trailer parks, and campgrounds, swimming pools, golf courses, driving ranges, amusement parks, poultry farms, agricultural feeding and processing, airports, drive-in theaters, social halls, stables, nursing homes, shooting clubs.
- (c) **LOT SIZE.** Width: 270 feet  
Area: 2 acres
- (d) **BUILDING.** Height: 30 feet maximum except for barns, silos and other buildings and others which are customarily higher and accessory uses to farming
- (e) **SETBACKS.** Street: 80 feet minimum  
Rear: 50 feet minimum  
Side: 50 feet minimum each

SEC. 10-1-27      B-1 GENERAL COMMERCIAL DISTRICT.

- (a) **PERMITTED USES AND STRUCTURES.** Hardware and feed stores, funeral parlors, drug stores, furniture stores, barber shops, grocery stores, supermarkets, retail bakeries, bars, cocktail lounges, restaurants, cafes, hotels, rooming houses, fruit stores, dry goods stores, luggage shops, stationery stores, personal and business service establishments, pet shops, clothing stores, public passenger transportation terminals; gift stores, variety stores, garages, theaters, professional offices, organization headquarters, newspaper and magazine publishers, jewelry stores, banks, shoe stores, packaged beverage stores, appliance sales and repair, sporting goods, insurance stores, savings and loan and finance companies, department stores, coin-operated laundries, medical and dental offices, bowling alleys, churches, tobacco and magazine stores, beauty salons, music shops, radio (w/o antenna), parking areas, open spaces, libraries, parks.
- (b) **CONDITIONAL USES.** Wholesale outlets, animal hospitals, governmental service buildings and functions, automobile service stations, secondhand stores, professional laundry dry cleaning establishments, gas stations, contractor's offices, building material sales, automobile sales and service, motels, nursery schools, commercial storage and other uses similar or customarily incident to the above uses.

- (c) LOT SIZE. No minimum
- (d) BUILDING. Height: 4 stories or 45 feet maximum
- (e) SETBACKS. No minimum

SEC. 10-1-28I-1 GENERAL INDUSTRIAL DISTRICT.

- (a) PERMITTED USES AND STRUCTURES. Automotive body repairs, automotive upholstery, cleaning, pressing and dyeing establishments; commercial bakeries, commercial greenhouses, distributors, farm machinery, feed mills, dairy plants, equipment repairs and storage, railroad depots, cooperatives, laboratories, machine shops, manufacture and bottling of non-alcoholic beverages, painting, printing, publishing, storage and sale of lumber, machinery and equipment, trade and contractor's offices, warehousing and wholesaling; manufacturing, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, textiles and wood; manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food except cabbage, fish and fish products, meat products and toileteries; freight yards, freight terminals and transshipment depots, inside storage, breweries, agriculture, greenways and open spaces, parking and open areas.
- (b) CONDITIONAL USES AND STRUCTURES. Dumps, disposal areas, incinerators and sewage disposal plants, earth and sanitary landfill operations, airports, manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ink, insecticide, lime products, linoleum, matches, meat, oil cloth, paint, peas, perfume, pickles, plaster of paris, plastics, poison, potash, pulp, pyroxylin, radium, rope, rubber, sausage, seeds, starch, stove polish, textiles, and varnish. Manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, radioactive materials, shellac, soap, turpentine, vinegar and yeast. Bag cleaning, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating; enameling; lithographing; bulk gas storage and sales, offal, rubbish or animal reduction; oil, coal and bone distillation; excavating operations; refineries; road test facilities; slaughterhouses; smelting; poultry farms; stockyards; tanneries; and weaving.
- (c) OUTSIDE STORAGE AND MANUFACTURING AREA. Wrecking, junk demolition and scrap yards shall be surrounded by a solid fence or evergreen planting completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from residential or commercial structures.
- (d) SERVICE FACILITIES. Commercial service facilities, such as restaurants and fueling stations, provided all such services are physically and sales oriented toward industrial district users and employees and other users are only incidental customers.
- (e) LOT SIZE. Width: 80 feet  
Area: 10,000 feet
- (f) BUILDING. Height: None
- (e) SETBACKS. Street: Minimum 10 feet  
Rear: Minimum 30 feet  
Side: Minimum 10 feet each



SEC. 10-1-29      C CONSERVANCY DISTRICT.

- (a) **PERMITTED USES AND STRUCTURES.** The harvesting of wild crops such as marsh, hay, ferns, moss, wild rice, berries, tree fruits, tree seeds, sustained yield forestry, utilities such as, but not restricted to telephone, telegraph and power transmission lines; fishing, scenic, historic, scientific, wildlife preserve; non-resident buildings used solely in conjunction with the raising of waterfowl or fish; hiking trails and bridle paths, accessory uses; public and private parks and picnic areas, greenways and open spaces, recreation related structures not requiring basements, regulatory signs not over six (6) square feet and general farming provided no drainage, filling or dredging takes place and no farm buildings are constructed.
- (b) **CONDITIONAL USES.** Filling, drainage, dredging, golf driving ranges, farm structures, single-family residences, multi-family residences, dams, power plants, flowages, ponds, relocation of watercourses, removal of topsoil or peat; piers, boat-houses, campgrounds, trailer parks, home occupations.

SEC. 10-1-30      A-1 EXCLUSIVE AGRICULTURE DISTRICT.

- (a) **STATEMENT OF PURPOSE.**
- (1) The purposes of the A-1 Exclusive Agriculture District are to: preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs for providing service to scattered nonfarm uses; pace and shape urban growth; implement the provisions of the county agricultural plan when adopted and periodically revised; and comply with the provision of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Sec. 71.09(11) of the Wisconsin Statutes.
- (2) This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation.
- (b) **PERMITTED USES AND STRUCTURES.**
- (1) Apiculture.
  - (2) Dairying.
  - (3) Floriculture.
  - (4) Forestry.
  - (5) General farming.
  - (6) Grazing.
  - (7) Greenhouses.
  - (8) Hatcheries.
  - (9) Horticulture.
  - (10) Livestock raising.
  - (11) Nurseries.
  - (12) Orchards.
  - (13) Paddocks.
  - (14) Pasturage.
  - (15) Poultry raising.

- (16) ~~Stables~~ Non-commercial stables .
- (17) Truck farming.
- (18) Viticulture.
- (19) Utility services as defined in Sec. 10.01(81), Wis. Stats., and small scale electric generating stations not required approval under Sec. 196.941 of the Wisconsin Statutes.
- (20) Roadside stands limited to sale of agricultural products produced on
- (21) Structures and improvements that are consistent with agricultural uses. premises..
- (c) **CONDITIONAL USES.** Agricultural buildings and high density animal enclosures within three hundred (300) feet of any Residential District. High density shall be defined as such concentrations of animals which will not allow usual plant (sod) growth in a fenced area.
- (d) **FARM SIZE.**
  - (1) Frontage: Minimum one hundred (100) feet.
  - (2) Area: Minimum thirty-five (35) acres.
- (e) **BUILDING HEIGHT.** Maximum fifty (50) feet, except for farms and silos.
- (f) **YARD SETBACKS.**
  - (1) Street: Minimum one hundred (100) feet.
  - (2) Rear: Minimum one hundred (100) feet.
  - (3) Side: Minimum one hundred (100) feet.

SEC. 10-1-31      FLOOD DISTRICTS.

The additional restrictions enumerated in Title 10, Chapter 2, "Floodplain Zoning" apply to areas which are subject to periodic flooding.

SEC. 10-1-32      PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

- (a) **PURPOSE.** The Planned Community Development District is established to provide a regulatory framework designed to promote improved environmental design in the Village of St. Cloud by allowing for greater freedom, imagination and flexibility in the development of land, while insuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. It allows diversification and variation in the relationship of used, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects.
- (b) **PERMITTED USES.** The following uses are permitted in the Planned Unit Development District, provided however, that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions as hereinafter set forth:
  - (1) Any use permitted by right or as a conditional grant in any of the other districts of this Chapter may be permitted, subject to the criteria as established herein, but such requirements as are made a part of an approved, recorded precise development plan shall be, along with the recorded plan itself, construed to be enforced as part of this Chapter.
  - (2) Lot area, lot width, height, floor area ratio, yard and usable open space requirements. In the Planned Unit Development District, there shall be no predetermined specific lot area, lot width, height, yard and usable open space requirements, but such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Chapter.

- (16) Stables.- not to be used as recreational or riding stable.
- (17) Truck farming.
- (18) Viticulture.
- (19) Utility services as defined in Sec. 10.01(81), Wis. Stats., and small scale electric generating stations not required approval under Sec. 196.941 of the Wisconsin Statutes.
- (20) Roadside stands- not to be used except for selling agricultural products.
- (21) Structures and improvements that are consistent with agricultural uses.
- (c) **CONDITIONAL USES.** Agricultural buildings and high density animal enclosures within three hundred (300) feet of any Residential District. High density shall be defined as such concentrations of animals which will not allow usual plant (sod) growth in a fenced area.
- (d) **FARM SIZE.**
  - (1) Frontage: Minimum one hundred (100) feet.
  - (2) Area: Minimum thirty-five (35) acres.
- (e) **BUILDING HEIGHT.** Maximum fifty (50) feet, except for farms and silos.
- (f) **YARD SETBACKS.**
  - (1) Street: Minimum one hundred (100) feet.
  - (2) Rear: Minimum one hundred (100) feet.
  - (3) Side: Minimum one hundred (100) feet.

SEC. 10-1-31      FLOOD DISTRICTS.

The additional restrictions enumerated in Title 10, Chapter 2, "Floodplain Zoning" apply to areas which are subject to periodic flooding.

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  - (1) Any use permitted by right or as a conditional grant in any of the other districts of this Chapter may be permitted, subject to the criteria as established herein, but such requirements as are made a part of an approved, recorded precise development plan shall be, along with the recorded plan itself, construed to be enforced as part of this Chapter.
  - (2) Lot area, lot width, height, floor area ratio, yard and usable open space requirements. In the Planned Unit Development District, there shall be no predetermined specific lot area, lot width, height, yard and usable open space requirements, but such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Chapter.

- (16) Stables.
- (17) Truck farming.
- (18) Viticulture.
- (19) Utility services as defined in Sec. 10.01(81), Wis. Stats., and small scale electric generating stations not required approval under Sec. 196.941 of the Wisconsin Statutes.
- (20) Roadside stands.
- (21) Structures and improvements that are consistent with agricultural uses.
- (c) **CONDITIONAL USES.** Agricultural buildings and high density animal enclosures within three hundred (300) feet of any Residential District. High density shall be defined as such concentrations of animals which will not allow usual plant (sod) growth in a fenced area.
- (d) **FARM SIZE.**
  - (1) Frontage: Minimum one hundred (100) feet.
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- (e) **BUILDING HEIGHT.** Maximum fifty (50) feet, except for farms and silos.
- (f) **YARD SETBACKS.**
  - (1) Street: Minimum one hundred (100) feet.
  - (2) Rear: Minimum one hundred (100) feet.
  - (3) Side: Minimum one hundred (100) feet.

SEC. 10-1-31      FLOOD DISTRICTS.

The additional restrictions enumerated in Title 10, Chapter 2, "Floodplain Zoning" apply to areas which are subject to periodic flooding.

SEC. 10-1-32      PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

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- (b) **PERMITTED USES.** The following uses are permitted in the Planned Unit Development District, provided however, that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions as hereinafter set forth:
  - (1) Any use permitted by right or as a conditional grant in any of the other districts of this Chapter may be permitted, subject to the criteria as established herein, but such requirements as are made a part of an approved, recorded precise development plan shall be, along with the recorded plan itself, construed to be enforced as part of this Chapter.
  - (2) Lot area, lot width, height, floor area ratio, yard and usable open space requirements. In the Planned Unit Development District, there shall be no predetermined specific lot area, lot width, height, yard and usable open space requirements, but such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Chapter.

- (3) Off-street parking. In the Planned Unit Development District, off-street parking facilities shall be provided in accordance with applicable regulations herein set forth and such requirements as area made a part of an approved recorded precise development plan.
- (c) CRITERIA FOR APPROVAL. As a basis for determining the acceptability of a Planned Unit Development District application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this Chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design:
- (1) Character and intensity of land use. In a Planned Unit Development District, the uses proposed and their intensity and arrangement on the site shall be a visual and operational character which:
    - a. Are compatible to the physical nature of the site.
    - b. Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality.
    - c. Would not adversely affect the anticipated provision for school or other municipal services.
    - d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
  - (2) Economic feasibility and impact. The proponents of a Planned Unit Development District application shall provide evidence satisfactory to the Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.
  - (3) Engineering design standards. The width of street right-of-way, width and location of street or other paving, outdoor lighting location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation, provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Village.
  - (4) Preservation and maintenance of open space. In a Planned Unit Development District, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public.
    - a. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village, as part of the conditions for project approval, an open space easement over such open areas.
    - b. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Village and shall be included in the title to each property.
    - c. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the Village and made a part of the conditions of plan approval.
  - (5) Implementation Schedule. The proponents of a Planned Unit Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

- (d) **PROCEDURE.** The Procedure for rezoning to a Planned Unit Development District shall be as required for any other zoning district change under this Chapter, except that in addition thereto the rezoning may only be considered in conjunction with a development plan and shall be subject to the following additional requirements:
- (1) General development plan, shall include the following information:
    - a. A statement describing the general character of the intended development.
    - b. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
    - c. A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in Subsection (c) of this Section:
      1. The pattern of proposed land use, including shape, size and arrangement of proposed land areas, density and environmental character.
      2. The pattern of public and private streets.
      3. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as school, park, greenway, etc.
      4. A utility feasibility study.
    - d. Appropriate statistical data on the size of the development ratio of various land uses, percentages of multi-family units by number of bedrooms, economic analysis of the development, expected staging and any other plans or data pertinent to evaluation by the Village under the criteria of Subsection (c) of this section.
    - e. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
  - (2) Referral and hearing.
    - a. Within a reasonable time after completion of the filing of the petition for approval of a general development plan, the Board shall determine whether or not to initiate a proposed zoning change to permit the proposed planned community development district and to schedule the required public hearing. If the Board fails to initiate such a change within thirty (30) days, the petitioner may file a petition directly with the Village Clerk-Treasurer.
    - b. Approval of the rezoning and related general development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.
  - (3) Specific implementation plan. A specific and detailed plan implementation of all or a part of a proposed Planned Unit Development District must be submitted within a reasonable period of time, as determined by the Village Board. If a specific implementation plan has not been submitted within said time, which the Village Board determines to be a reasonable phase of the total plan, a petition to rezone the property back to the previous zoning from the Planned Unit Development District shall be filed by the appropriate Village official with the Village Clerk-Treasurer for processing. The specific implementation plan shall be submitted to the Village Board and shall include the following detailed construction and engineering plans and related detailed documents and schedules:
    - a. An accurate map of the area covered by the plan, including the relationship to the total general development plan.

- b. The pattern of public and private roads, driveways, walkways and parking facilities.
  - c. Detailed lot layout and subdivision plan where required.
  - d. The arrangement of building groups other than single family residences, and their architectural character.
  - e. Sanitary sewer and water mains.
  - f. Grading plan and storm drainage system.
  - g. The location and treatment of open space areas and recreational or other special amenities.
  - h. General location and description of any areas to be dedicated to the public.
  - i. General landscape treatment.
  - j. Proof of financing capability.
  - k. Analysis of economic impact upon the community.
  - l. A development schedule indicating:
    - 1. the approximate date when construction of the project can be expected to begin;
    - 2. the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
    - 3. the anticipated rate of development;
    - 4. the approximate date when the development of each of the stages will be completed.
  - m. Agreements, bylaws, provision or covenants which govern the organizational structure, use maintenance, and continued protection of the Planned Unit Development and any of its common services, common open areas or other facilities.
  - n. Any other plans, documents or schedules requested by the Village.
- (4) Approval of the specific implementation plan.
- a. Following a review of the specific implementation plan, the Village Board may approve the plan and authorize development to proceed accordingly or disapprove the plan and request negotiations with the developer.
  - c. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the Village offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time, as determined by the Village Board, in the County Register of Deeds office. This shall be accomplished prior to the issuance of any building permit.
  - d. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Village Attorney and Village Board, and, if in the opinion of the Village Board such change or addition constitutes a substantial alteration of the original plan, the procedure provided in Subsection (d) above and in this subsection shall be required.

SEC. 10-1-33 THROUGH SEC. 10-1-39

RESERVED FOR FUTURE USE.

SEC. 10-1-29      C CONSERVANCY DISTRICT.

- (a) **PERMITTED USES AND STRUCTURES.** The harvesting of wild crops such as marsh, hay, ferns, moss, wild rice, berries, tree fruits, tree seeds, sustained yield forestry, utilities such as, but not restricted to telephone, telegraph and power transmission lines; fishing, scenic, historic, scientific, wildlife preserve; non-resident buildings used solely in conjunction with the raising of waterfowl or fish; hiking trails and bridle paths, accessory uses; public and private parks and picnic areas, greenways and open spaces, recreation related structures not requiring basements, regulatory signs not over six (6) square feet and general farming provided no drainage, filling or dredging takes place and no farm buildings are constructed.
- (b) **CONDITIONAL USES.** Filling, drainage, dredging, golf driving ranges, farm structures, single-family residences, multi-family residences, dams, power plants, flowages, ponds, relocation of watercourses, removal of topsoil or peat; piers, boat-houses, campgrounds, trailer parks, home occupations.

SEC. 10-1-30      FLOOD DISTRICTS.

The additional restrictions enumerated in Title 10, Chapter 2, "Floodplain Zoning" apply to areas which are subject to periodic flooding.

SEC. 10-1-31      PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

- (a) **PURPOSE.** The Planned Community Development District is established to provide a regulatory framework designed to promote improved environmental design in the Village of St. Cloud by allowing for greater freedom, imagination and flexibility in the development of land, while insuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. It allows diversification and variation in the relationship of used, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects.
- (b) **PERMITTED USES.** The following uses are permitted in the Planned Unit Development District, provided however, that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions as hereinafter set forth:
- (1) Any use permitted by right or as a conditional grant in any of the other districts of this Chapter may be permitted, subject to the criteria as established herein, but such requirements as are made a part of an approved, recorded precise development plan shall be, along with the recorded plan itself, construed to be enforced as part of this Chapter.
  - (2) Lot area, lot width, height, floor area ratio, yard and usable open space requirements. In the Planned Unit Development District, there shall be no predetermined specific lot area, lot width, height, yard and usable open space requirements, but such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Chapter.
  - (3) Off-street parking. In the Planned Unit Development District, off-street parking facilities shall be provided in accordance with applicable regulations herein set forth and such requirements as area made a part of an approved recorded precise development plan.



- (c) **CRITERIA FOR APPROVAL.** As a basis for determining the acceptability of a Planned Unit Development District application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this Chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design:
- (1) **Character and intensity of land use.** In a Planned Unit Development District, the uses proposed and their intensity and arrangement on the site shall be a visual and operational character which:
    - a. Are compatible to the physical nature of the site.
    - b. Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality.
    - c. Would not adversely affect the anticipated provision for school or other municipal services.
    - d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
  - (2) **Economic feasibility and impact.** The proponents of a Planned Unit Development District application shall provide evidence satisfactory to the Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.
  - (3) **Engineering design standards.** The width of street right-of-way, width and location of street or other paving, outdoor lighting location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation, provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Village.
  - (4) **Preservation and maintenance of open space.** In a Planned Unit Development District, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public.
    - a. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village, as part of the conditions for project approval, an open space easement over such open areas.
    - b. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Village and shall be included in the title to each property.
    - c. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the Village and made a part of the conditions of plan approval.
  - (5) **Implementation Schedule.** The proponents of a Planned Unit Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.
- (d) **PROCEDURE.** The Procedure for rezoning to a Planned Unit Development District shall be as required for any other zoning district change under this Chapter, except that in addition thereto the rezoning may only be considered in conjunction with a development plan and shall be subject to the following additional requirements:

- (1) General development plan, shall include the following information:
  - a. A statement describing the general character of the intended development.
  - b. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
  - c. A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in Subsection (c) of this Section:
    1. The pattern of proposed land use, including shape, size and arrangement of proposed land areas, density and environmental character.
    2. The pattern of public and private streets.
    3. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as school, park, greenway, etc.
    4. A utility feasibility study.
  - d. Appropriate statistical data on the size of the development ratio of various land uses, percentages of multi-family units by number of bedrooms, economic analysis of the development, expected staging and any other plans or data pertinent to evaluation by the Village under the criteria of Subsection (c) of this section.
  - e. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
- (2) Referral and hearing.
  - a. Within a reasonable time after completion of the filing of the petition for approval of a general development plan, the Board shall determine whether or not to initiate a proposed zoning change to permit the proposed planned community development district and to schedule the required public hearing. If the Board fails to initiate such a change within thirty (30) days, the petitioner may file a petition directly with the Village Clerk-Treasurer.
  - b. Approval of the rezoning and related general development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.
- (3) Specific implementation plan. A specific and detailed plan implementation of all or a part of a proposed Planned Unit Development District must be submitted within a reasonable period of time, as determined by the Village Board. If a specific implementation plan has not been submitted within said time, which the Village Board determines to be a reasonable phase of the total plan, a petition to rezone the property back to the previous zoning from the Planned Unit Development District shall be filed by the appropriate Village official with the Village Clerk-Treasurer for processing. The specific implementation plan shall be submitted to the Village Board and shall include the following detailed construction and engineering plans and related detailed documents and schedules:
  - a. An accurate map of the area covered by the plan, including the relationship to the total general development plan.
  - b. The pattern of public and private roads, driveways, walkways and parking facilities.
  - c. Detailed lot layout and subdivision plan where required.
  - d. The arrangement of building groups other than single family residences, and their architectural character.

- e. Sanitary sewer and water mains.
  - f. Grading plan and storm drainage system.
  - g. The location and treatment of open space areas and recreational or other special amenities.
  - h. General location and description of any areas to be dedicated to the public.
  - i. General landscape treatment.
  - j. Proof of financing capability.
  - k. Analysis of economic impact upon the community.
  - l. A development schedule indicating:
    - 1. the approximate date when construction of the project can be expected to begin;
    - 2. the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
    - 3. the anticipated rate of development;
    - 4. the approximate date when the development of each of the stages will be completed.
  - m. Agreements, bylaws, provision or covenants which govern the organizational structure, use maintenance, and continued protection of the Planned Unit Development and any of its common services, common open areas or other facilities.
  - n. Any other plans, documents or schedules requested by the Village.
- (4) Approval of the specific implementation plan.
- a. Following a review of the specific implementation plan, the Village Board may approve the plan and authorize development to proceed accordingly or disapprove the plan and request negotiations with the developer.
  - c. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the Village offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time, as determined by the Village Board, in the County Register of Deeds office. This shall be accomplished prior to the issuance of any building permit.
  - d. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Village Attorney and Village Board, and, if in the opinion of the Village Board such change or addition constitutes a substantial alteration of the original plan, the procedure provided in Subsection (d) above and in this subsection shall be required.

**ARTICLE D**

## Conditional Uses

**SEC. 10-1-40      STATEMENT OF PURPOSE -- CONDITIONAL USES.**

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

**SEC. 10-1-41      AUTHORITY OF THE VILLAGE BOARD; REQUIREMENTS.**

- (a) The Village Board, after a public hearing shall, within a reasonable time, grant or deny any application for a conditional use. Prior to the granting of a conditional use, the Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access trafficways, and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Village Board shall request such review and await the highway agency's recommendation for a period not to exceed sixty (60) days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (d) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.

**SEC. 10-1-42      INITIATION OF CONDITIONAL USE.**

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

SEC. 10-1-43      APPLICATION FOR CONDITIONAL USE.

- (a) **FILING OF APPLICATION.** An application for a conditional use shall be filed with the Clerk-Treasurer on a form prescribed by the Village. The application shall be accompanied by such plans and other information as may be prescribed by the Building Inspector or Village Board, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 10-1-46 hereinafter. The Village Board may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
- (b) **APPLICATION INFORMATION.** Applications for conditional use permits shall be made in duplicate to the Clerk-Treasurer on forms furnished by the Village and shall include the following:
- (1) Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
  - (2) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (3) Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 10-1-12 for a Zoning Permit and, in addition, the following: mean and historic high water lines, on or within forty (40) feet of the subject premises, and existing and proposed landscaping.
  - (4) Additional Information as may be required by the Village Board, Village Engineer, Zoning, Building, Plumbing, or Health Inspectors.

SEC. 10-1-44      HEARING ON APPLICATION.

Upon receipt of the application and statement referred to in Section 10-1-43 above, the Village Board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Board. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Village Board, shall, by rule, prescribe from time to time.

SEC. 10-1-45      NOTICE OF HEARING ON APPLICATION.

Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under the Wisconsin Statutes in the official Village paper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Building Inspector, members of the Village Board, and the owners of record, as listed in the office of the Assessor, who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.

SEC. 10-1-46      STANDARDS -- CONDITIONAL USES.

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

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (g) That the proposed use does not violate flood plain regulations governing the site.
- (h) That when applying the above standards to any new construction of a building or an addition to an existing building the Village Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (i) That in addition in passing upon a Conditional Use Permit, the Village Board shall also evaluate the effect of the proposed use upon:
  - (1) The maintenance of safe and healthful conditions.
  - (2) The prevention and control of water pollution including sedimentation.
  - (3) Existing topographic and drainage features and vegetative cover on the site.
  - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
  - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  - (6) The location of the site with respect to existing or future access roads.
  - (7) The need of the proposed use for a shoreland location.
  - (8) Its compatibility with uses on adjacent land.
  - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

SEC. 10-1-47      DENIAL OF APPLICATION FOR CONDITIONAL USE PERMIT.

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

SEC. 10-1-48      CONDITIONS AND GUARANTEES.

The following conditions shall apply to all conditional uses:

- (a) Prior to the granting of any conditional use, the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 10-1-46 above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
- (1) landscaping,
  - (2) type of construction,
  - (3) construction commencement and completion dates,
  - (4) sureties,
  - (5) lighting,
  - (6) fencing,
  - (7) operational control,
  - (8) hours of operation,
  - (9) traffic circulation,
  - (10) deed restrictions,
  - (11) access restrictions,
  - (12) setbacks and yards,
  - (13) type of shore cover,
  - (14) specified sewage disposal and water supply systems,
  - (15) planting screens,
  - (16) piers and docks,
  - (17) increased parking,
  - (18) or any other requirements necessary to fulfill purpose and intent of this Chapter.
- (b) The Village Board shall evaluate each application and may request assistance from any source which can provide technical assistance. The Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) No alteration of a conditional use shall be permitted unless approved by the Village Board.

SEC. 10-1-49      VALIDITY OF CONDITIONAL USE PERMIT.

Where the Village Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Board's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted.

SEC. 10-1-50      COMPLAINTS REGARDING CONDITIONAL USES.

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Building Inspector to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Section 10-1-46 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 10-1-45 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 10-1-46 or conditions previously imposed by the Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 10-1-46 will be met, the Village Board may revoke the subject conditional approval and direct the Building Inspector and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished the current owner of the conditional use in writing stating the reasons therefor.

SEC. 10-1-51 THROUGH SEC. 10-1-59RESERVED FOR FUTURE USE.



**ARTICLE E**

**Traffic, Parking and Access**

**SEC. 10-1-60 TRAFFIC VISIBILITY.**

(a) **VISION SETBACK AT INTERSECTIONS OF PUBLIC STREETS.** Where two (2) public streets intersect at grade level, the intersection shall be daylighted by excluding all buildings, structures and other obstructions to view; including shrubbery and trees (except highway and street signs) from the triangles adjacent to the intersection described as follows:

Bounded on two (2) sides by the near boundaries of the intersecting streets and on the third side by a line drawn so as to intersect the street boundaries at points forty (40) feet distant from the point of intersection of the street boundaries at the corner.

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

**SEC. 10-1-61 LOADING REQUIREMENTS.**

(a) **REQUIREMENT.** In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(b) **SIZE AND LOCATION.** Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length, and have a minimum vertical clearance of fourteen (14) feet, and may occupy all or any part of any required yard.

(c) **REQUIRED NUMBER OF OFF-STREET LOADING SPACES.**

<u>Uses</u>	<u>Square Feet of Gross Floor Area</u>	<u>Required Off-Street Loading Spaces</u>
School		1
Hospital	Under 10,000	None
	From 10,000 - 30,000	1
	For Each Additional 30,000 or Major Fraction Thereof	1 additional
Funeral Home		1
Office, Hotel, Retail	Under 10,000	None
Service, Wholesale,	From 10,000 - 25,000	1
Warehouse, Manufacturing,	From 25, - 40,000	2
Processing or Repairing	From 40,000 - 60,000	3
Uses	From 60,000 - 100,000	4
	50,000 or Major Fraction Thereof	1 additional

**SEC. 10-1-62 PARKING REQUIREMENTS.**

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) ACCESS. Adequate access to a public street shall be provided for each parking space, and driveway openings shall be at least ten (10) feet wide for one and two family dwellings and a minimum of twenty-four (24) feet for all other uses.
- (b) SIZE. Size of each parking space shall be not less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress.
- (c) LOCATION. Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No commercial or industrial parking stall or driveway shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.
- (d) SURFACING. All off-street parking areas shall be graded and surfaced so as to minimize dust and be properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (e) CURBS. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (f) NUMBER OF STALLS. Number of parking stalls required are shown in the following table:

<u>Use</u>	<u>Minimum Parking Required</u>
Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Multi-family dwellings	2 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, dormitories, clubs, lodges, sororities, dormitories, lodging and boarding houses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each 15 students of 16 years of age or more
Restaurants, bars, clubs and lodges, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for every 3 employees; number of employees shall be construed to mean the maximum number on the premises at one time.
Financial institutions, business, government and professional offices	1 stall for each 300 square feet of floor area

Funeral homes

1 stall for each 4 seats plus  
1 stall for each vehicle used  
with the business.

Bowling alleys

5 stalls for each alley

- (g) USES NOT LISTED. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- (h) COMBINED USES. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- (i) HANDICAPPED PARKING REQUIREMENTS. In addition to any other requirements relating to parking spaces contained in these ordinances, the provisions contained in Sections 101.13, 346.503, and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto, are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

SEC. 10-1-63      DRIVEWAYS.

All driveways installed, altered, changed, replaced, or extended after the effective date of this Chapter shall meet the following requirements:

- (a) ISLANDS between driveway openings shall be provided with a minimum of twelve (12) feet between all driveways and six (6) feet at all lot lines.
- (b) OPENINGS for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, and a minimum of sixteen (16) feet wide at the property line for all other uses, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening.
- (c) VEHICULAR ENTRANCES AND EXITS to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages, or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library, public emergency shelter, or other place of public assembly.

SEC. 10-1-64      HIGHWAY ACCESS.

- (a) No direct private access shall be permitted to the existing or proposed rights-of-way of: expressways; nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (b) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
  - (1) Freeways, Interstate Highways, and their interchanges or turning lanes nor to intersecting or interchanging streets within fifteen hundred (1500) feet of the most remote end of the taper of the turning lanes.
  - (2) Arterial Streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.
  - (3) Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.
- (c) Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (d) Temporary access to the above rights-of-way may be granted by the Village Board after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

SEC. 10-1-65      OFF-STREET PARKING RESTRICTIONS IN RESIDENTIAL AREAS.

- (a) WHERE PERMITTED. Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:
- (1) A rear yard.
  - (2) A side yard not adjoining a street.
  - (3) A front yard, but only on one paved or graveled driveway not exceeding twenty (20) feet in width and for not more than two (2) vehicles parked not nearer than five (5) feet to a front property line or three (3) feet to a side lot line.
- (b) Regardless of the provisions of Subsection (a) above, the Village Board may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the Village Board, is substantially improved thereby, as compared to where off-street parking is limited by Subsection (a) above, and where sole access from such development is to local and collector streets. In this paragraph, "substantially improved" means a substantial increase in the value of the property. Such permission shall be granted only after proceeding under Article D of this Code of Ordinances. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences unless sufficient and suitable screening is provided so as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.
- (c) VEHICLE LIMITATIONS:
- (1) In a residential district, accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees and not more than three (3) trucks limited to one (1) ton capacity.
  - (2) Only three (3) vehicles licensed as truck may be parked on a residential lot. Such vehicle is limited in size to a maximum of one (1) ton capacity.
  - (3) All vehicles parked on a residential lot shall be in condition for safe and effective performance of the function for which they are designed.
  - (4) All motor vehicles parked on a residential lot shall display current license plates.

SEC. 10-1-66 THROUGH SEC. 10-1-69RESERVED FOR FUTURE USE.

**ARTICLE F****Modifications****SEC. 10-1-70      MODIFICATION OF HEIGHT LIMITATIONS.**

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

- (a) ARCHITECTURAL PROJECTIONS, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Chapter.
- (b) SPECIAL STRUCTURES, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Chapter.
- (c) ESSENTIAL SERVICES, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Chapter.
- (d) COMMUNICATION STRUCTURES, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- (e) AGRICULTURAL STRUCTURES such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.
- (f) PUBLIC OR SEMI-PUBLIC FACILITIES, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- (g) SMALL HEIGHT ADDITIONS. Penthouses, stage towers, scenery lifts, elevators, bulkheads, clock towers, cupolas, water tanks, and similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit for the district in which the building is located, provided that no such exception shall cover, at any level, more than twenty-five (25%) percent of the area of the roof on which it is located; provided, further, that no such exception shall be used for sleeping or housekeeping purposes or for any commercial purpose other than such as may be incidental to the permitted use of the main building.

**SEC. 10-1-71      LOT WIDTH AND AREA.**

Requirements as to lot width and area for the construction of a one-family dwelling shall not apply to any lot having less than the required area or width at the time of adoption of this Chapter or any amendment thereof increasing the area of width required for such lot, and held at the time in separate ownership from that of adjoining land, provided that the area and the width of such existing lot shall be no less than seventy-five (75%) percent of the required minimum.

**SEC. 10-1-72      BUILDING SETBACKS.**

In Residential Districts, except for corner lot, required setbacks shall be modified in the following cases:

- (a) Where fifty (50%) percent or more of the frontage on a block is occupied by residences having setbacks less than that required by this Chapter, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter.

SEC. 10-1-73      EXTENSIONS OF STRUCTURES INTO REQUIRED YARDS.

- (a) The following extensions shall be permitted into required yards:
  - (1) Canopies and marquees in Business Districts ..... 6 feet  
(not permitted in interior side yards)
  - (2) Cornices and similar extensions ..... 1 foot
  - (3) Open fireproof fire escapes ..... 3 feet
  - (4) Eaves ..... 2 feet
- (b) The following restrictions shall apply to the permitted extensions:
  - (1) Cornices, canopies, marquees and similar extensions shall be at least ten (10) feet above ground level.
  - (2) Canopies shall, in no case, extend nearer than three (3) feet back of the face of a curb.

SEC. 10-1-74      EXTENSIONS OF STRUCTURES OVER SIDEWALKS.

In the B-1 Business District, canopies attached to business structures at the front property line shall be permitted to extend over the sidewalk, subject to the width restriction of Sec. 10-1-73(a) and the further restrictions of Sec. 10-1-73(b). A zoning permit shall be required for any canopy projecting into the right-of-way of any street. Permits for such structures shall be revocable as provided in Chapter 86.04, Wis. Stats.

SEC. 10-1-75      CORNER SIDE YARDS.

The required side yard on the street side of corner lots shall be at least fifty (50%) percent greater than the minimum specified for the district.

SEC. 10-1-76      REQUIRED BUFFER STRIPS IN INDUSTRIAL DISTRICTS.

Where an Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any Industrial-Residential boundary, a buffer strip not less than forty (40) feet in width, as measured at right angles to said lot line. Plant materials at least six (6) feet in height, of such variety and growth habits as to provide a year-round effective visual screen when viewed from the Residential District, shall be planted within the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the Industrial-Residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

SEC. 10-1-77      CUL-DE-SAC AND CURVE RESTRICTIONS.

Residential lot frontage on cul-de-sacs and curves may be less than eighty (80) feet provided the width at the building setback line is at least eight (80) feet and the street frontage is no less than forty-five (45) feet.

SEC. 10-1-78 AND SEC. 10-1-79      RESERVED FOR FUTURE USE.

**ARTICLE G****Signs****SEC. 10-1-80      SIGN PERMIT REQUIRED.**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs excepted in Section 10-1-81 and without being in conformity with the provisions of this Chapter. The sign shall also meet all the structural requirements of the Building Code.

**SEC. 10-1-81      SIGNS EXCEPTED.**

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

- (a) SIGNS OVER SHOW WINDOWS OR DOORS of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (b) REAL ESTATE SIGNS not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (c) NAME, OCCUPATION, AND WARNING SIGNS not to exceed two (2) square feet located on the premises.
- (d) BULLETIN BOARDS for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.
- (e) MEMORIAL SIGNS, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (f) OFFICIAL SIGNS, such as traffic control, parking restrictions, information, and notices.
- (g) TEMPORARY SIGNS or banners when authorized by the Building Inspector for a period not to exceed thirty (30) days.

**SEC. 10-1-82      SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS.**

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

- (a) SIGNS PROHIBITED IN PUBLIC WAYS. Except for traffic signs and signals, signs specifically permitted to project into the public way by this Chapter, or any other sign so authorized by law, no signs shall be placed upon, over, or in any public way. Except for signs projecting from business structures located on the front property line, any signs located upon, or encroaching upon, any public way shall be removed within one (1) year of the adoption of this Chapter. Permits for signs projecting into the right-of-way of any street shall be revocable as provided in Chapter 86.04, Wis. Stats.
- (b) LIGHTING. No sign shall be illuminated by intermittent, rotating or flashing lights.
- (c) GROUND SIGNS. Ground signs will be permitted in lieu of signs mounted on building facades, subject to the size restrictions of the sign replaced, and must observe all applicable building setback lines, and shall not exceed thirty (30) feet in height.



- (d) **BILLBOARDS ON VACANT LOTS.** Vacant lots upon which billboards now exist shall be maintained in an orderly fashion by the frequent and periodic removal of rubbish and maintenance of any verdure growing on the lot.
- (e) **SIGNS PROJECTING INTO STREET.** No sign shall project over any part of any street, except where a business structure is located on the front property line. In such case, a sign may not extend beyond the front face of curb.
- (f) **TERMINATION OF A BUSINESS.** At the termination of a business, commercial or industrial enterprise, all signs shall forthwith be removed from the public view. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listings.
- (g) **SHOPPING CENTERS OR INDUSTRIAL PARKS.** In a shopping center or industrial park, one (1) free-standing identification sign may be permitted, showing the name of said center or park and the represented businesses or industries. The area of said sign shall not exceed one-hundred (100) square feet on one (1) face and two hundred (200) square feet on all faces. Said sign shall not be permitted within twenty (20) feet of the right-of-way line of the street.
- (h) **WALL SIGNS.** Wall signs placed against the exterior walls of building shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed five hundred (500) square feet in area for any one premise, and shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (i) **PROJECTED SIGNS.** Projected signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for any one premise; shall not extend more than six (6) feet into any required yard, shall not extend more than three (3) feet into public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not exceed a height of twenty (20) feet above the mean centerline street grade; fifteen (15) feet above a driveway or an alley.
- (j) **GROUND SIGNS.** Ground signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which they are located, and shall not exceed one hundred (100) square feet on all sides for any one premises.
- (k) **ROOF SIGNS.** Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed three hundred (300) square feet on all sides for any one premises.
- (l) **REPRESENTATIONS.** All signs shall advertise, promote, or represent only establishments, goods, or services located, sold or manufactured within one hundred (100) feet.
- (m) **COMBINATION SIGNS.** Combination of any of the above signs shall meet all the requirements for the individual sign.
- (n) **NUMBER OF SIGNS.** No more than one (1) business or industrial sign shall be permitted on the front facade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one (1) business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.
- (o) **DIRECTIONAL SIGNS.** Necessary directional ground signs, not exceeding four (4) square feet in area, will be permitted. Permission to erect such signs must be obtained from the Village Board.
- (p) **LIGHTING.** Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare, and no sign shall have lighting of an intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.

- (q) OBSTRUCTION OF OPENINGS. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress, or for fire fighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.
- (r) STREET INTERSECTIONS. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (s) HEIGHT. No sign shall be erected above the roof line of a building or more than thirty (30) feet from the ground.
- (t) BILLBOARDS. Billboards, outdoor advertising signs and any business or industrial signs not located on the same property as the business or industry advertised, shall not be permitted in any district.

SEC. 10-1-83      SIGNS RESEMBLING TRAFFIC CONTROL DEVICES.

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

SEC. 10-1-84      EXISTING SIGNS.

Signs lawfully existing at the time of the adoption or amendment of this Chapter may be continued although the use, size, or location does not conform with the provisions of this Chapter. However, it shall be deemed a nonconforming use or structure; and the provisions of Article H shall apply.

SEC. 10-1-85 THROUGH SEC. 10-1-89      RESERVED FOR FUTURE USE.

**ARTICLE H****Nonconforming Uses, Structures and Lots****SEC. 10-1-90      EXISTING NONCONFORMING USES.**

- (a) The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (b) Total lifetime structural repairs or alterations shall not exceed fifty (50%) percent of the Village's assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Chapter.
- (c) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

**SEC. 10-1-91      ABOLISHMENT OR REPLACEMENT.**

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50%) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Chapter.

**SEC. 10-1-92      EXISTING NONCONFORMING STRUCTURES.**

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

**SEC. 10-1-93      CHANGES AND SUBSTITUTIONS.**

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

SEC. 10-1-94      SUBSTANDARD LOTS.

- (a) In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel, providing such lot or parcel was of record in the County Register of Deeds office before the effective date or amendment of this Chapter, provided the requirements of Sec. 10-1-71 are met.
- (b) Such lot or parcel shall be in a separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provision of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

LOT.	Width:	Minimum 40 feet
	Area:	Minimum 4,600 square feet
BUILDING.	Height:	Maximum 30 feet
SETBACKS.	Street:	Minimum 25 feet; the second street yard on corner lots shall be not less than 10 feet.
	Rear:	Minimum 25 feet
	Side:	Minimum 16 percent of the frontage, but not less than 5 feet each

SEC. 10-1-95 THROUGH SEC. 10-1-99

RESERVED FOR FUTURE USE.

**ARTICLE I****Performance Standards — Industrial Developments****SEC. 10-1-100     ARTICLE INTENT.**

It is the intent of this Article to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control, and to insure that the community is adequately protected from potential hazardous and nuisance-like effects.

**SEC. 10-1-101     NOISE.**

No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 10:00 p.m. and 65 dBA from 10:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:

- (a) Noises not directly under the control of the property user.
- (b) Noises from temporary construction or maintenance activities during daylight hours.
- (c) Noises from emergency, safety or warning devices.

**SEC. 10-1-102     VIBRATION.**

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

**SEC. 10-1-103     EXTERNAL LIGHTING.**

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the Industrial Districts' boundaries.

**SEC. 10-1-104     ODOR.**

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.

**SEC. 10-1-105     PARTICULATE EMISSIONS.**

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11, Wisconsin Administrative Code.

SEC. 10-1-106      VISIBLE EMISSIONS.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code.

SEC. 10-1-107      HAZARDOUS POLLUTANTS.

No operation or activity shall emit any hazardous substances in such a quantity, concentration, or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.

SEC. 10-1-108 AND SEC. 10-1-109      RESERVED FOR FUTURE USE.

**ARTICLE J****Fences and Hedges****SEC. 10-1-110      DEFINITIONS; FENCES AND HEDGES.**

- (a) **DECORATIVE FENCE:** A fence not exceeding a height of thirty-six (36) inches from ground level, made of material other than wire, metal, chain or poured concrete, and constructed in a substantially open pattern (such as a weave or board-and-space pattern) and not solid pattern (such as a block, concrete, or privacy pattern).
- (b) **FENCE:** Any enclosure or barrier, solid or otherwise, made of wood, iron, stone or other material, as around or along a yard, walkway, field, or other area, and shall include "decorative fence."
- (c) **HEDGE:** A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
- (d) **PICKET FENCE:** A fence having a pointed post, stake, pale or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.
- (e) **RETAINING WALL:** A solid barrier of any material constructed to hold back a mass of earth. A retaining wall shall be considered a fence for purposes of this Section.

**SEC. 10-1-111      FENCE SETBACK IN RESIDENTIAL ZONED DISTRICTS.**

No fence or portion of a fence shall be constructed within the front setback area of a building; provided, however, that a decorative fence may be constructed in the front setback area. Fences may be constructed alongside rear and side yard lot lines provided there is a minimum two (2) foot setback, but shall not extend into the front setback area as extended to the side lot lines.

**SEC. 10-1-112      FENCE STANDARDS.**

- (a) **RESIDENTIAL FENCES** are permitted on the property lines in residential districts but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way.
- (b) **SECURITY FENCES** are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (c) **PROHIBITED FENCES.** No fence shall be constructed which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or higher and project toward the fenced property and away from any public area.
- (d) **FENCES TO BE REPAIRED.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

**SEC. 10-1-113      HEDGES.**

The height and setback for hedges shall be the same as outlined for fences in Sections 10-1-111 and 10-1-112 hereof; provided, however, hedges three (3) feet in height

or less, from sidewalk level, may be kept in the front setback area, and provided further that no hedge shall be permitted in the tree lawn area or, where no tree lawn area exists, within four (4) feet of any street or alley. Hedges shall be trimmed and maintained.

SEC. 10-1-114      TEMPORARY FENCES.

Fences erected for the protection of planting, or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in Sections 10-1-111 and 10-1-112. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.

SEC. 10-1-115      NONCONFORMING FENCES AND HEDGES.

Any fence or hedge existing on the effective date of this Chapter and not in conformance with this Article may be maintained, but no alteration, modification or improvement of same shall be permitted unless as a result of such alteration, modification or improvement said fence shall comply with this Section.

SEC. 10-1-116      PRIVATE SWIMMING POOLS — FENCING AND CONSTRUCTION REQUIREMENTS.

- (a) DEFINITION. A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet.
- (b) EXEMPT POOLS. Storable swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity, are exempt from the provisions of this section.
- (c) REQUIREMENTS. All private swimming pools shall meet the following requirements:
  - (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
  - (2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than the minimum lot and yard setback requirements as specified for the district in which the pool is located, except that the minimum rear yard requirement may be fifteen (15) feet.
  - (3) A wall or fence at least sixty (60) inches high and not more than six (6) feet from ground level shall be constructed so as to prevent uncontrolled access to the pool by children from the street or from adjacent properties. The fence material shall be a durable wood or chain-link type so as to make access difficult. The fence shall enclose all private combination, diving, swimming, and limited purpose pools. The entrance to the pool area may be provided through a bathhouse or gate. The gate shall be equipped with a self-closing device and provided with a locking device. Such gate shall be kept locked when the pool is not in use.
  - (4) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an



attached enclosed railing a minimum of thirty-six (36) inches high on the top outer edge of the raised deck. Where pool ladders are provided, they shall be a type that can be removed when the pool is not in use.

- (5) All electrical service to swimming pool areas shall be in compliance with the requirements of Section 680(1-47) of the National Electrical Code.
- (6) Water connections and all plumbing work shall be approved by the building inspector and shall comply with all requirements of the State Plumbing Code.
- (7) Such pool shall not occupy more than 65% of the rear yard and shall conform to permitted accessory use requirements regarding side and rear yard distance to lot lines.

SEC. 10-1-117 THROUGH SEC. 10-1-119

RESERVED FOR FUTURE USE.

**ARTICLE K****Alternate Communications Systems; Wind Energy Systems****SEC. 10-1-120 SPECIAL USE PERMITS REQUIRED.**

- (a) **APPROVAL REQUIRED.** No owner shall, within the Village of St. Cloud, build, construct, use or place any type or kind of alternate communications system or wind energy system without holding the appropriate conditional use permit for said system.
- (b) **SEPARATE PERMIT REQUIRED FOR EACH SYSTEM.** A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.
- (c) **BASIS OF APPROVAL.** The Village Board shall base their determination on general consideration as to the affect of such grant on the health, general welfare, safety and economic prosperity of the Village and specifically of the immediate neighborhood in which such use would be located, including such considerations as the affect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive, or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carrying out the intent of the Zoning Code.
- (d) **TYPES OF SPECIAL USES:**
  - (1) Wind energy conversion systems,
  - (2) Alternate communication systems.
- (e) **FEES.** The Village Board shall by resolution establish fees for the processing and issuance of conditional use permits under this Article.
- (f) **TEMPORARY PERMIT.** The Clerk-Treasurer will be permitted to issue a temporary thirty (30) day permit for a special use system for a fee of Five (\$5.00) Dollars. Said permit will expire in thirty (30) days unless the Clerk-Treasurer grants an additional thirty (30) day extension of the temporary permit. No extension of the original temporary permit will be granted if the owner or applicant has not made application for a permanent permit. If extension of the thirty (30) day temporary permit is requested, the fee will be an additional Five (\$5.00) Dollars. No extensions of the original thirty (30) day permit beyond thirty (30) days will be granted unless approved by the Village Board. If the special use system remains after the thirty (30) day temporary permit or extension thereof as provided for herein, then each day thereafter shall constitute a separate violation of this Village of St. Cloud Zoning Code.

**SEC. 10-1-121 DEFINITIONS.**

In this Article:

- (a) **AGENCY** means the Village Board of the Village of St. Cloud.
- (b) **APPLICANT** means an owner applying for a permit under this Article.
- (c) **APPLICATION** means an application for a permit under this Article.
- (d) **BUILDING INSPECTOR** means the duly appointed Building Inspector of the Village of St. Cloud.
- (e) **COMMUNICATION SYSTEM (ALTERNATE)** commonly referred to as cable television or satellite television systems utilizing disks, dishes or devices to directly receive communications.

- (f) MUNICIPALITY means the Village of St. Cloud, Fond du Lac County, Wisconsin.
- (g) OWNER means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one owner shall be considered an owner.
- (h) PERMIT means a special use permit issued under this Article of the Zoning Code.
- (i) WIND ENERGY CONVERSION SYSTEMS commonly referred to as "windmills" which are used to produce electrical power.
- (j) ZONING ORDINANCE means the duly adopted Zoning Ordinance of the Village of St. Cloud as amended.

SEC. 10-1-122 PERMIT PROCEDURE.

- (a) The Village Board is hereby designated the agency which approves special use permits authorized by this Article of the Zoning Code.
- (b) The Village Board hereby designates the Clerk-Treasurer as the official to receive, process, and, following approval by the Village Board, issue special use permits.
- (c) The permit application shall be made to the Clerk-Treasurer on forms provided by the Village. The application shall include the following information:
  - (1) The name and address of the applicant.
  - (2) The address of the property on which the special use will be located.
  - (3) An accurate map of the property including indication of general terrain and topographical characteristics, the location of all significant terrain features such as streams, ponds, tree growth, etc., and the location of all existing structures.
  - (4) An accurate and complete written description of the use for which special grant is being requested including pertinent statistics and operational characteristics.
  - (5) Plans and other drawings showing proposed development of the site and buildings including landscape plans, location of parking and service areas, drive-ways, exterior lighting, type of building material, etc., if applicable.
  - (6) Any other information which the Village Board or Clerk-Treasurer may deem to be necessary to the proper review of the application.
- (d) The Clerk-Treasurer shall review the application and, if the application is complete and contains all required information, shall refer it to the Village Board.
- (e) HEARING. Upon referral of the application the Village Board shall schedule a public hearing thereon as soon as practical and the Village Board shall notice said hearing as deemed appropriate.
- (f) DETERMINATION. Following public hearing and necessary study and investigation the Village Board shall as soon as practical render its decision in writing and a copy made a permanent part of the Board's minutes. Such decision shall include an accurate description of the special use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval. The Village Board may impose any conditions or exemptions necessary to minimize any burden on any persons affected by granting the special use permit.
- (g) TERMINATION. When a special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare the special grant may be terminated by action of the Village Board following a public hearing thereon.

- (h) **CHANGES.** Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Village Board and if in the opinion of the Board such change or addition constitutes a substantial alteration, a public hearing before the Board shall be required and notice thereof be given.

SEC. 10-1-123      REQUIREMENTS FOR ALTERNATE COMMUNICATIONS SYSTEMS AND WIND ENERGY SYSTEMS.

- (a) **STANDARD REQUIREMENTS:**
- (1) Except as may be specifically otherwise provided, any such special use shall conform to the building location, height, building size, lot size, and open space regulations of the zoning district in which it is located.
  - (2) Building, site and operation plans of the proposed use shall be submitted for approval of the Village Board. Such plans shall be in sufficient detail to enable the Board to evaluate the suitability of architectural and landscape treatment; the proper location of the building or buildings on the lot; the satisfactory provision for parking and circulation needs, for drainage and sewage disposal, for adequate planting screen where necessary, and for operational control devices where necessary to eliminate noise, dust, odor, smoke or other objectionable operating condition; and the general compatibility of the proposed use with the area in which it is located.
- (b) **SPECIAL REQUIREMENTS.** In addition to the general standards and requirements as stated in this Section and elsewhere in this Article, such special uses shall be subject to more specific standards and requirements pertinent to the particular use, which standards and requirements may be set out in a supplementary guide for special use regulation adopted by the Board, and modified from time to time in order that they reflect the best and most contemporary of regulatory practices.
- (c) **MODIFICATION OF REGULATIONS.** Requirements applicable to uses by the regulations of this ordinance may be modified or waived by the Village Board in their application to special use if in the Board's opinion they are not appropriate or necessary to the proper regulation of the special use, and where such modification or waiver would not in the Board's opinion result in adverse affect upon the surrounding properties.
- (d) **ACCESSORY USES AND STRUCTURES.** Uses and structures accessory to a principal special use may be permitted subject to appropriate regulations in the same manner as hereinbefore set forth for the principal special use.
- (e) **APPEALS PROCESS.** Any person aggrieved by a determination by the Village Board under this Article may appeal the determination to the Zoning Board of Appeals.
- (f) **RESERVATION OF RIGHTS.** The transfer of title to any property shall not change the rights and duties under this Article.
- (g) **APPROVAL DOES NOT WAIVE PERMIT REQUIREMENTS.** The approval of a permit under this Article shall not be construed to waive the requirement to obtain a building or plumbing permit prior to installation of any system.

SEC. 10-1-124      SPECIFIC REQUIREMENTS REGARDING WIND ENERGY SYSTEMS.

- (a) **ADDITIONAL STANDARDS.** Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section, in addition to those found elsewhere in this Article.

- (b) **APPLICATION.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premises, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
- (c) **CONSTRUCTION.** Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (d) **NOISE.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- (e) **ELECTRO-MAGNETIC INTERFERENCE.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (f) **LOCATION AND HEIGHT.** Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this ordinance, however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (g) **FENCE REQUIRED.** All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- (h) **UTILITY COMPANY NOTIFICATION.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

SEC. 10-1-125      SPECIFIC REQUIREMENTS REGARDING ALTERNATE COMMUNICATIONS SYSTEMS.

- (a) **ADDITIONAL STANDARDS.** Alternate communication systems, commonly referred to as cable television or satellite television disks, dishes, or devices, shall also comply with the requirements of this Section, in addition to those found elsewhere in this Article.
- (b) **APPLICATIONS.** Application for the erection of a communication system shall be accompanied by a plat of survey for the property on which the system is to be located showing the location of the system and all other improvements on the property. If the system is intended to provide communication to more than one

premises, the plat of survey shall show all properties to be served and the means of connection to the communication system. A copy of all agreements with the system users of the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, if any, and provide assurance as to the safety features of the system.

- (c) **NOISE.** The maximum level of noise permitted to be generated by a communications system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- (d) **ELECTRO-MAGNETIC INTERFERENCE.** Communication system devices shall be filtered and/or shielded so as to prevent emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the communication system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (e) **LOCATION AND HEIGHT.** All parabolic or dish-type antennae located outside of the building shall meet the following requirements:
  - (1) Maximum number per residential lot: one (1).
  - (2) Maximum height: thirteen (13) feet.
  - (3) Maximum diameter: ten (10) feet.
  - (4) Minimum setback from all property lines of lot: ten (10) feet.
  - (5) No antenna may be located in a front or side yard.
  - (6) All parabolic or dish-type antennae shall be mounted so that the center of the antenna is no higher above ground level than one-half (1/2) the diameter of the circle of the antenna. Each antenna shall be screened from view by a six- (6) foot-high wood or masonry fence or by natural plants or trees of equal minimum height, so planted as to provide maximum screening.
  - (7) No parabolic or dish-type antennae shall be roof-mounted.

**ARTICLE L**

## Administration

**SEC. 10-1-130 ZONING BOARD OF APPEALS.**

- (a) **MEMBERSHIP.** The Zoning Board of Appeals shall be appointed pursuant to Title 2, Chapter 4 of this Code of Ordinances.
- (b) **MEETINGS AND RULES.** All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the board and shall be public record. The Board of Appeals shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (c) **OFFICES.** The Village Board shall provide suitable offices for the Board of Appeals for holding of hearings and the presentation of records, documents, and accounts.
- (d) **APPROPRIATIONS.** The Village Board shall appropriate funds to carry out the duties of the Board of Appeals and the Board of Appeals shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.
- (e) **JURISDICTION AND AUTHORITY.** The Board of Appeals shall have the jurisdiction and authority as specified in Title 2, Chapter 4 of this Code of Ordinances.

**SEC. 10-1-131 APPEALS TO THE ZONING BOARD OF APPEALS.**

- (a) **SCOPE OF APPEALS.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village, affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question.
- (b) **STAY OF PROCEEDINGS.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (c) **CONCURRING VOTE.** The concurring vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility temporary, unclassified, or substituted use.

**SEC. 10-1-132 HEARING OF APPEALS AND VARIANCES.**

The Board of Appeals shall fix a reasonable time, not more than thirty (30) days from the date of filing, for the hearing of an appeal and shall give due notice thereof to all the parties involved. The Board or any of its officers it shall designate shall cause such hearings to be published in the Village's newspaper or newspapers.

SEC. 10-1-133      POWERS OF ZONING BOARD OF APPEALS.

In addition to these powers enumerated in Title 2, Chapter 4 of this Code, the Board of Zoning Appeals shall have the following powers;

- (a) **ERRORS.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector.
- (b) **VARIANCES.** To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- (c) **INTERPRETATIONS.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts.
- (d) **SUBSTITUTIONS.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made. Whenever the Board of Appeals permits such a substitution, the use may not thereafter be changed without application.
- (e) **UNCLASSIFIED USES.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district.
- (f) **TEMPORARY USES.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (g) **PERMITS.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

SEC. 10-1-134      VARIATIONS.

- (a) **PURPOSE.**
  - (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship, or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
  - (2) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Ordinances as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Ordinances will result in unnecessary hardship and so that the spirit of the Zoning Chapter shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit standards lower than those required by state law. The Board of Appeals shall apply the standards of Sec. 10-1-133(d).
  - (3) For the purposes of this section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.



- (b) **APPLICATION FOR VARIATION.** The application for variation shall be filed with the Clerk-Treasurer. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
- (1) Name and address of applicant and all abutting and opposite property owners of record.
  - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
  - (3) Address and description of the property.
  - (4) Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 10-1-12 for a Zoning permit.
  - (5) Additional information required by the Village Board, Village Engineer, Board of Zoning Appeals, or Building Inspector.
  - (6) Fee receipt from the Clerk-Treasurer in the amount of Twenty-five (\$25.00) Dollars.
- (c) **PUBLIC HEARING OF APPLICATION.** The Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one or more of the newspapers in general circulation in the Village of St. Cloud, and shall give due notice to the parties in interest. At the hearing the appellant or applicant may appear in person, by agent, or by attorney. The Board shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Administrator and Village Board.
- (d) **ACTION OF THE BOARD OF APPEALS.** For the Board to grant a variance it must find that:
- (1) Denial of variation may result in hardship to the property owner due to physiographical considerations. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
  - (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought, and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
  - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
  - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
  - (5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.
- (f) **CONDITIONS.** The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.
- (g) **EXPIRATION.** Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- (h) **REVIEW BY COURT OF RECORD.** Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals.

SEC. 10-1-135      CHANGES AND AMENDMENTS TO THE ZONING CODE.

- (a) **AUTHORITY.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto.
- (b) **INITIATION.** A change or amendment may be initiated by the Village Board or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- (c) **PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Clerk-Treasurer, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
- (1) Plot Plan drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two hundred (200) feet of the areas proposed to be rezoned.
  - (2) Owners' Names and Addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
  - (3) Additional Information required by the Village Board.
  - (4) Fee Receipt from the Clerk-Treasurer in the amount of Twenty-five (\$25.00) Dollars.
- (d) **HEARINGS.**
- (1) The Village Board shall hold a public hearing upon each recommendation, giving at least ten (10) days' prior notice by publication at least two (2) times during the preceding thirty (30) days, listing the time, place, and the changes or amendments proposed. The Village Board shall also give at least ten (10) days' prior written notice to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
  - (2) If applicable, prior to the Village Board hearing, the appropriate Joint Extraterritorial Zoning Committee shall hold a public hearing upon each proposed change or amendment within their zoning jurisdiction, giving at least ten (10) days' prior notice by publication at least three (3) times during the preceding thirty (30) days listing the time, place, and the changes or amendments proposed. The Joint Committee shall mail notice to the clerk of the affected town.
- (f) **BOARD'S ACTION.** Following such hearing and after careful consideration, the Village Board shall vote on the passage of the proposed change or amendment.
- (g) **PROTEST.** In the event of a protest against such district change or amendment to the regulations of this Chapter, duly signed and acknowledged by the owners of twenty (20%) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20%) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20%) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

SEC. 10-1-136      PENALTIES.

Failure to comply with the provisions of this Chapter shall be regarded as violation and any person who commits such violation shall be liable to a forfeiture of not less than Twenty-five (\$25.00) Dollars or not more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned up to ninety (90) days in the Fond du Lac County Jail. Each day a violation is continued shall be considered a separate offense.

SEC. 10-1-137 THROUGH SEC. 10-1-139

RESERVED FOR FUTURE USE.

## ARTICLE M

### Storage and Parking of Recreational Vehicles

#### SEC. 10-1-140      DEFINITIONS — RECREATIONAL VEHICLES.

For purposes of this Article, the following definitions shall apply:

- (a) **MOBILE HOME.** Mobile home means a structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Length of a mobile home means the distance from the exterior of the front wall (nearest to the exterior of the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments. Width of a mobile home means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.
- (b) **RECREATIONAL VEHICLE.** Recreational vehicle means any of the following:
- (1) Travel Trailer means a vehicular, portable structure built on a chassis and on wheels; that is between ten (10) and thirty-six (36) feet long, including the hitch and eight (8) feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
  - (2) Pick-up Coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
  - (3) Motor Home means a portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
  - (4) Camping Trailer means a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
  - (5) Chassis Mounts, Motor Homes and Mini-Motor Homes means recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom.
  - (6) Converted and Chopped Vans means recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
  - (7) Boat or Snowmobile Trailer means a vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article is termed an unmounted boat or snowmobile.
- (c) **BOAT.** Boat means every description of watercraft used or capable of being used as a means of transportation on water.
- (d) **YARD, FRONT,** means that part of a lot between the front lot line and front(s) of the principal building on the lot, and extended to both side lot lines.
- (e) **YARD, REAR,** means that part of a lot between the rear lot line and the back(s) of the principal building on the lot, and extended to both side lot lines.
- (f) **YARD, SIDE,** means that part of a lot not surrounded by building and not in the front or rear yard.

State Law Reference: Section 30.50, Wis. Stats., and HSS 177 and 178, Wis. Adm. Code.

SEC. 10-1-141      PERMITTED PARKING OR STORAGE OF RECREATIONAL VEHICLES.

In all residential and commercial districts provided for in this Zoning Code, it is permissible to park or store a recreational vehicle or boat and boat trailer on private property in the following manner:

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

SEC. 10-1-142 THROUGH SEC. 10-1-149

RESERVED FOR FUTURE USE.

**ARTICLE N**

## Definitions

**SEC. 10-1-150**    **DEFINITIONS.**

- (a) For the purposes of this Chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not optional.
- (1) **Abutting.** Having a common property line or district line.
  - (2) **Accessory Use or Structure.** A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure, and, in the case of a building, does not occupy more than thirty (30%) percent of the required rear yard.
  - (3) **Alley.** A special public right-of-way affording only secondary access to abutting properties.
  - (4) **Apartment.** A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
  - (5) **Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.
  - (6) **Basement.** That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-around living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.
  - (7) **Billboard.** An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment or the property upon which it is located.
  - (8) **Block.** A tract of land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.
  - (9) **Boarding House.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding six (6) persons and not open to transient customers.
  - (10) **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
  - (11) **Building Area.** The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.
  - (12) **Building Height.** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.
  - (13) **Building, Principal.** A building in which is conducted the main use of the lot on which said building is located.
  - (14) **Building Inspector.** The employee of the Village of St. Cloud, Wisconsin, officially designated to administer the Building and Zoning Ordinances.
  - (15) **Building Line, Front.** A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.

- (16) Business. A commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).
- (17) Canopy or Marquee. A roof-like structure, of a permanent nature, which projects from the wall of a building.
- (18) Cellar. A portion of a building located partly or wholly underground, and having two-thirds (2/3) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground. (See paragraph entitled "Basement.")
- (19) Certificate of Occupancy. A written statement issued by the Zoning Administrator which permits the use of a building or lot or a portion of a building or lot, and which certifies compliance with the provisions of this Chapter for the specified use and occupancy.
- (20) Clinic. A building used by a group of doctors or dentists for the examination or treatment of persons on an out-patient or non-boarding basis only.
- (21) Club. A building owned, leased or hired by a nonprofit association of persons, who are bona fide members paying dues, the use of which is restricted to said members and their guests.
- (22) Clothing Repair Shops. Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five (5) persons.
- (23) Clothing Stores. Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.
- (24) Collector Highway. Serves as a linkage between local roads and arterials. "High" collectors serve communities exceeding two hundred (200) population and significant recreational centers. "Low" collectors de-emphasize mobility and carry generally low traffic volumes.
- (25) Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (26) Conforming Use. Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (27) Corner Lot. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135°) degrees or less, measured on the lot side.
- (28) Curb Grade. The level of the established curb in the front of the building, measured at the center of such front. Where no curb has been established, the Village Board shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this Chapter.
- (29) Dwelling. A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.
- (30) Dwelling Unit. One (1) or more rooms designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.
- (31) Dwelling, One-Family. A detached building designed, arranged or used for, and occupied exclusively by one (1) family.
- (32) Dwelling, Two-Family. A building designed, arranged or used for, or occupied exclusively by two (2) families, living independently of each other.
- (33) Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, apartment hotels and group houses.
- (34) Efficiency. A dwelling unit consisting of one principal room with no separate sleeping rooms.
- (35) Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, wind-storm, riots, and invasions.

- (36) Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, lift stations, and hydrants, but not including buildings.
- (37) Expressway. A divided Principal or Primary Arterial highway with full or partial control of access and with or without grade separated intersections.
- (38) Family. Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.
- (39) Farm. Land consisting of two (2) or more acres on which produce, crops, livestock or flowers are grown primarily for off-premise consumption or use.
- (40) Floor Area.
- a. For Residential Uses, the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating dwelling units.
  - b. For Uses Other Than Residential, the area measured from the exterior faces of the exterior walls, or from the centerline of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.
- (41) Freeway. An expressway with full control of access and with fully graded separated intersections.
- (42) Front Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (43) Frontage. The smallest dimension of a lot abutting a public street measured along the street line.
- (44) Frontage, Lot. The smallest dimension of a lot abutting a public street, measured along the street line.
- (45) Garage, Private. An accessory building or portion of the principal building used for vehicular storage only, and having a capacity of not more than three (3) automobiles, or not more than one (1) automobile per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one (1) commercial vehicle, and in which space may be rented for not more than three (3) vehicles of others not occupants of the building to which such garage is accessory. The term also includes carport and, when related to the context, shall relate to the storage of one (1) or more vehicles.
- (46) Gift Stores. Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
- (47) Hardware Stores. Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.
- (48) Hotel. An establishment for transient guests having more than six (6) sleeping rooms without individual cooking facilities.
- (49) Household Occupations. Any occupation or profession for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises. It shall include residences of baby-sitters, milliners, dressmakers, launderers, crafts and canners, but does



not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios. It shall not exceed twenty-five (25%) percent of the gross floor area of the dwelling, nor include the display of goods visible from outside the premises.

- (50) Interchange. A grade separated intersection with one or more turning lanes for travel between intersection legs.
- (51) Joint Extraterritorial Zoning Committee. Any Zoning Committee established in accordance with Section 62.23(7a) of the Wisconsin Statutes.
- (52) Junk Yard. An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.
- (53) Living Rooms. All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.
- (54) Loading Area. A complete off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (55) Local Highway. Roads which are intended to move vehicles from individual parcels to the higher order road systems, and should not carry through traffic. Local roads carry low traffic volumes.
- (56) Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Chapter.
- (57) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (58) Lot Coverage. The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.
- (59) Lot, Reversed Corner. A corner lot which is oriented such that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (60) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both public streets shall be deemed front lot lines.
- (61) Lot, Zoning. A single tract of land located within a single block, which at time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.
- (62) Lot Area. The total area in a horizontal plane within the peripheral boundaries of a lot.
- (63) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (64) Lot Width. The width of a parcel of land measured at the rear of the specified street yard.
- (65) Machine Shops. Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.
- (66) Minor Structures. Any small, movable accessory erection or construction such as birdhouses; tool houses; pet houses; play equipment; arbors; and walls and fences under four (4) feet in height.
- (67) Mobile Home. A one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, and used without permanent foundation.

- (68) Mobile Home Park. Any lot on which two (2) or more mobile homes are parked for the purpose of temporary or permanent habitation.
- (69) Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (70) Nonconforming Uses or Structures. Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Chapter or amendments thereto which does not conform to the regulations of this Chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (71) Nursery School. Any building used routinely for the daytime care and education of pre-school age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.
- (72) Nursing Home. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (73) Parking Facility/Lot. A structure or an open space other than a street or alley used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- (74) Parking Space. A graded and surfaced area of not less than one hundred eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (75) Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (76) Planned Area Development. A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas.
- (77) Primary Arterial Highway. Serves long trips with high mobility. Connects regions or important cities. Serves communities with over five thousand (5,000) population by 1990. Continuous system in combination with Principal Arterials. Provides high level of service with only slight variation.
- (78) Principal Arterial Highway. Serves longest trips with highest mobility. Connects states, regions or metropolitan areas, serves cities with over fifty thousand (50,000) population by 1990. Continuous, interconnected system with uninterrupted maximum level of services.
- (79) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only one nonresident person is employed.
- (80) Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
- (81) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
- (82) Setback. The minimum horizontal distance between the front lot line and a structure.

- (83) Shopping Center. A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. (See "Planned Area Development.")
- (84) Side Yard. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.
- (85) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (86) Smoke Unit. The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.
- (87) Standard Arterial Highway. Serves long trips with good mobility. Has intra-regional and inter-community connections. Serves communities with over one thousand (1,000) population. Is a generally continuous system in combination with Principal and Primary Arterials. Provides good level of service under varying operating conditions.
- (88) Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it.
- (89) Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than two (2) feet above the floor of such story.
- (90) Street. A public or private thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic, or both.
- (91) Street Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (92) Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
- (93) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- (94) Travel Trailer. A vehicular portable structure, built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, limited in weight or length to either a maximum weight of four thousand, five hundred (4,500) pounds or a maximum length of twenty-eight (28) feet.
- (95) Turning Lanes. An existing or proposed connecting roadway between two (2) arterial highways or between an arterial highway and any other highway. Turning lanes include grade separated interchange ramps.
- (96) Use. The "use" of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
- (97) Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

- (98) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- (99) Zoning District. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- (100) Zoning Permit. A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which it is to be located.