

Article I: Performance Standards—Industrial Developments

Sec. 13-1-160 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. 13-1-161 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. 13-1-162 Regulation of Outdoor Lighting.

- (a) **Purpose; Intent.** It is the intent of this Section to define practical and effective measures by which the obtrusive aspects of excessive and/or careless outdoor light usage can be minimized, while preserving safety, security and nighttime use and enjoyment of property. These measures will reasonably curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate light amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the wastage of light, sky glow, and glare resulting from over-lighting and poorly shielded or inappropriately directed lighting fixtures.
- (b) **Conformance With Applicable Codes.** All outdoor illuminating devices shall be installed and maintained in conformance with the provisions of this Section, the Village Building and Electrical Codes, and applicable zoning and sign regulations of the jurisdictions as applicable and under appropriate permit and inspection.
- (c) **Applicability.**
 - (1) **New Uses, Buildings and Major Additions or Modifications.**
 - a. For all proposed new land uses, developments, buildings and structures that require a building permit or other authorization from the Village, all outdoor lighting fixtures shall meet the requirements of this Section.

- b. All building additions and/or modifications of twenty-five percent (25%) or more in terms of additional dwelling units, gross floor area, or parking area, either with a single addition or with cumulative additions subsequent to the effective date of this Section, shall be subject to the requirements of this Section for the entire property, including previously installed lighting and any new lighting.
- (2) **Existing Uses.** Existing uses shall be exempted from the provisions of this Section pursuant to the circumstances as described in Subsection (h) below. Existing uses and lighting which substantially deviate from the purposes and intent stated in Subsection (a) above, and which are brought to the attention of the Village Board by an aggrieved party or by a report from a Village official, may constitute a public nuisance, subject to abatement or other relief pursuant to Village ordinances and state law.
- (3) **Resumption of Use After Abandonment.** If a property or use with non-conforming lighting is abandoned as defined below in Subsection (d), then all outdoor lighting shall be reviewed and brought into compliance with this Section before any use is resumed.
- (4) **Street Lighting.** Lighting for public roadways and streets is exempted from the provisions of this Section.
- (d) **Definitions.** As used in this Section unless the context clearly indicates otherwise, certain words and phrases shall mean the following:
 - (1) **Development Project.** Any residential, commercial, industrial or mixed use subdivision plat, certified survey map parcel, or other development plan which is submitted to the Village for approval.
 - (2) **Diffuse.** To spread or scatter widely or thinly.
 - (3) **Direct Illumination.** Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building surfaces.
 - (4) **Fully Shielded Light Fixture.** A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by a photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding shall be permanently affixed.
 - (5) **Glare.** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes have adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes have become adopted.
 - (6) **Installed.** The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.
 - (7) **Light Pollution.** Any adverse man-made light.

- (8) **Light Trespass.** Light from an outdoor luminaire falling on an adjacent property as observed at four (4) feet above ground at the property line.
- (9) **Lumen per Acre Cap.** The upper limit, or most light allowed. Lower lighting levels are encouraged.
- (10) **Luminaire.** The complete lighting assembly, less the support assembly.
- (11) **Outdoor Light Fixture.** An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but not be limited to, lights used for:
 - a. Parking lot lighting.
 - b. Buildings and structures.
 - c. Recreational areas.
 - d. Landscape lighting.
 - e. Billboards and other signs (advertising or other).
 - f. Product display area lighting.
 - g. Illuminating building overhangs and open canopies.
- (12) **Outdoor Recreation Facility.** An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.
- (13) **Person.** Any individual, tenant, lessee, owner, or any commercial entity including, but not limited to, firm, business, partnership, joint venture, corporation, or limited liability company.
- (14) **Sign, Externally Illuminated.** A sign illuminated by light sources from outside the sign surface.
- (15) **Sign, Internally Illuminated.** A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.
- (16) **Sign, Neon.** A sign including luminous gas-filled tubes formed into the text, symbols or decorative elements and directly visible from the outside of the sign cabinet.
- (17) **Sky Glow.** The brightening of the night sky that results from the scattering of artificial visible radiation by the constituents of the atmosphere.
- (18) **Temporary Lighting.** Lighting which does not conform to the provisions of this Section and which will not be used for more than one consecutive thirty (30) day period within a calendar year, with one (1) consecutive thirty (30) day extension. Temporary lighting is intended for uses which by their nature are of a limited duration; for example, holiday lighting decorations, civic events, or construction projects.
- (19) **Translucent.** Permitting light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.
- (20) **Use, Abandonment of.** The relinquishment of a property, or the cessation of a use or activity, by the owner or tenant for a continuous period of six (6) months,

excluding temporary or short-term interruptions for the purpose of remodeling, maintaining or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principal use of the property.

- (e) **Shielding and Outdoor Lighting Standards.** The following lighting standards are hereby imposed and required:

- (1) **Shielding Requirement.** All non-exempt outdoor lighting fixtures shall be fully shielded.
- (2) **Light Trespass Prohibited.** All non-exempt outdoor lighting fixtures shall be placed so as to not cause light trespass, or light glare.
- (3) **Fixture Limitation.** All non-exempt outdoor lighting fixtures shall be of a type and placed so as to not allow any light above the horizontal, as measured at the luminaire.
- (4) **Shielding.** All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described in Subsection (d)(4) for fully shielded fixtures.
- (5) **Maximum Lumens Per Acre.** Residential and all other uses except commercial or business uses shall not exceed five thousand five hundred (5500) lumens per acre. Commercial or business zoned uses shall not exceed seventy thousand (70,000) lumens per property.

- (f) **Outdoor Advertising Signs.** External illumination for signs shall conform to all provisions of this Section. All upward directed lighting is prohibited.

- (g) **Special Uses.**

- (1) **Recreational Facilities.** Lighting for outdoor athletic fields, courts or tracks are exempt from the provisions of this Section except that field lighting for these facilities shall be turned off within one-half hour after the last game or event of the night.
- (2) **Temporary Exemptions.** Any person may request of the Village Board a temporary exemption from the provisions of this Section.

- (h) **Exemptions.**

- (1) **Nonconformance.** Any lighting in existence as of the original effective date of this Section is subject to the following:
 - a. Bottom-mounted or unshielded outdoor advertising sign lighting shall not be used beginning five (5) years after enactment of this Section.
 - b. All other outdoor light fixtures lawfully installed prior to and operable on the original effective date of this Section are exempt from all requirements of this Section. There shall be no change in use or lamp type, or any replacement (except for same-type and same-output lamp replacement), or structural alteration made, without conforming to all applicable requirements of this Section. Further, if the property is abandoned, or if there is a change in use of the property, the provisions of this Section will apply when the abandonment ceases or the new use commences.

- (2) **State and Federal Facilities.** Compliance with the intent of this Section at all state and federal facilities is encouraged, but is not mandatory.
- (3) **Emergency Lighting.** Emergency lighting, used by law enforcement, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this Section as long as the emergency exists.
- (4) **Swimming Pool and Fountain Lighting.** Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards, though it must conform to all other provisions of this Section.
- (5) **Residential Fixtures.**
 - a. Outdoor light fixtures attached to residential buildings and located below the eave and less than two thousand (2,000) lumens are exempt from the provisions of this Section. Light fixtures two thousand (2,000) lumens and over are not exempt. Outdoor fixtures above the eave, or attached to buildings or poles separate from the residence are not exempt. Spot or flood lights shall be fully shielded and directed no more than 45° above straight down.
 - b. Examples of lamps with two thousand lumens or less: The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage (check manufacturer's specifications). Examples of lamp types of two thousand (2,000) lumens or less are:
 - 1. 100 watt standard incandescent.
 - 2. 15 watt cool white fluorescent.
 - 3. 15 watt compact fluorescent.
 - 4. 18 watt low pressure sodium.
- (6) **Flags, Lighted.** United States and State of Wisconsin flags are exempt from the provisions of this Section. All other outdoor lighted flags, such as, but not limited to, decorative and commercial flags shall conform to the provisions of this Section.
- (7) **Holiday Lighting.** Holiday lighting is exempt from the provisions of this Section from the seven (7) days before Thanksgiving until January 30 of the following year.
- (8) **Internally Illuminated and Neon Outdoor Signs.** Internally illuminated and neon lighted outdoor signs are exempt from the provisions of this Section.
- (9) **Laser and Search Lights.** Laser and search lights are exempt from the provisions of this Section when used for temporary purposes of not more than five (5) consecutive days in a six (6) month period. This restriction shall apply to either the same person or same property.
- (10) **Towers.** Legally required safety lighting for towers shall be exempt from this Section.
- (11) **Airfields and Airports.** Airfields and airports, both commercial and non-commercial, shall be exempt from the provisions of this Section where lighting is used for air safety reasons. All other lighting shall conform to this Section.
- (i) **Special Considerations.** When an existing light would be in violation of this Section, but is exempted, the exemption may be withdrawn if the Village Board finds the lighting to be:

- a. Substantially aggravating or constitutes a nuisance to affected properties or traffic on public right-of-ways; or
 - b. The lighting serves little useful purpose or is excessive in view of its purpose, upon finding of the Village Board.
- (j) **Appeals.** Any person substantially aggrieved by any decision of the designated official made in administering this Section has the right to appeal to the Zoning Board of Appeals.
- (k) **Law Governing Conflicts.** Where any provision of federal, state, county, or local statutes, codes, ordinances, or laws conflict with any provision of this Section, the more restrictive shall govern unless otherwise regulated by law.

Sec. 13-1-163 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, Wis. Adm. Code.

Sec. 13-1-164 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, Wis. Adm. Code.

Sec. 13-1-165 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), Wis. Adm. Code.

Sec. 13-1-166 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, Wis. Adm. Code.

Sec. 13-1-167 through Sec. 13-1-179 Reserved for Future Use.

Article J: Signal Receiving Antennas; Wind Energy Systems; Wireless Telecommunications Systems

Sec. 13-1-180 Signal Receiving Antennas (Satellite Dishes).

- (a) **Purpose.** In order to secure uniformity and compliance with Federal Communications Commission rules (FCC 96-328) on over-the-air reception devices implementing Section 207 of the Telecommunications Act of 1996, this Section regulating the placement of signal receiving antennas and over-the-air reception devices is adopted to:
- (1) Provide uniform regulation where necessary of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Preserve the integrity of historic preservation districts;
 - (4) Protect the public from injury from roof-mounted antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the roof-mounted antenna; and
 - (5) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, and over-the-air reception devices, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his/her interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) **Limited Permit Requirement.**
- (1) No owner shall, within the Village of Crivitz, build, construct, use or place any type of signal receiving antenna or over-the-air reception device that is roof-mounted or proposed to be located in a designated historic preservation district until a permit shall have first been obtained from the Zoning Administrator.
 - (2) Application for a signal receiving antenna permit when required under Subsection (c)(1) shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a sufficient set of mounting plans and specifications to allow

a determination to be made that the device can be safely roof-mounted, or, in the case of a historic preservation district, can be located in such a manner as to not seriously detract from the historic character of the district. There is no fee for such permit. If such application meets the requirements of this Section, the application shall be approved.

- (d) **Exemption.** Signal receiving devices less than twenty-four (24) inches in diameter are exempt from the requirements of this Section, except for the requirements in Subsection (e)(1), (6), (8) and (11).

- (e) **Installation Standards.** Signal receiving antennas installed in any zoning district within the Village of Crivitz shall comply with the following provisions:

(1) **Setbacks.**

- a. Any signal receiving antenna and its mounting post shall be located a minimum of ten (10) feet from any property line. The purpose of setback regulations is to protect the aesthetics of the area and to preserve adequate access for emergency equipment and personnel.
- b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property following compliance with Subsection (c) above. For corner lots, a side yard is only a yard that does not face a street.
- c. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.

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

- (3) **Diameter.** The diameter of the signal receiving antenna shall not exceed fifteen (15) feet for the ground-mounted antenna and ten (10) feet for the roof-mounted antenna, except for stations used to provide community antenna television services.

(4) **Height.**

- a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen (18) feet in height, as measured from the ground to the highest point of the dish.
- b. A roof-mounted antenna may not exceed fifteen (15) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.

- (5) **Wind Pressure.** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
 - (6) **Electrical Installations.** Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
 - (7) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section.
 - (8) **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
 - (9) **Interference with Broadcasting.** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
 - (10) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
 - (11) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (f) **Enforcement.**
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board, a Village enforcement official or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
 - (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

Sec. 13-1-181 Wind Energy Systems.

No person shall construct or operate a wind energy conversion system (WECS) in the Village of Crivitz without having fully complied with the provisions of PSC 128, Wis. Adm. Code.

Sec. 13-1-182 Mobile Tower Siting.

(a) **Title; Purpose; Authority.**

- (1) **Title.** This Section is entitled the Village of Crivitz Mobile Tower Siting Ordinance.
- (2) **Purpose.** The purpose of this Section is to regulate by zoning permit:
 - a. The siting and construction of any new mobile service support structure and facilities;
 - b. With regard to a Class I collocation, the substantial modification of an existing support structure and mobile service facilities; and
 - c. With regard to a Class II collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
- (3) **Authority.** The Village of Crivitz Village Board has the specific authority under Secs. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this Section.

(b) **Definitions.** The following definitions shall be applicable in this Section:

- (1) **Antenna.** Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- (2) **Building Permit.** A permit issued by the Village that authorizes an applicant to conduct construction activity that is consistent with the Village's Building Code [Title 15, Chapter 1 of the Code of Ordinances].
- (3) **Class 1 Collocation.** The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.
- (4) **Class 2 Collocation.** The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
- (5) **Collocation.** Class 1 or Class 2 collocation or both.
- (6) **Distributed Antenna System.** A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- (7) **Equipment Compound.** An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

- (8) **Existing Structure.** A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the Village.
- (9) **Fall Zone.** The area over which a mobile support structure is designed to collapse.
- (10) **Mobile Service.** Has the meaning given in 47 USC 153(33).
- (11) **Mobile Service Facility.** The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a planned geographic area, but does not include the underlying support structure.
- (12) **Mobile Service Provider.** A person who provides mobile service.
- (13) **Mobile Service Support Structure (Tower).** A freestanding structure that is designed to support a mobile service facility.
- (14) **Permit.** A permit, other than a building permit, or approval issued by the Village which authorizes any of the following activities by an applicant:
 - a. A Class 1 collocation.
 - b. A Class 2 collocation.
 - c. The construction of a mobile service support structure.
- (15) **Public Utility.** Has the meaning given in Sec. 196.01(5), Wis. Stats.
- (16) **Search Ring.** A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- (17) **Substantial Modification.** The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
 - a. For structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet.
 - b. For structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by ten percent (10%) or more.
 - c. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by twenty (20) feet or more, unless a larger area is necessary for collocation.
 - d. Increases the square footage of an existing equipment compound to a total area of more than two thousand five hundred (2,500) square feet.
- (18) **Support Structure.** An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- (19) **Utility Pole.** A structure owned or operated by an alternative telecommunications utility, as defined in Sec. 196.01(1d), Wis. Stats.; public utility, as defined in Sec. 196.01(5), Wis. Stats.; telecommunications utility, as defined in Sec. 196.01(10), Wis.

Stats.; political subdivision; or cooperative association organized under Ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Sec. 182.017(1g)(cq), Wis. Stats.; for video service, as defined in Sec. 66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.

(c) **Siting and Construction of Any New Mobile Service Support Structure and Facilities; Regulation Limitations.**

(1) ***Application Process.***

- a. A Village zoning permit is required for the siting and construction of any new mobile service structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the Village obtainable with this permit through the conditional use permit process.
- b. A written permit application shall be completed by the applicant and submitted to the Village Clerk-Treasurer. The application shall contain, at a minimum, the following information:
 1. The name and business address of, and the contact individual for, the applicant; applicable telephone number(s), fax number, and email address - shall be provided.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.

- d. If an applicant submits to the Village an application for conditional use and zoning permits to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If the Village determines that the application is incomplete, the Village shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is considered complete.
 - e. Within ninety (90) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the ninety (90) day period:
 - 1. Review the application to determine whether it complies with all applicable aspects of the Village's Building Code and, subject to the limitations in this Section, provisions of this Zoning Code.
 - 2. Make a final decision whether to approve or disapprove the application.
 - 3. Notify the applicant, in writing, of its final decision.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. The Village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement under Subsection (c)(1)b6.
 - g. If the applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in the Zoning Code, that Zoning Code provision does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
 - h. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Three Thousand Dollars (\$3,000.00) per Sec. 66.0404(4)(d), Wis. Stats.].
- (2) **Regulatory and Application Limitations.** With regard to the siting and construction of a new mobile service support structure/facilities, the substantial modification of an existing support structure and mobile service facility as part of a Class 1 collocation, or a Class 2 collocation, the Village, pursuant to Sec. 66.0404(4), Wis. Stats., shall not:
- a. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
 - b. Enact a moratorium ordinance on the permitting, construction, or approval of any such activities.

- c. Enact an ordinance regulation prohibiting the placement of a mobile service support structure in particular locations within the Village.
- d. Charge a mobile radio service provider a fee in excess on the amounts prescribed in Sec. 66.0404(4)(d), Wis. Stats.
- e. Charge a mobile radio service provider any recurring fee for an activity described in Sec. 66.0404(2)(a), Wis. Stats., or a Class 2 collocation.
- f. Permit third-party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
- g. Disapprove of an application to conduct an activity described in Sec. 66.0404(2)(a), Wis. Stats., based solely on aesthetic concerns.
- h. Disapprove an application to conduct a Class 2 collocation on aesthetic concerns.
- i. Enact or enforce a Village ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
- j. Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the Village which fall into disuse. [Note: Per Sec. 66.0404(4)(i), Wis. Stats., there is a rebuttable presumption that a surety requirement of Twenty Thousand Dollars (\$20,000.00) or less complies with this Subsection.]
- k. Prohibit the placement of emergency power systems.
- l. Require that a mobile service support structure be placed on property owned by the political subdivision.
- m. Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- n. Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the Village at less than market rate, or provide the Village other services via the structure or facilities at less than the market rate.
- o. Limit the duration of any permit that is granted.
- p. Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
- q. Disapprove an application based on an assessment by the Village of the suitability of other locations for conducting the activity.
- r. Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
- s. Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
- t. Consider an activity a substantial modification under Subsection (b)(17)a-b above if a greater height is necessary to avoid interference with an existing antenna.

- u. Consider an activity a substantial modification under Subsection (b)(17)c above if a greater protrusion is necessary to shelter the antenna from increment weather or to connect the antenna to the existing structure by cable.
- v. Limit the height of a mobile support structure to under two hundred (200) feet.
- w. Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the Village in connection with the Village's exercise of its authority to approve the application.
- x. Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the Village to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the Village or an entity in which the Village or other political subdivision has a governance, competitive, economic, financial or other interest.

(d) **Class 1 Collocation.**

(1) ***Application Process.***

- a. A zoning permit is required for a Class 1 collocation. A Class 1 collocation is a conditional use in the Village obtainable with this permit through the conditional use process of this Chapter.
- b. A written permit application shall be completed by the applicant and submitted to the Village. The application must contain, at a minimum, the following information:
 - 1. The name and business address of, and the contact individual for, the applicant; applicable telephone number(s), fax number, and email address shall be provided.
 - 2. The location of the proposed or affected support structure.
 - 3. The location of the proposed mobile service facility.
 - 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service

support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

- c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.
 - d. If an applicant submits to the Village an application for a permit to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If the Village does not believe that the application is complete, the Village shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - e. Within ninety (90) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the ninety (90) day period:
 - 1. Review the application to determine whether it complies with all applicable aspects of the Village's Building Code and, subject to the limitations of this Section, zoning ordinances.
 - 2. Make a final decision whether to approve or disapprove the application.
 - 3. Notify the applicant, in writing, of its final decision.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. The Village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection (d)(1)b6.
 - g. If an applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that Zoning Code provision does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
 - h. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Three Thousand Dollars (\$3,000.00) per Sec. 66.0404(4)(d), Wis. Stats.].
- (2) **Regulatory and Application Limitations.** The regulatory and application parameters and limitations prescribed in Subsection (c)(2) above shall be applicable.
- (e) **Class 2 Collocation.**
- (1) **Application Process.**
 - a. A Village zoning permit is required for a Class 2 collocation. A Class 2 collocation is a permitted use in the Village but still requires the issuance of Village building permits.

- b. A written permit application shall be completed by the applicant and submitted to the Village. The application must contain, at a minimum, the following information:
 - 1. The name and business address of, and the contact individual for, the applicant; applicable telephone number(s), fax number, and email address shall be provided.
 - 2. The location of the proposed or affected support structure.
 - 3. The location of the proposed mobile service facility.
 - c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.
 - d. Per Title 15, Chapter 1 of this Code of Ordinances, a Class 2 collocation is also subject to the same requirements for the issuance of a building permit to which any other type of commercial development/construction or land use development is subject.
 - e. If an applicant submits to the Village an application for a permit to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If any of the required information is not in the application, the Village shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - f. Within forty-five (45) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the forty-five (45) day period:
 - 1. Make a final decision whether to approve or disapprove the application.
 - 2. Notify the applicant, in writing, of its final decision.
 - 3. If the application is approved, issue the applicant the relevant permit.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - g. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Five Hundred Dollars (\$500.00) or the commercial building permit fee equivalent, per Sec. 66.0404(4)(d)].
- (2) **Regulatory and Application Limitations.** The regulatory and application parameters and limitations prescribed in Subsection (c)(2) above shall be applicable.
- (f) **Penalty Provisions.** Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this Section shall, upon conviction, be subject to the penalties and/or forfeitures prescribed in Section 13-1-245, plus applicable surcharges,

13-1-182

assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Section. In addition, the Village of Crivitz may seek injunctive relief from a court of record to enjoin further violations.

Sec. 13-1-183 through Sec. 13-1-199 Reserved for Future Use.

Article K: Accessory Uses and Structures; Screening and Landscaping; Fences and Hedges

Sec. 13-1-200 Accessory Uses or Structures.

(a) Building Permit Required for Accessory Buildings.

(1) *Permit Required.*

- a. No owner shall, within the Village of Crivitz, build, construct, use or place any type of an accessory structure or building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the Building Inspector. Application for an accessory structure permit shall be made in writing to the Building Inspector.
- b. With such accessory building application, there shall be submitted the following information:
 1. A complete set of building plans and specifications;
 2. Three (3) copies of a site plan or drawing accurately showing the location on the entire lot of the proposed accessory structure with respect to distances to adjoining alleys, streets, property lines, easements, and other structures. The dimensions shall be shown of the lot, proposed accessory structure, principal structure (house), and any other accessory structures on the lot. A public street right-of-way is a property boundary line. The site plan must be drawn to scale, such as a scale of 1 inch = 20 feet; and
 3. A plat of survey, as prepared by a Wisconsin Registered Land Surveyor, shall be required if the property is located within or abuts a shoreland, wetland, floodplain, navigable waterway, or verification is difficult. If applicable, the Ordinary High Water Mark [two (2) feet above the 100-year floodplain elevation] and Wetland Delineation shall be shown.
- c. The required building plans and specifications shall include the following information:
 1. Floor plans, exterior dimensions, and a statement indicating the use of the accessory structure, including any second story area.
 2. Height of the accessory structure measured from the site lot grade to the peak of the roof peak and the building's exterior dimensions.
 3. Information and renderings illustrating design characteristics for all four sides of the proposed detached accessory structure, along with a current photograph of the principal structure on the parcel.
 4. Sufficiently detailed information on the type of construction and materials to be utilized, including that which is proposed to be used with the outside walls and roofing and the finish and color of such materials. Such

information shall include what type of foundation and framing (type and spacing of lumber) is proposed to be used.

5. In the case of a premanufactured residential accessory building, a copy of the manufacturer's plans, specifications and instructions shall be submitted.
6. Description of the flooring and foundation to be used.
7. Any changes to the original information provided with the original application must be resubmitted for further review by the Building Inspector to ensure that the changes are still in compliance with the minimum standards set forth herein.
8. Any additional information required by Village officials.

- (2) ***Applicability to Temporary, Movable and Permanent Buildings.*** For purposes of this Zoning Code, no regulatory distinction is made between temporary, permanent, prefabricated or movable accessory buildings (such as those mounted on skids); all such accessory structures require an accessory building zoning permit and shall comply with the standards of this Zoning Code. Sheds built off-site and moved onto a lot and prefabricated accessory structures require a permit.

(b) **Principal Structure/Use to be Present.**

(1) ***Establishment of Principal Use Requirement.***

- a. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction, unless a special limited-duration, one-time waiver is granted by the Village Board due to unique circumstances or one of the limited exceptions in Subsection (b)(2) below exists.
- b. In the administration of Article, a person may not claim that two (2) or more buildings should be counted as one building by virtue of any of the following:
 1. Connection by a breezeway of any length.
 2. Connection by a deck.
 3. Connection by a porch.
 4. Any underground connection of any type.
 5. Any connection that is not heated, ventilated, or air conditioned in the same manner of the main building.
 6. Any connection that serves no significant purpose other than a walkway.
 7. Any connection that is significantly smaller in dimension than the connected parts; or
 8. Any connection that allows motor vehicles to drive through the connection.

[**Note:** The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.]

- (2) ***Special Circumstances When an Existing Accessory Structure is Present.*** A detached accessory structure that becomes the only structure on a lot as a result of a land division, a property line adjustment, or a demolition of the primary structure may

- remain on the lot if the owner has executed a contract with the Village and placed a deed restriction on the parcel with the County Register of Deeds as follows:
- a. ***For a land division***, the contract and deed restriction must require the owner to remove the accessory structure if, within two (2) years of final plat or certified survey map approval, a principal structure has not been built and received final inspection. The contract shall be executed with the Village and the deed restriction placed on the parcel with the County Register of Deeds prior to the final land division approval.
 - b. ***For a property line adjustment***, the contract and deed restriction must require the owner to remove the accessory structure if a principal structure has not been built and received final inspection within two (2) years. The two (2) years period begins on the date the property line adjustment legally occurs, at which time the contract shall be executed with the Village and the deed restriction placed on the parcel with the County Register of Deeds.
 - c. ***For a demolition of a primary structure***, the contract and deed restriction must require the owner to remove the accessory structure if a principal structure has not been built and received final inspection within two (2) years. The two (2) years period begins on the date of the final Village inspection of the demolition. The contract and restrictive covenant shall be executed with the Village and the deed restriction placed on the parcel with the County Register of Deeds prior to the issuance of the demolition permit by the Village.
- (3) ***Zoning District Requirements To Be Complied With.*** Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided in this Article.
- (c) **Number of Detached Garages and Accessory Buildings on Residential Lots.** In any residential district, in addition to the principal building, one (1) major detached accessory building/garage, one (1) minor utility accessory building of one hundred and fifty (150) square feet or smaller, and two (2) children's play structures may be placed on a lot, except as provided in Subsection (c)(2) below.
- (d) **Standards for Attached Accessory Buildings/Garages.**
- (1) ***Setback Requirements.*** All accessory buildings which are attached to the principal building, including attached garages, shall comply with the yard/setback requirements of the principal building. An attached or detached accessory structure or use shall not be forward of the front line of the principal structure.
 - (2) ***Determination of Attached Status.*** When accessory buildings are attached to the principal building, including attached garages, by a breezeway, passageway or similar means, or are separated by a nominal gap, they are considered to be a part of the principal building and shall comply in all respects with the yard/setback requirements and local building code requirements for the principal building.
 - (3) ***Carports.*** For purposes of this Section, a carport, as defined in Section 13-1-300(a), shall be considered to be an attached garage.

- (4) **Attached Garage Square Footage Limits.**
- The maximum square feet of attached garage floor area shall be limited to the smaller of either one thousand (1,000) square feet or the first floor dwelling unit area in the case of a single family residence.
 - The maximum square feet of attached garage floor area shall be limited to the smaller of either six hundred (600) square feet or the first floor dwelling unit area in the case of a duplex, two-family dwelling, or multi-family dwelling.
 - Garages attached to dwellings shall be three (3) stalls or less. Dwellings with an attached three (3) stall garage are not permitted to have an additional detached garage on the parcel.
- (e) **Standards for Detached Accessory Buildings/Garages; Lot Area Coverage; Square Footage.**
- (1) **Size Restrictions.** In the aggregate, detached accessory buildings and structures, including detached garages, shall not occupy more than thirty percent (30%) of any required rear yard area, or be larger than two thousand (2,000) square feet, whichever is more restrictive.
 - (2) **Front or Side Yard Placement Prohibited.** No detached accessory building other than a garage shall occupy any portion of the required front or side yard. Only rear yard placement is permissible. An accessory structure or use shall not be located forward of the front line of the principal structure.
 - (3) **Height.** Single-story detached garages and other single-story detached accessory buildings shall be twenty (20) feet or less in height. Two-story detached garages and other detached accessory buildings shall be twenty-five (25) feet or less in height. Accessory buildings in commercial and industrial districts shall not exceed twenty-five (25) feet in height.
 - (4) **Yard Setback Requirements.** Detached accessory buildings and garages shall have a six (6) foot setback from side or rear lot lines, except where the zoning district classification requires a specific setback standard. However, where a rear lot abuts an alley, accessory buildings not attached to the principal building shall be located so as to be not closer than six (6) feet to the rear lot line, except that when the accessory building is a garage that has its entrance facing the alley, the rear yard setback shall be twenty (20) feet for the garage.
 - (5) **Setback from Principal Structure.** An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
 - (6) **Setback from Other Accessory Buildings.** No detached accessory building shall be located within five (5) feet of any other accessory building.
 - (7) **Placement Where Utility Easements Exist.** Where there is an existing utility easement, no detached garage or accessory building may be located closer than three

- (3) feet to such utility easement. In newly platted land divisions, detached garages and accessory buildings shall be located ten (10) feet from the utility easement.
- (8) **Lot Area Coverage Determination.**
- a. The dimensions of any swimming pool, detached accessory building/garage, detached wind and solar energy conversion units, and other detached accessory buildings/structures shall be included in the determination of available lot area coverage and square footage for accessory structures.
 - b. The dimensions of any storable swimming pool, children's play structures, firewood storage enclosures, and other accessory structures specifically exempted in this Article shall not be included in the determination of available lot area coverage and square footage for accessory structures.
- (f) **Use Restrictions — Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.
- (g) **Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (h) **Landscaping or Gardening Uses and Lawn Accessories.** Accessory decorative lawn accessories, structures and vegetation used for landscaping or gardening may be placed in any required yard area. Permitted landscaping or gardening structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, fountains, statuary, bird baths, walks, paths, paved terraces, ornamental pools, trees, shrubs and flowers and gardens, provided newly placed vegetation and accessories are located no closer than three (3) feet to a property or right-of-way line. Pergolas and gazebos shall comply with setback requirements.
- (i) **Temporary Accessory Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- (j) **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.
- (k) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall

not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties and shall not register more than one-half foot candles at the property line.

- (l) **Retaining Walls.** Retaining walls may be permitted on a lot, pursuant to Section 13-1-204.
- (m) **Children's Play Structures.** For purposes of this Section, children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures for the purpose of setback compliance only, whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
- (n) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Title 6, Chapter 2 of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.
- (o) **Offensive Uses Prohibited.** No accessory use shall be dangerous, obnoxious or offensive to persons residing in the vicinity, nor shall it impair the use, enjoyment or value of any property.
- (p) **Prohibited Dwelling or Rental Use.**
 - (1) **Dwelling Use Prohibited.** No accessory structure shall be used or let for living purposes, whether for compensation or not.
 - (2) **Rental Use.** An accessory structure shall not be rented or leased to any person not a resident of the principal structure.
- (q) **Gardening.** Home gardening is a permitted accessory use on any residential lot with a dwelling or the principal use on any vacant lot or parcel.
- (r) **Dog Houses/Runs.** Dog houses and/or runs shall comply with the setback requirements in Section 13-1-202.
- (s) **Agricultural (Farm) Buildings.**
 - a. Agricultural buildings, used for agricultural purposes only, such as barns, silos, bins, sheds, and farm machinery sheds in the A-1, A-2, and A-3 Agricultural Districts, shall not be considered accessory buildings. Such buildings are principal agricultural buildings and shall comply with the yard and height requirements of the agricultural districts. There shall be a building separation of at least ten (10) feet between buildings.
 - b. Non-agricultural accessory buildings are permitted only after the residence is present on the parcel.
- (t) **Tents; Fabric-Covered Structures; Hoop-Supported Structures.**
 - (1) **Prohibited Use as Permanent Accessory Structure.** No tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame, may be used as a permanent accessory structure in a non-agricultural district without Village Board

- approval; such structures may be erected and used no more than six (6) months per year without being removed. An exception is that a plastic or fabric-covered hoop-supported or tubular greenhouse may be maintained if used exclusively for personal greenhouse use.
- (2) **Anchoring Requirement.** Any permitted tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame shall be fastened or anchored in a stable manner to the ground.
 - (3) **Limitations on Utility Service.** No plumbing, electrical, heating or other utility service may be installed in a tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame except for seasonal use in personal greenhouses. A tent shall not be used as a dwelling other than for temporary recreational use.
 - (4) **Compliance with Accessory Building Requirements.** Any tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame, shall comply with the dimensional and yard/setback requirements of this Section.
- (u) **Decks; Patios; Gazebos; Pergolas.** The following require an accessory building zoning permit and shall comply with the following requirements:
- (1) **Decks.** Decks which are constructed six (6) inches or more above lot grade, and which are attached to or closer than eight (8) feet to the principal structure, shall be considered a part of the principal structure and shall comply with the setback requirements for principal structures in that zoning district. [See Section 13-1-42(f)]. Freestanding decks separated from the principal shall be located a minimum of eight (8) feet from the principal structure and shall comply with the setback requirements for accessory structures in that zoning district. Decks constructed less than six (6) inches above lot grade shall comply with the setback requirements for patios.
 - (2) **Patios.** Patios, constructed at or below lot grade, shall comply with the setback requirements for accessory structures in that zoning district.
 - (3) **Gazebos; Pergolas.** A gazebo or pergola connected with a deck which is attached to the principal structure, as defined in Subsection (v)(1) above, shall comply with the setback requirements for principal structures in that zoning district. Freestanding gazebos or pergolas shall comply with the setback requirements for accessory buildings in that zoning district. A gazebo or pergola shall not exceed two hundred forty (240) square feet in size.
- (v) **Air Conditioning Compressors.** Central air conditioning compressors are permitted in the rear yard or side yard without a permit, provided that the compressor shall be located a minimum of five (5) feet from a lot line. Where it is determined that it is impractical to locate a central air conditioning compressor in the side or rear yards due to unique practical limitations with a lot, the Building Inspector may permit placement in the street yard provided that the air conditioning compressor is screened from view.
- (w) **Design Standards for Detached Accessory Buildings; Architectural Requirements.** Except where more restrictive requirements exist for accessory structures elsewhere in this

Section, the following standards shall be complied with for residential detached accessory structures exceeding one hundred and fifty (150) square feet:

(1) ***Architectural Consistency Requirements in All Residential Zoning Districts.***

- a. Accessory buildings should have a design composition which is architecturally consistent with the principal building, and should incorporate similar complimentary design elements and colors; the roof pitch and roof line of an accessory building shall be the same or similar to that of the principal building. This Subsection is not applicable to greenhouses.
- b. Accessory building walls clad with a singular exterior surface material should provide some additional architectural design element(s) to break up the visual plane of the wall. This may be done by the addition of windows, gable end wall treatments, siding design and accent panels, protruding pilasters, or other architectural design treatments consistent with the principal building design. Building facades and elevations which appear as a "blank wall" with no architectural delineation and/or architectural detail shall not be allowed.
- c. In addition to the above requirements, detached residential accessory structures shall reasonably utilize some similar exterior wall siding materials as then exist on the principal residential structure on the property. In the case of principal residential structures utilizing exterior brick, stone or masonry, similar brick, stone or masonry materials should be used on the front portion of the exterior walls of the detached accessory structure. Masonry, stone or brick accents or trim elements matching similar components on the principal residential structure are acceptable to complement a residence constructed with brick, stone or masonry siding materials. For the remainder of the accessory structure located on a residential residential parcel with a brick, stone or masonry residence, siding materials should resemble siding materials utilized on at least one (1) other non-brick/masonry residential structure found on an adjacent or on the same block in the residential neighborhood, if any, provided that such comparison structure should meet the minimum design standards of this Section.

(2) ***Exterior Finishes and Materials.***

- a. The exterior walls of accessory structures shall be clad with: painted metal cladding which in non-reflective; cement fiber siding; engineered composite siding; wood; wood shakes; wood clapboards; vinyl, steel or aluminum beveled siding; brick, stone or other masonry-type veneer materials; or similar materials approved by the Building Inspector. The color and texture of exterior wall materials should be similar to the color used on the exterior of the principal residential structure. Accessory structures in residential districts should utilize exterior wall materials of similar type, color and texture as found on the principal structure on the lot. Pole-type construction accessory structures in residential districts may only be permitted if the criteria herein can be met and a sufficient landscape plan for the structure has been approved.

- b. Roofs of all accessory structures on residential parcels shall be covered with asphalt shingles; wood or shake shingles; standing painted metal siding; tile roofing; or slate roofing. Accessory structures in residential districts shall have roof lines and angles similar to the roof lines and angles of the principal residential structure on the property. No flat roofs shall be permitted on accessory structures (boathouses excepted) unless the principal residential structure has a flat roof covering more than half of the residence, excluding a garage or carport flat roof feature attached to the principal residential structure.
 - c. Galvanized, reflective or corrugated exterior metal siding or roof finishes are not permitted on detached accessory structures. Any metal walls or roofing shall be not less than 26 gauge, roll-formed ribbed sheeting with a factory-applied non-reflective finish with a manufacturer's warranty of not less than twenty (20) years for the metal and finish. The use of used metal siding/roofing is not permitted.
 - d. For structures twenty (20) feet in length or greater, roof design shall include architectural distinction to interrupt the visual continuity of the roof. The inclusion of a roof cupola, roof dormers or roof line changes would act as acceptable architectural elements.
 - e. Detached non-seasonal accessory structures shall not have a rooftop deck (boathouses excepted).
 - f. All accessory structures and garages shall be constructed of durable materials and shall not utilize fabric/plastic/rubber materials or membranes used in such a fashion or manner so as to be a substitute for building walls and/or roof or roofs of said accessory structure or garage.
 - g. Detached accessory structures shall have windows established on at least two (2) walls.
- (3) **Anchoring.** Accessory buildings with foundations shall be secured with anchor bolts. Accessory buildings not located on a foundation shall be provided with suitable anchoring to the ground.
- (4) **Lot Area Determination.** The dimensions of any swimming pool, children's play structure, detached garage, dedicated sports court, detached gazebo or pergola, and other detached accessory buildings/ structures shall be included in the determination of available lot area coverage for accessory structures. Patios and decks are not included in such determinations.
- (5) **Required Roof Overhangs.** All detached structures over one hundred fifty (150) square feet in size, in a residential district, must have a minimum one (1) foot overhang with fascia and soffit on all sides, unless an alternative option is approved by the Village Board. No portion of the accessory building, including roof eaves, shall extend across a property line.

Sec. 13-1-201 Outside Storage of Firewood.

- (a) **Permitted Limited Storage.** 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) **Storage.**
 - (1) **Unenclosed Storage.** 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. Any structures erected to shelter firewood are subject to the setback standards in Section 13-1-200.
 - (2) **Firewood Storage Enclosures.** One (1) firewood enclosure structure per lot is permitted with a roof and four (4) open sides to protect firewood used for fuel. Such structure shall not exceed four hundred eighty (480) square feet, exceed eight (8) feet in height, or be included in accessory structure number, square footage or lot area coverage calculations. Such structure shall not be used for any other purpose. Only equipment used in preparing the firewood and the wood shall be stored in the structure.
- (c) **Debris Removal.** 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) **Diseased Wood.** Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) **Lot Area Coverage.** Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 13-1-202 Fences.

- (a) **Definitions.** The following words and terms shall have the meanings herein provided in this Section:
 - (1) **Arbor.** A decorative solid or latticework structure or trellis which is used as an entrance focal point along a barrier which serves the purpose of a fence.
 - (2) **Berm.** A mound of earth higher than the final elevation of a lot.
 - (3) **Fence.** An enclosed barrier or vertical screen device consisting of wood, stone, vinyl or metal intended to limit ingress or egress and/or provide privacy and containment. This definition also includes, but is not limited to, trellises, railings and walls when used around the perimeter of a property.

- (4) **Fence, Agricultural/Farm.** A fence meeting the agricultural fence standards of Chapter 90, Wis. Stats., consisting of wire strands, high tensile strands or other types of material used for agricultural purposes meeting the statutory requirements.
 - (5) **Fence, Architectural or Aesthetic.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (6) **Fence, Boundary.** A fence placed on or within five (5) feet of the property lines of adjacent properties.
 - (7) **Fence, Good Neighbor.** A fence constructed of solid or spaced boards where the face boards are installed at the center of the posts so that the fence looks the same from both sides.
 - (8) **Fence, Protective.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (9) **Fence, Security.** A fence designed for protection of a site, of an open-type similar to woven wire or wrought iron fencing, not exceeding eight (8) in height.
 - (10) **Install, Installation, Installed.** To construct, erect, install, place, or replace over sixteen (16) lineal feet.
 - (11) **Lot, Double Frontage.** An interior lot having street frontage on the front and the rear of the lot.
 - (12) **Trellis.** A frame or structure of open latticework.
- (b) **Fence Permit Required.** No person shall install a fence in the Village of Crivitz without first obtaining a fence permit from the Village, including special purpose fences under Subsection (n), paying the required permit fee prescribed by Sec. 1-3-1, and complying in all respects with the terms and conditions of this Section. A fence permit shall be valid only for the term of issuance, unless sooner revoked. A fence permit is not required for painting, maintenance, or repair or replacement of less than sixteen (16) lineal feet of a fence within a five (5) year period. A fence permit may include reasonable conditions required by the Village. A fence permit application shall be filed with the Village and include the following:
- (1) **Fee Payment.** Payment of the permit fee and completed application forms required by the Building Inspector, Zoning Administrator or Village Clerk-Treasurer.
 - (2) **Plan.** A drawing, site plan or plat map displaying property boundaries, the location of buildings and structures on the property, the proposed location of the fence and its distances from other structures on the parcel.
 - (3) **Design Information.** Accurate design information for the proposed fence, including height and materials to be utilized.
 - (4) **Leased Property — Owner's Consent.** If the fence is proposed to be installed on leased or rented property, the written consent of the owner.
- (c) **Responsibilities of Property Owner; Location Determination.**
- (1) **Proper Location Responsibility.** The property owner installing a fence is solely responsible for ensuring that the fence is properly located on his/her property, and is

in compliance with height, setback, vision clearance and materials requirements. If uncertainty exists regarding the actual location of lot lines, it is the owner's responsibility to secure a lot survey.

- (2) **Covenant/Easement Compliance.** The property owner is responsible for complying with any private subdivision covenants or deed restrictions or utility easement(s) restrictions, including any applicable plan review/approval requirements.
- (d) **Fence Installation General Requirements.** No fence shall be installed except in strict compliance with this Section:
 - (1) **Digger's Hotline.** Prior to fence installation, the applicant shall contact Diggers Hotline service to have the project site marked.
 - (2) **Good Neighbor Placement Requirement.** Structural and support components of a fence shall face internally into the applicant's lot, facing away from adjacent properties. Fences shall be installed with the finished side facing adjacent properties or the public right-of-way. Fence posts shall be located on the inside of the fence facing the property on which the fence is located, except when the style of fence is of a design commonly known as a "Good Neighbor Fence."
 - (3) **Grade; Contour.** Fences shall be installed plumb and the top finish of the fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the fence.
 - (4) **Height.** Fence height shall be measured from the surface of the ground immediately below the fence. Berms, retaining walls or other methods to raise the elevation of the fence site shall require approval by the Building Inspector prior to installation. The height of fences and walls shall be measured vertically from the finished grade on the exterior side of the fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a fence is prohibited. If a fence is placed on a berm, the berm shall be included in the height of the fence and the height will be measured vertically from the base of the berm.
 - (5) **Placement Near Sidewalks.** Fences shall be installed no closer than six (6) inches to a public sidewalk.
 - (6) **Fence Placement Where Utility Easements Exist.** A fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority may remove such fence at the property owner's expense, is not liable for any damage to the fence, and is not responsible for the reconstruction of the fence.
 - (7) **Placement in a Drainage Easement.** A fence shall not be located within a drainage easement. Upon written petition, the Zoning Administrator may allow a fence in a drainage easement when it can be shown that the fence will not restrict the flow of stormwater and the easement holder does not object.
 - (8) **Modification of Stormwater Flow.** A solid masonry fence shall not impede the natural flow of stormwater.

(e) **Approved Fence Materials.**

- (1) **Proper Materials.** Fences located in side and/or rear yards of residential parcels shall be constructed using materials suitable for residential-style fencing, including, but not limited to: brick, fieldstone, wrought iron, vinyl, chain link [with a required top rail support and a minimum nine (9) gauge thickness], split rail wood, stockade or board-on-board wood.
- (2) **Open Visibility Standard.** Residential front yard fences shall be fifty percent (50%) open (see-through) and be of wrought iron, picket or split rail design. Chain link fencing is permitted in side or rear yards only and its use is not permitted in residential front yards.
- (3) **Agricultural Fences.** Agricultural/farm fences shall only be permitted in agriculturally-zoned or used districts, as determined by the Village, and shall comply with Ch. 90, Wis. Stats.
- (4) **Improper Materials.** No fence shall be constructed of used, discarded or scrap materials in disrepair, including, but not limited to, pallets, tree branches/stumps, crates, vehicle parts, refuse or other similar items. Materials not specifically manufactured for fencing, such as doors, railroad ties, landscape timbers or utility poles shall not be used in fences. Fences shall not be constructed of luminous materials or smooth or corrugated metal materials.
- (5) **Finish.** All fences, including privacy fences, shall only be painted or stained in neutral colors.

(f) **Modifications to Existing Fences.** All modifications to a pre-existing fence shall comply with this Section. Any existing fence shall not be enlarged, extended or replaced for more than sixteen (16) linear feet in a three (3) year period except in compliance with this Section.

(g) **Height and Placement of Residential Fences Regulated.**

- (1) **Height.** Residential fences six (6) feet or less in height are permitted with a two (2) foot setback on rear and side lot lines, but shall not continue beyond the front of the principal structure or the required front yard setback, whichever is furthest from the street right-of-way. A fence may be placed on a rear or side lot line provided both property owners consent in writing and a copy of such agreement is filed with the Village Clerk-Treasurer per Subsection (h). Residential fences less than or equal to four (4) feet in height are permitted in the street/front yard setback area but shall not be closer than two (2) feet to any public right-of-way and shall not exceed two and one-half (2-1/2) feet in height in a vision clearance triangle [see Subsection (j) below].
- (2) **Narrow Lot Standards.** In any residential district or on any lot or premises, the principal use of which is for residential purposes, no lengthwise fence or other lengthwise barrier or obstruction shall be erected, placed, installed or reinstalled in any area where there is a distance between main residential buildings of ten (10) feet or less.

- (3) ***Non-Residential Fences Adjacent to Residential Parcels.*** No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (h) **Setback for Residential Fences.**
 - (1) ***Fence Setback With No Adjacent Owner Consent.*** Fences in or adjacent to a residential property (or property primarily residential in use) are permitted along lot lines with a minimum two (2) foot side and rear yard setback without permission from adjacent property owners.
 - (2) ***Fence Setback With Adjacent Owner Consent.***
 - a. Fences may be placed on property lines only with the written approval of adjoining property owners, a copy of which shall be provided to the Village; such fences shall fully comply with the permit and standards requirements of this Section.
 - b. If a new fence is constructed or erected on a property line without the express written consent of the adjoining property owner, whether proper permits have been issued or not, a written complaint may be filed with the Zoning Administrator, who shall give notice to the owner of the fence to remove the fence. If the owner does not comply within thirty (30) days from the date of notification, the Zoning Administrator may request the Village of Crivitz to remove it at the owner's expense.
 - (3) ***Front Setback Areas.*** Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
- (i) **Industrial/Commercial Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed eight (8) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (j) **Corner Lot Vision Clearance Requirements.**
 - (1) ***Standards.*** In order to provide adequate vision clearance on corner lots, no fence shall be erected or maintained within the triangular space formed by two (2) intersecting street, alley, or driveway (public or private) property lines and a line joining points on such property lines (or projections thereof) located less than:
 - a. A minimum of twenty (20) feet from the intersection of the two street property lines;
 - b. A minimum of fifteen (15) feet from the intersection of the two alley property lines; or
 - c. A minimum of ten (10) feet from the intersection of the two driveway property lines.
 - (2) ***Determination.*** Street or alley property lines are measured from the right-of-way or easement lines establishing such street or alley. Driveway lines are measured from the easement establishing such driveway, or, in the case of no easement, from the edge of the driveway surface.

(k) **Prohibited Fences.**

- (1) ***Dangerous Condition; Barbed Wire.*** No fence shall be constructed which is of a dangerous condition, or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are eight (8) feet above the ground or height and project toward the fenced property and away from any public area.
- (2) ***Electric Fences.*** Although fences which conduct electricity or are designed to electrically shock are generally prohibited, such fences using smooth wire are allowed for the limited purpose of deer control if located five (5) feet from a lot line.
- (3) ***Improper Wire Fencing.*** No woven, twisted, welded or interlaced wire fence or farm-type woven wire, such as using chicken wire, shall be located in a non-industrial district, unless such fencing is ornamental in character.
- (4) ***Improper Wood-Slat Fencing.*** No wood-slat or plastic snow fence shall be permitted as a regular use in a Residential District, except as a temporary use under Subsection (m).
- (5) ***Post-Only Fences.*** No fence shall consist solely of fence posts or be maintained as an incompletely constructed fence consisting only of posts and supporting members.

(l) **Fences to be Repaired; Corrective Action.**

- (1) ***Good Repair Requirement.*** 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. Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.
- (2) ***Compliance Standards for Existing Fences.*** Any existing fences which do not conform to the requirements of this Section and which are damaged, or in need of repair to the extent that exceeds fifty percent (50%) of the then value of the fence, said entire fence shall either be completely dismantled or reconstructed in compliance with the provision of this Section.
- (3) ***Failure to Maintain.*** All new and existing fences shall be maintained in such a manner so as not to allow rust, dents or deterioration to take place. Failure to maintain a fence in good condition and repair will result in the Village issuing an order to the property owner to take whatever steps are necessary to correct the condition. Said notice shall set forth a reasonable time for compliance and shall set forth a notice that failure to comply will result in a violation and with a penalty set forth in Section 1-1-6.

(m) **Temporary Fences; Permit Not Required.**

- (1) ***Standards.*** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored

streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.

- (2) **Seasonal Fences.** This Section is not intended to regulate seasonal or temporary fences such as garden or snow fences except that such fences shall be removed when the condition or season for the said fence was erected no longer exists. Under no circumstances shall a snow fence be erected for more than five (5) months.
- (n) **Special Purpose Fences; Trellises; Arbors.**
 - (1) **Swimming Pool/Hot Tub Fences.** Swimming pool and hot tub fences shall comply with the requirements of Section 13-1-203.
 - (2) **Pet Enclosures; Dog Runs.** Pet enclosures and dog runs shall be permitted in residential districts subject to the following conditions:
 - a. No fence permit is required prior to installation of a pet enclosure or dog run.
 - b. No pet enclosure or dog run shall be in excess of two hundred and fifty (250) square feet in area, or be more than six (6) feet in height above the surface of the ground.
 - c. Pet enclosures and dog runs may be constructed of any material permitted for a residential fence.
 - d. No pet enclosure or dog run shall be constructed contrary to required vision clearance area requirements.
 - e. Pet enclosures and dog runs shall be located no closer than ten (10) feet to a side or rear lot line, and shall not be located to the front of the principal structure.
 - (3) **Anhydrous Ammonia Sites.** Anhydrous ammonia tank sites shall be fenced as prescribed in Section 8-1-13.
 - (4) **Arbors.** An arbor may extend above a pedestrian walkway provided it is not taller than nine (9) feet, wider than five (5) feet, or deeper than three (3) feet.
 - (5) **Trellises.** A trellis may be incorporated into the overall design of a fence provided no part is taller than eight (8) feet and does not extend for more than ten (10) percent of the length of the side on which it is located.
- (o) **Nonconforming Fences.** Any fence existing on the effective date of this Chapter and not in conformance with this Section may be maintained, but alterations, modifications or improvements of more than fifty percent (50%) of said fence shall require the owner to bring the fence into compliance with this Section.
- (p) **Special Needs Residents – Fencing.** Owners of a residence where a special needs resident has a documented need for a special contained yard area are permitted to provide an enclosed fenced yard in the rear of the lot. The property owner, in order to secure a permit to construct and maintain such a fence, shall provide to the Village independent medical documentation of a resident's special needs requiring a contained yard area. The right to maintain such a fence shall expire when the special need no longer exists and the

fence shall then be removed, at the owner's expense, at such time. The fence shall be constructed at the owner's expense and shall conform with the following:

- (1) **Location.** Fenced enclosures under this Subsection shall be placed in the rear of the home in a manner that preserves existing vegetation and natural screening, except that lots five (5) acres or larger may have a special needs fenced enclosure in the front yard with appropriate natural screening and landscaping designed to minimize the visual impact of such fence.
- (2) **Enclosure Materials.** Only materials such as masonry, wrought iron, chain link, wood stockade, board on board, or composite materials shall be used. Such fencing shall be consistent with applicable private restrictive covenants, where applicable, which may impose additional requirements as to fencing and materials which may be used.
- (3) **Color.** Special needs fencing shall utilize natural colors, with no painting.
- (4) **Landscaping.** When a suitable planting screen is not present on the site, plantings shall be added to any non-residential side of the special fence. Plants shall be spaced so that in ten (10) years' time the plants shall have matured into a continuous vegetative screen. Suitable plants include upright evergreens and coniferous trees and shrubs such as lilac.
- (5) **Height.** The special needs fence shall not be more than seven (7) feet in height.

Sec. 13-1-203 Swimming Pools and Hot Tubs.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than two (2) feet located below the surface of ground elevation, having an area greater than one hundred fifty (150) square feet, used or intended to be used solely by the owner, operator or lessee thereof and his/her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. Such pool is installed in such a manner that the in-ground pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land.
- (b) **Exempt Storable Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of twenty-four (24) 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. Inflatable pools of all types are exempt.
- (c) **Permit; Construction Requirements.**
 - (1) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or hot tubs or on any alterations, additions,

remodeling or other improvements, an application for a swimming pool or hot tub building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data shall be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the Village Building Code shall accompany such application.

- (2) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Zoning Administrator, the Zoning Administrator shall not issue a permit for construction or installation of a swimming pool or hot tub unless the following construction requirements are observed and the fee as prescribed in Section 1-3-1 is paid:

- a. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements for pool or hot tub installation shall be in accord with all state regulations and with any and all Ordinances of the Village of Crivitz now in effect or hereafter enacted.
- b. All plumbing work shall be in accordance with all applicable Ordinances of the Village of Crivitz and all state codes. Every private or residential swimming pool or hot tub shall be provided with a suitable draining method and, in no case, shall waters from any pool or hot tub be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.
- c. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool or hot tub shall be in conformance with the state laws and Village Ordinances regulating electrical installations.

(d) **Setbacks and Other Requirements.**

- (1) **Permissible Locations.** Private non-storable swimming pools or hot tubs shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool or hot tub shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (2) **Setbacks.** All non-storable swimming pools and outdoor hot tubs shall be at least ten (10) feet from any lot line or building, measured at the water line, unless designed and approved by the Village as an addition to a building.
- (3) **Prohibited Placement Areas.** Non-storable swimming pools and hot tubs shall not be constructed in the front yard or in a required corner side yard.
- (4) **Area Calculations.** Swimming pools either open or enclosed shall be considered the same as accessory buildings for purposes of calculating the maximum area they may occupy in a required rear yard.

(e) **Enclosure.**

- (1) **Fence; In-Ground Pools.** All outdoor, below grade swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.
- (2) **Non-storable Above-Ground Pools; Pool Wall Barrier.**
 - a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than four (4) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.
 - b. 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. All gates or doors opening through such enclosures shall be equipped with a latching device capable of keeping the gate or door securely closed at all times when not in actual use. Each such gate shall be secured by a combination lock or by a lock worked by a key.
 - c. An above-ground swimming pool which has a pool wall exceeding forty-eight (48) inches above the grade and has no decking shall be exempt from the fencing requirement, provided it has a retracable ladder or gate capable of being closed and latched and locked with a combination lock or by a lock worked by a key when the swimming pool is not in use.
- (3) **Miscellaneous Requirements.**
 - a. Swimming pools and hot tubs surrounded in whole or in part by a deck which has steps leading to the swimming pool or hot tub shall be equipped with a gate a minimum of four (4) feet in height and capable of being latched and locked with a combination lock or by a lock worked by a key to secure access to the swimming pool or hot tub when not in use.
 - b. Service gates and gates which are part of a fence or wall enclosing a swimming pool or hot tub which are located across a driveway shall be kept closed and latched at all times by the property owner or occupier when not in use for ingress or egress. When such areas are not in use, such gates shall be locked with a combination lock or by a lock worked by a key.

- c. Hot tubs equipped with a fitted cover and capable of supporting a minimum of two hundred (200) pounds shall be exempt from required fencing.
- (f) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.
- (g) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (h) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
- (i) **Compliance.** All swimming pools and outdoor hot tubs existing at the time of original passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

Sec. 13-1-204 Retaining Walls.

- (a) **Purpose.** The purpose of this Section is to protect private and public property from the adverse effects of inadequately designed, located and constructed retaining walls.
- (b) **Permit Required.**
 - (1) **When Required.** A permit from the Zoning Administrator or Building Inspector shall be required for all retaining walls constructed which exceed twenty-four (24) inches in height, including terraced retaining wall projects where the total height of all walls exceeds twenty-four (24) inches and are located closer than fifteen (15) feet to a property line.
 - (2) **Application.**
 - a. Application shall be made to the Zoning Administrator or Building Inspector and shall include applicant information, a site plan or survey, and a set of construction plans. Plans for retaining walls five (5) feet or greater shall be prepared and sealed by a Wisconsin-licensed engineer. The Zoning Administrator or Building Inspector may require such other information deemed necessary to adequately review the proposed retaining wall may also be required. The Zoning Administrator or Building Inspector shall have the authority, as a condition of granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary.
 - b. The survey or site plan shall accurately portray existing conditions on the parcel.

- c. Any application for a permit for any retaining wall designed to be five (5) feet or more high or proposed to be located one (1) foot or closer to a property line shall be referred to the Plan Commission for a determination. No permit shall be issued until the Plan Commission approves the same as to location, materials, appearance, design, drainage and landscaping.
- (3) **Permit Exceptions.** The following types of retaining walls shall not be required to obtain a permit:
 - a. Edgings anywhere on a lot less than eight (8) inches in height of stone, brick, concrete, metal, timber, plastic or other materials around plantings, trees, gardens, patios, driveways or trees.
 - b. Decorative walls not in excess of twenty-four (24) inches in height and located a minimum of five (5) feet from the property line constructed of natural or manufactured stone, brick or timbers around plantings, trees, gardens, patios, driveways or trees.
- (4) **Application Processing.** The Zoning Administrator or Building Inspector may issue a permit for a retaining wall which conforms to the following:
 - a. Is located one (1) foot or more from a property line and is not more than five (5) feet in height.
 - b. Is not constructed in a drainageway, drainage swale or drainage easement, or in a Village right-of-way, unless deemed necessary by the Village Engineer.
 - c. Is not located on an easment.
 - d. Is constructed of structurally sound materials, with a design and color which are generally harmonious with its surroundings.
 - e. Does not have an undue adverse effect on values of adjacent or nearby properties.
- (c) **Standards.** Approval of any retaining wall under the provisions of this Section shall be based on such factors as the Zoning Administrator, Building Inspector or Plan Commission, as the case may be, deems relevant, including, but not limited to, whether:
 - (1) **Appropriate Use.** In the offset area, the difference in grade between lots is best controlled by a retaining wall, or in the setback area terrain makes a slope to the municipal right-of-way impractical.
 - (2) **Sound Design.** The retaining wall will be structurally sound and so constructed that the wall will properly contain and support the ground, pavement, walks and other nearby structures. The retaining wall shall be designed to properly resist the lateral pressure of the retained material in accordance with accepted engineering practices. Retaining walls containing drained earth should be designed for pressure equivalent to that exerted by an equivalent fluid weighing not less than thirty (30) pounds per cubic foot and having a depth equal to that of the retained earth.
 - (3) **Neighborhood Impacts.** The retaining wall's appearance, design, concept, location and height are harmonious with the principal structure on the lot and nearby properties.

- (4) **Corner Vision Clearance.** If located on a corner lot, the retaining wall shall not unduly obstruct the vision clearance setback area.
- (d) **Maintenance.** Retaining walls shall be properly maintained and be kept in a sound condition. Retaining walls which are determined by the Village to be of a faulty or dangerous condition or are poorly maintained so as to adversely affect the values of adjacent or nearby properties shall be repaired or removed within sixty (60) days by order of the Zoning Administrator or Building Inspector, unless an emergency exists posing a hazard to public safety requires a shorter compliance period.

Sec. 13-1-205 Portable Storage Units.

(a) Scope of Provisions.

- (1) **Portable Storage Container Units.** A portable storage unit may be either:
 - a. Any container, shed-like container, or other portable structure, typically enclosed or open only on the top of the unit, no larger in dimension than ten (10) feet wide x ten (10) feet in height x twenty (20) feet in length and transported to a residential location for temporary storage purposes (typically known as PODs, MODs, etc.). Such units or containers are designed or intended to be used for the storage of personal property and are located for such purposes outside of an enclosed building; or
 - b. Non self-propelled, fully enclosed trailers that are designed or used to transport materials, goods and equipment and are temporarily placed on property zoned or used for residential purposes (semi-trailers) for storage purposes.
- (2) **Units Excluded; Limitations.** Dumpsters and commercial shipping containers of the kind used to ship goods and materials by rail, ship or truck are not included in the scope of this Section and are subject to different regulations. Commercial shipping containers shall not be placed or used for storage or any other purpose on a residential property.

(b) Permissible Portable Storage Unit Use. The use of portable storage units on a residential parcel is allowed under the following conditions:

- (1) **Authorization.** Authorization has been obtained from the Building Inspector pursuant to Subsection (c) below for temporary placement on a property.
- (2) **Number.** There shall be no more than one (1) portable storage unit per residential property. No other type of temporary storage or shipping container may also be located on the property.
- (3) **Duration.** A portable storage unit shall not remain on a residential property for more than thirty (30) consecutive days, and must not be placed on any one property in a zoning district in excess of thirty (30) days in a twelve (12) month period.
- (4) **Placement Location.**
 - a. The portable storage unit shall be placed within the buildable area of the lot and be on a concrete, asphalt or similar hard surface.

- b. If a portable storage unit is placed in the required front yard, the unit shall be located only in the area primarily used for vehicular ingress and egress and shall be located a minimum of ten (10) feet from the edge of the curb. Where no curb exists, the portable storage unit shall have a fifteen (15) foot setback from the edge of the pavement.
 - c. If a portable storage unit is placed in a rear or side yard, the setback requirements for accessory buildings for that zoning district shall be complied with.
- (5) **Prohibited Materials.** Portable storage units shall not be used to store materials and substances including or of a similar nature: contractor's materials and equipment, nonresidential items and equipment, solid waste, refuse, hazardous materials, explosives, flammable liquids, and other harmful or illegal substances and materials.
- (6) **Construction Site Exception.** Portable storage units for the temporary storage of personal property associated with and made necessary by construction at a residential property are exempt from the aforementioned conditions. Portable storage units associated with construction activities at a site where a building permit has been issued are permitted for the duration of the construction and shall be removed from the site within fifteen (15) days of the end of construction.
- (c) **Authorization Procedures.**
 - (1) **Notification.** The owner or occupant of a residential lot or parcel on which a portable storage unit will be placed is responsible for providing notice to the Building Inspector within twenty-four (24) hours of placement. The owner or occupant shall provide his/her name, property address, contact telephone number(s), and email address.
 - (2) **Authorization.** The Building Inspector will respond by mail or email with a written authorization if the owner or occupant has provided sufficient information. Upon request, the Building Inspector may grant a time extension upon a showing of good cause and there have been no violations of the requirements under this Section.

Sec. 13-1-206 Sports Courts.

- (a) **Scope of Provisions.** A sports court is a dedicated hard surfaced area purpose-built for playing tennis, basketball, shuffleboard, or other similar such sporting activities on a residential lot. A residential driveway or paved parking area occasionally used for such activities is not considered to be a sports court. A sports court may be constructed and maintained on a residential lot in addition to permissible detached accessory structures.
- (b) **Permit Application.**
 - (1) **Permit Requirement.** An accessory building zoning permit per Section 13-1-200(a) is required for all sports courts prior to construction.
 - (2) **Application Requirements.** In addition to the required application information prescribed in Section 13-1-200(a), permit applications for sports courts shall include the following additional information:

- a. Court dimensions;
 - b. A site plan drawn to scale showing the location of the court on the lot, and the distance from other structures and property lines;
 - c. Lighting plan;
 - d. Landscaping plan;
 - e. Fencing plan, including information on the height and type of proposed fencing; and
 - f. Any other information deemed necessary by the Building Inspector.
- (c) **Standards for Sports Courts.**
 - (1) **Number.** A residential lot is permitted to have one (1) sports court. A sports court may only be constructed on a lot after the principal structure is under construction or present.
 - (2) **Location.** Sports courts may only be located in rear or side yard areas. No sports court may be constructed in a front yard or over an easement.
 - (3) **Setback Requirements.** A sports court, and attendant facilities (example: equipment structure), shall be located a minimum of ten (10) feet from any property lines or residential structure.
 - (4) **Lighting.** If a sports court will have lighting, such lights shall be extinguished by 10:00 p.m., shall be directed onto the court, and shall be shielded and directed downwards to minimize light migration and glare onto adjacent properties. All such lighting shall comply with Village of Crivitz lighting ordinances.
 - (5) **Fencing.**
 - a. Fencing enclosing a sports court on a residential parcel shall use either purpose-manufactured sports netting or utilize corrosion-resistant #9 gauge woven wire mesh similar to chain link design. No such fence shall exceed exceed ten (10) feet in height. Fence posts shall be decay-resistant.
 - b. Upon application for consideration, the Plan Commission may modify such fencing requirements where structures or vegetation provide a substantial equivalent of the fencing required by this Section. However, such waiver shall not permit a sports court enclosure fence to serve as a lot line fence governed by Section 13-1-202.
 - (6) **Drainage.** Adequate provisions, satisfactory to the Building Inspector, shall be made to prevent drainage of surface water from the sports court onto adjoining properties.
 - (7) **Additional Requirements.** The Building Inspector shall have the authority when granting a permit to require such design changes, additions and safeguards which he/she determines to be necessary.
- (d) **Miscellaneous Requirements.**
 - (1) **Hours of Operation.** No sports court located within one hundred (100) feet of an adjacent residence shall be used between 10:00 p.m. and 7:00 a.m.
 - (2) **Private Use Only.** Sports courts on residential parcels shall not be used for commercial purposes.

- (3) **Noise Limitations.** No excessive, loud or unnecessary noises from a sports court which disturb the comfort and quiet of neighboring residents is permissible. Village noise ordinances shall be complied with.
- (4) **Nuisances.** No sports court shall be maintained or operated in such a manner as to create a hazard or nuisance or in other ways be detrimental to the public safety, health and welfare or result in substantial adverse effect on neighboring properties.
- (e) **Complaints.** In the event complaints are received regarding a sports court, the Building Inspector shall refer such complaints to the Plan Commission. Following written notice to the property owner with the sports court and public hearing, the Plan Commission may issue an order to terminate the objectionable activity complained about or impose appropriate changes.

Sec. 13-1-207 through Sec. 13-1-219 Reserved for Future Use.

Sec. 13-1-220 General Administrative System.

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

Sec. 13-1-221 Zoning Administrator.

(a) **Appointment.**

- (1) The Village Board shall designate the Zoning Administrator as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter.
- (2) Due to the size of the Village of Crivitz, it may not be feasible to find a suitable person willing to take on the responsibility of being Zoning Administrator on a part-time basis. It is therefore provided that the function of the Zoning Administrator can be delegated to a committee of the Village Board, to another Village official, or a single member of the Village Board or the Village President. An officer other than a Village Board member or another employee of the Village may also be designated to handle the duties of Zoning Administrator on a part-time basis in addition to the other duties performed by such person.

(b) **Duties.** In enforcing and administering this Chapter, the Zoning Administrator shall perform the following duties:

- (1) Issue the necessary building permits and occupancy and zoning use permits required by the provisions of this Chapter, provided its provisions have been complied with.
- (2) Keep an accurate record of all permits, numbered in the order of issuance, in a record book for this purpose.
- (3) In case of any finding of a violation of a provision of this Chapter, notify, in writing, the actual violator where known, the owner of the property on which the violation has taken place and the Village Board, indicating the nature of the violation and the action necessary to correct it.
- (4) Receive, file and process for action all applications for conditional uses, variances and amendments to this Chapter which are filed in the zoning office.

- (5) Initiate, direct and review, from time to time, a study of the provisions of this Chapter and make reports of the recommendations to the Plan Commission and Village Board for investigation and appropriate action.
- (6) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this Chapter.
- (c) **Authority.** In the enforcement of this Chapter, the Zoning Administrator shall have the power and authority for the following:
 - (1) At any reasonable time and for any proper purpose to enter upon any public or private premises and make inspection thereof.
 - (2) Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Chapter, such revocation to be in effect until reinstated by the Zoning Administrator or the Zoning Board of Appeals, or take any other action as directed by the Village Board to insure compliance with or to prevent violation of its provisions.
 - (3) In the name of the Village and with authorization of the Village Board commence any legal proceedings necessary to enforce the provisions of this Chapter or the Building Code, including the collection of forfeitures provided for herein.

Sec. 13-1-222 Role of Specific Village Officials in Zoning Administration.

- (a) **Plan Commission.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village of Crivitz to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Village Board pursuant to guidelines set forth in this Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing. The Plan Commission shall have the powers to conduct and hold public hearings on all proposed amendments to the Village Zoning Ordinance as provided in Sec. 62.23(7)(d), Wis. Stats.
- (b) **Village Board.** The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has ultimate authority to grant planned unit development applications, issue conditional use permits, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The

Village Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.

- (c) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article N of this Chapter for detail provisions.

Sec. 13-1-223 Zoning Permit.

- (a) **Permit Required.** No building shall be erected, moved or structurally altered until a zoning permit therefor shall have been applied for and issued.
- (b) **Application.** All applications for a zoning permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing or intended use of each building, or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of these zoning regulations.
- (c) **Application; Dimensions.** All dimensions shown relating to the location and size of the lot shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- (d) **Issuance or Denial.** Except as otherwise provided in these zoning regulations, the Zoning Administrator shall forward the application, with his/her recommendation, to the Village Board for determination, and the Village Board shall issue or refuse to issue a zoning permit within thirty (30) days after receipt of an application therefor. Refusal to issue a zoning permit shall be given in writing, with the reasons for such refusal.
- (e) **Proper Applicants; In General.** The following shall be considered proper applicants for a zoning permit or certificate of compliance under the terms of these zoning regulations:
 - (1) Record title owner under properly recorded instrument of conveyance;
 - (2) Vendee under properly recorded land contract;
 - (3) Vendee under written contract of sale, agreement to sell, earnest money agreement, or similar real estate agreement;
 - (4) Duly authorized agent for any of the above.
- (f) **Identification.** The Zoning Administrator may request proper proof of the applicant showing that he/she is a proper applicant, under the terms of this Chapter. The application for a zoning permit or certificate of compliance shall not be considered filed until such time as the requested proof is filed with the Zoning Administrator office. The Zoning Administrator may revise the form of application for zoning permit and certificate of compliance to conform with the terms of this Chapter. If the applicant is not the fee simple

owner of the property involved, the name of the owner of any lienholder shall be included in the application.

- (g) **Time Limitations.** Any zoning permit granted under this Chapter shall become null and void within six (6) months after it is issued if construction on the property for which the permit is granted has not been commenced within the six (6) month period. In all such cases where a permit has become null and void, a new application must be filed for a new zoning permit before any construction can be commenced at such location. All zoning permits granted under the terms of this Chapter shall be valid for only twelve (12) months. Zoning permits shall expire on the first anniversary date from their issuance. If a certificate of compliance has not been issued for the property by the expiration date of the zoning permit, application for a new zoning permit must be made in order to continue work on the premises involved.
- (h) **Conditions for Refusal; Appeal Procedure.** The Zoning Administrator or Village Engineer shall not issue a zoning permit for any property, the improvement of which might tend to interfere with the exterior lines of planned new streets, highways, parkways, parks or playgrounds, or the exterior lines of planned widening or extending of existing streets, highways, parkways, parks or playgrounds. Any person who feels aggrieved by the decision of the Zoning Administrator or Village Engineer may appeal to the Zoning Board of Appeals, which has power in a specific case, by the vote of a majority of its members, to grant a permit for a building or such street, highway, parkway, park or playground, which will as little as practicable increase the cost of opening such street, highway, parkway, park or playground and such Zoning Board of Appeals may impose reasonable requirements as a condition of granting such permit, which requirements shall be designed to promote the health, convenience, safety or general welfare of the Village. Such board shall refuse a permit where the applicant will not be substantially damaged by placing his/her building outside the planned street, highway, parkway, park or playground.
- (i) **Fees.** Prior to issuing a zoning permit the Zoning Administrator shall collect from the applicant to defray the cost to the Village of processing the application, a permit fee.
- (j) **Additional Requirements.** In addition to other requirements of this Chapter, no building, zoning or moving permit shall be issued unless:
 - (1) Sanitary sewer and water is available, or installation thereof has been approved by the Village Board or, alternatively;
 - (2) A sanitary sewer system in accordance with SPS 382, Wis. Adm. Code, and related sections thereof, has been approved for the premises and the premises is in compliance with NR112.01 through NR112.25, Wis. Adm. Code.

Sec. 13-1-224 Site Plan Approval.

- (a) **Site Plan Approval.** All applications for Zoning Permits for any construction, reconstruction, expansion or conversion, (including mobile home parks and subdivisions)

- except for one (1) and two (2) family residences in Residential Districts, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section.
- (b) **Application.** The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
 - (c) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his/her findings, to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Village Board to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within forty (40) days of its receipt of the application, the Plan Commission shall authorize the Zoning Administrator to issue or refuse a Zoning Permit.
 - (d) **Requirements.** In acting on any site plan, the Plan Commission 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 Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section.
 - (e) **Effect on Municipal Services.** Before granting any site approval, the Plan Commission may secure such professional recommendations from retained experts 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 Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

Sec. 13-1-225 Violations and Penalties.

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, the resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.**
 - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.
 - (2) Failure to obtain a permit prior to commencement of work under this Chapter shall double the fee for the required permit.
 - (3) The Village of Crivitz may refuse to issue a building permit for structures/parcels in violation of any provision of this Zoning Code.

Sec. 13-1-226 Fees.

The following fees shall be applicable for this Chapter:

- (a) **Rezoning and Zoning Application.** A fee per application (including repetitions of previous applications) is required, as prescribed by the fee schedule in Section 1-3-1.
- (b) **Conditional Use Permit Application.** All conditional use applications shall be filed with the Village Clerk-Treasurer along with a filing fee prescribed in Section 1-3-1.
- (c) **Variance and Appeals Applications.** All applications for variances and appeals shall be filed with the Village Clerk-Treasurer along with a filing fee prescribed in Section 1-3-1.
- (d) **Building Permit Application.** The fees for building permits shall be established in Title 15, Building Code, of this Code of Ordinances.

Sec. 13-1-227 Notifications to Registered Citizens Regarding Zoning or Comprehensive Plan Changes.

- (a) **Notice Registry.**
 - (1) **List of Registered Citizens; Scope.** The Village of Crivitz shall maintain a registry list of persons who submit a written or electronic request to receive notice of any

proposed municipal zoning action or ordinance change, or comprehensive plan amendment, which would affect the allowable use of the person's property. This notification list shall apply to any proposed zoning ordinance or comprehensive plan amendment which would impact the allowable use, size or density requirements pertaining to the registered person's property.

- (2) **Registration Requests.** To be included on the list to receive notice of such proposed zoning regulation or comprehensive plan changes, a person shall make a written or electronic request to the Village Clerk-Treasurer. Verbal requests shall not be accepted. With such request, the person shall provide:
 - a. His/her name;
 - b. Mailing address;
 - c. Telephone number (landline, cellphone, fax);
 - d. Email address; and
 - e. Preferred method of notification (non-binding on the municipality).
- (b) **Annual Registration Information Notice.**
 - (1) **Public Notification to be Provided.** Annually, the Village shall inform residents of the municipality that they may add their names to the notification list. The date of providing such annual notice shall be set by the Village.
 - (2) **How Annual Notification is Provided.** The annual notice requirement providing information on the notice registry can be provided by any one of the following methods, or combination of methods:
 - a. Publication of a Class 1 notice pursuant to Ch. 985, Wis. Stats.;
 - b. First class mail;
 - c. Giving notice on the Village's website; or
 - d. Including the information in a mailing that is sent to all property owners, such as, but not limited to, tax or utility statements, newsletters, etc.
- (c) **Form of Notifications.** Following recommendation from the Plan Commission on the proposed zoning regulation change or comprehensive plan amendment but prior to action by the Village Board to vote on such proposal, the Village shall send a notice to each person on the notice registry list. Such notice shall include a copy of the proposed zoning or change or comprehensive plan amendment, or a summary thereof. Such notice shall be by first class mail or by any other reasonable form agreed to by the registered person and the Village, including email, voice mail or text message. The Village shall not require a fee for the sending of such notices except that the Village may charge each person on the list who receives a notice by first class mail a fee that does not exceed the approximate cost of providing the mailed notice to the person. An ordinance or amendment that is subject to this notice requirement may take effect even if the Village fails to send the notice.

State Law Reference: Secs. 62.23(7)(d)4. and 66.1001(4)(f), Wis. Stats.

Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-240 Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

Sec. 13-1-241 Initiation of Changes or Amendments.

The Village Board, the Plan Commission, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter by reference.

Sec. 13-1-242 Procedure for Changes or Amendments; Down Zoning Voting.

(a) Petition.

- (1) Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Village Clerk-Treasurer. The person requesting such action shall provide all information requested on the petition including:
 - a. Name and street address of the petitioner.
 - b. The lot number of any real estate owned by the petitioner adjacent to the area proposed to be changed.
 - c. Legal description of the property to be altered.
 - d. The existing use of all buildings on such land.
 - e. The principal use of all properties within three hundred (300) feet of such land.
 - f. Purpose for which such property is to be used.
 - g. Reciting of facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Chapter.
 - h. Names and addresses of all abutting and opposite property owners within three (300) feet of the property to be altered.

- i. Plot plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures, and property lines within three hundred (300) feet of the parcel.
 - j. Any further information requested to the petition or which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.
- (2) Failure to supply such information shall be grounds for dismissal of the petition.
- (3) A petition for change or amendment submitted by a private property owner shall be prepared in triplicate and filed with the Village Clerk-Treasurer and shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing.
- (b) **Plan Commission Recommendation.** The Village Board or the Village Clerk-Treasurer shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and zoning map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on occasion, of its own volition, conduct its own public hearing on proposed amendment(s).
- (c) **Public Hearing.**
 - (1) The Village Board, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985, Wis. Stats. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
 - (2) The Village Board may delegate to the Plan Commission the responsibility to hold public hearings as required under this Section.
- (d) **Village Board Action; Rezoning Voting; Down Zoning.**
 - (1) Following such public hearing, the Plan Commission shall make a recommendation on the proposed rezoning ordinance making the proposed rezoning, change or amendment. The Village Board shall then review the Plan Commission's recommendation and make its determination.
 - (2) The Village Board may enact a down zoning ordinance only if the ordinance is approved by at least two-thirds of the members-elect, except that if the down zoning ordinance is requested, or agreed to, by the person who owns the land affected by the proposed ordinance, the ordinance may be enacted by a simple majority of the members-elect.
 - (3) "Down zoning ordinance" means a zoning ordinance that affects an area of land in the following ways:

Sec. 13-1-260 Appeals to the Zoning Board of Appeals.

- (a) **Scope of Appeals.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village of Crivitz affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (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 Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her 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 Zoning Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Zoning Board of Appeals shall have the following powers:
 - (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 - (2) **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.
 - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts; the Plan Commission may make a recommendation but is not mandatory.
 - (4) **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made; the Plan Commission may make a recommendation but is not mandatory. Whenever the Zoning Board of Appeals permits such a substitution, the use may not thereafter be changed without application.
 - (5) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted

in the district; the Plan Commission may make a recommendation but is not mandatory.

- (6) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses; the Plan Commission may make a recommendation but is not mandatory. The permit shall be temporary, revocable, subject to any condition required by the Zoning Board of Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (7) **Permits.** The Zoning Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

Sec. 13-1-261 Hearing on Appeals.

The Zoning Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

Sec. 13-1-262 Decisions of Zoning Board of Appeals.

- (a) **Timeframe.** The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (b) **Conditions.** Conditions may be placed upon any zoning permit ordered or authorized by the Zoning Board of Appeals.
- (c) **Validity.** Variances, substitutions or use permits granted by the Zoning Board of Appeals shall expire within eighteen (18) months unless substantial work has commenced pursuant to such grant.

Sec. 13-1-263 Variances.

- (a) **Purpose.**
 - (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him/her undue hardship or create conditions causing greater harmful effects than the initial condition.

- a. By decreasing the development density of the land to be less dense than was allowed under its previous usage; or
- b. By reducing the permitted uses of the land that are specified in a zoning ordinance, or other land use regulation, to fewer uses than were allowed under its previous usage.

State Law Reference: Section 66.1005, Wis. Stats.

Sec. 13-1-243 Protest.

- (a) **Statutory Protest – Rezoning.** In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.
- (b) **Statutory Protest – Zoning Code Text Amendment.** In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.

Sec. 13-1-244 through Sec. 13-1-249 Reserved for Future Use.

A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.

- (2) The Zoning Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
 - (3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- (b) **Application for Variances.** The application for variation shall be filed with the Village 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) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Village Clerk-Treasurer, Building Inspector, Village Engineer, Zoning Board of Appeals and/or Zoning Administrator.
- (c) **Public Hearing of Application.** The Zoning 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 seven (7) days before the hearing in one (1) or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator and the Village Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Zoning Board of Appeals shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Administrator and Village Board.
- (d) **Action of the Zoning Board of Appeals.** For the Zoning Board of Appeals to grant a variance, it must find that:
- (1) Denial of variation may result in hardship to the property owner due to physiological consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended

use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code 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.
- (e) **Conditions.** The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section. Per Sec. 62.23(7)(e)7.e., Wis. Stats., the Zoning Board of Appeals may impose an expiration date for a variance if such date relates to a specific date by which action or work authorized must be commenced or completed.
- (f) **Standards for Qualifying For A Variance.** To qualify for a variance, the applicant must demonstrate that his/her property meets the following three (3) requirements:
- (1) **Unique Property Limitations.**
 - a. The applicant must show that the property has conditions that are unique or special to that property, that such unique physical characteristics prevent compliance with the regulations of this Zoning Code. Examples, but not limited to, of such conditions are physical limitations unique to the property such as wetlands or exceptionally unique steep slopes.
 - b. The following are non-exclusive examples of items Wisconsin courts have decided cannot be a basis for granting a variance under the "unique property limitation" test:
 1. Financial considerations of the applicant.
 2. The personal circumstances of the applicant (i.e. need for an expanded garage, a growing family, an unemployed family member returning home, etc.).
 3. The existence of nearby Zoning Code violations.
 4. Lack of objections from neighbors.
 - (2) **No Harm To Public Interests.** To qualify for a variance, the applicant must demonstrate that the proposed variance is not contrary to the public interest. In applying this test, the Zoning Board of Appeals must consider the impacts of the variance proposal, and, if setting a precedent, the cumulative impacts of similar

projects on the interests of the neighbors, the overall Village of Crivitz and the general public. Such factors are generally identified in Section 13-1-4.

(3) **Unnecessary Hardship.**

- a. To qualify for a variance, the applicant must demonstrate that the special condition(s) of the property creates an unnecessary hardship. When determining whether an unnecessary hardship exists, the property as a whole shall be considered rather than a portion of the property.
- b. The following are non-exclusive examples of items Wisconsin courts have decided cannot be a basis for granting a variance under the "unnecessary hardship" test:
 1. Conditions which are self-imposed or created by a prior owner (i.e. owner expands home and then argues there is no suitable location for a proposed new garage).
 2. Economic or financial hardship to the applicant (i.e. construction of a new garage in a complying location would cost more than placing the garage in a location requiring a variance).
 3. Lack of objections from neighbors.
- c. Due to Wisconsin court decisions, the "unnecessary hardship" determination requires that the Board of Appeals apply different tests for use variances and area variances:
 1. For a use variance, unnecessary hardship can be determined to exist only if the property owner can show that he/she would have *no reasonable use of the property* without a variance. A use variance would permit a property owner to put property to an otherwise prohibited use.
 2. For an area variance, unnecessary hardship can be determined to exist only if the property owner can show that compliance with the requirements of the Zoning Code would *unreasonably prevent the property owner from using the land for a permitted purpose* (leaving the property owner without any use that is permitted for the property under the Zoning Code) or would render *conformity with such zoning restrictions unnecessarily burdensome*. Area variances are intended to provide an increment of relief (usually small) from a physical dimensional requirement of the Zoning Code such as building height or setback requirements. In applying the test for an area variance, the Zoning Board of Appeals shall consider the purpose of the Zoning Code, the Zoning Code's restrictions on the applicant's property, and the cumulative effects granting of a variance would have on the neighborhood, community and on the public interests.
 3. Unless the Zoning Board of Appeals finds that a property cannot be used for any permitted purpose, area variances shall not be granted for greater than a forty percent (40%) deviation in the area, setback, height or density requirements specified in this Chapter.

(**Note:** The above standards reflect the Wisconsin Supreme Court's decisions in *State ex rel. Ziervogel v. Washington County Board of Adjustment*, 2004 WI 23, 269 Wis. 2d 549, 676 N.W.2d 401 and *State v. Waushara County Board of Adjustment*, 2004 WI 56, __ Wis. 2d __, 679 N.W.2d 514).

Sec. 13-1-264 Review by Court of Record.

Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Zoning Board of Appeals.

Sec. 13-1-265 through Sec. 13-1-279 Reserved for Future Use.

Article O: Mobile Home Communities

Sec. 13-1-280 Intent—Where Mobile Home Communities Permitted.

- (a) **Location.** Mobile home communities may be established in the R-4 Multiple-Family Residential District as a conditional use in accordance with the procedures, requirements and limitations set forth in this Article. Within such mobile home communities, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- (b) **Intent.** It is the intent of this Article to recognize mobile homes constructed prior to October 1, 1974 (pre-HUD certification), as distinct and different from units designated as Mobile Homes within the definitions of this Article and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Units constructed prior to 1974 are prohibited. Mobile Homes meeting the requirements of the One- and Two-Family Building Dwelling Code shall not be permitted in a mobile home community except as a conditional use. Permits may be obtained only after approval by the Village Board. Manufactured or modular homes are not mobile homes for purposes of this Article.
- (c) **Exceptions.** No person shall park, locate or place any mobile home outside of a licensed mobile home community in the Village of Crivitz, except:
 - (1) Unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding one hundred twenty (120) days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home, provided no business is carried on therein.
 - (2) Individual mobile homes may be allowed by the Village Board in Residential Districts as temporary uses not to exceed one hundred twenty (120) days under exceptional circumstances, such as to provide temporary housing during reconstruction following a fire.

Sec. 13-1-281 Definitions.

The following definitions are used in this Article:

- (a) **Mobile Home Communities (Parks).** Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.

- (b) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.
- (c) **Residential Manufactured Home.** A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the pertinent codes of the Wisconsin Department of Safety and Professional Services, Wis. Adm. Code.
- (d) **"Mobile home"** means a dwelling constructed prior to October 1, 1974 which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds fifty percent (50%) of the assessable value of the mobile home. The term "mobile home" shall not include a factory-built structure or manufactured or modular home meeting the following requirements:
 - (1) Intended to be set on a foundation by virtue of its construction.
 - (2) Which is normally transported only once, from the factory to the construction site.
 - (3) Which, from its construction, is designed to be permanently affixed to land.
- (e) **Foundation Siding.** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within sixty (60) days from the date of placement on site.
- (f) **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
- (g) **Secondary Exposure.** Open areas adjacent to side and rear walls of a dwelling unit.
- (h) **Statutory Definitions.** In addition to the above definitions, definitions contained in the Wisconsin Statutes shall also be applicable.

Sec. 13-1-282 Mobile Home Occupancy Permits.

- (a) Mobile homes legally located and occupied on premises outside a licensed mobile home community prior to the original enactment of this Chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the Zoning Administrator within sixty (60) days after the original effective date of this Chapter for a use permit showing the date on which such use and occupancy commenced,

the names of the owner and occupants and that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the state and Village. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the total structural repairs and alterations to the mobile home are deemed by the Building Inspector or health authorities as being unfit for human habitation.

- (b) The owner or occupant of a mobile home shall, within five (5) days after entering of a licensed mobile home community or removing to another mobile home community within the Village, obtain a permit from the Zoning Administrator. Such permits shall be issued only for mobile homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1, as originally existing, or, if amended, as amended.
- (c) Nothing herein shall prevent the owner of a mobile home located in an approved mobile home community under Subsection (a) hereof from replacing the mobile home with a newer model, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit, and the standards for Section 13-1-108 are met.

Sec. 13-1-283 Minimum Number of Lots or Spaces.

- (a) Where a new mobile home community is to be established for the development of a single mobile home community, the minimum area shall be two (2) acres, with a maximum of six (6) mobile homes per acre. Minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five percent (25%) of total units permitted on the site.
- (b) These limitations shall not apply where expansion of an existing mobile home community is involved and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

Sec. 13-1-284 Permitted and Permissible Uses and Structures.

The following principal uses and structures may be allowed as conditional uses within authorized mobile home communities:

- (a) **One-Family Detached Mobile Homes (residential mobile home).** In mobile home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- (b) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below. The only accessory structures permitted on an individual mobile home lot are temporary wind/sun

structures and one (1) accessory storage building not exceeding one hundred (100) square feet. In addition, each mobile home lot may have one (1) detached single-stall garage.

Sec. 13-1-285 Mobile Home Community Developer's Permit.

- (a) No person shall construct or extend any mobile home community or mobile home community building or facility within the limits of the Village of Crivitz without first securing a mobile home community developer's permit from the Village. Such permits shall be issued by the Village Clerk-Treasurer upon approval by the governing body.
- (b) Applications for mobile home community developer's permits shall be filed with the Village Clerk-Treasurer with sufficient copies for the Village Clerk-Treasurer to forward one (1) each to the Building Inspector, Fire Chief and law enforcement authorities who shall investigate and review said application to determine whether the applicant, the premises on which said community will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the state and Village and report their findings in writing to the governing body within sixty (60) days. Such reports shall be considered by the governing body before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.
- (c) Applications for mobile home community developer's permit shall be accompanied by a fee as prescribed by the Village to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed mobile home community.
- (d) Applications shall be made on forms furnished by the Village Clerk-Treasurer and shall include the following information:
 - (1) Name and address of applicant.
 - (2) Location and legal description of the proposed mobile home community, addition, modification or extension.
 - (3) A complete plot plan showing compliance with all applicable provisions of this Chapter and the municipal building code and zoning and subdivision ordinances.
 - (4) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed community showing, but not limited to:
 - a. Plans and specifications of all utilities, including: sewerage collection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and cable television/internet systems.
 - b. Location and width of roadways and walkways, buffer strips, recreational and other common areas.
 - c. The location of mobile home stands with the mobile home spaces, including a detailed sketch of at least one (1) typical mobile home space and stand therein.

- d. Landscape plan showing all plantings.
- e. Plans and specifications of all mobile home community buildings and structures.
- (5) Interest of applicant in proposed mobile home community or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed mobile home community, addition, modification or extension and make the application.
- (6) Written statements describing proposed mobile home community operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on mobile home community occupants by the mobile home community operator.
- (e) Final engineering plans and specifications complying with the provisions of this Article and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the Village Clerk-Treasurer and checked by the proper municipal officials for compliance before the license is issued.

Sec. 13-1-286 Standard Requirements for Mobile Home Communities, Additions or Extensions.

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

- (a) Chapter HSS 177, Wis. Adm. Code, or hereafter amended, is hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or ordinance of the state or Village of Crivitz.
- (b) Mobile home spaces shall be a minimum of fifty (50) feet wide and one hundred (100) feet in depth, have a setback of ten (10) feet from all street right-of-ways, and have a side yard setback of eight (8) feet, except that driveways may extend to within four (4) feet of a property line. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks or attached porches shall be considered part of the unit for purposes of determining compliance with this provision. No mobile home site shall be rented for a period of less than thirty (30) days.
- (c) Unless adequately screened by existing vegetative cover, a mobile home community shall be screened around its outer perimeter by a planting of hedges or trees, capable of reaching a height of fifteen (15) feet or more, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet when mature. [See also the requirements of Subsection (p) below.]
- (d) No mobile home community shall be laid out, constructed or operated without Village sanitary sewer and public water service. All liquid wastes originating at units, service or

other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply with all provisions of the Wisconsin Administrative Code and Village ordinances relating to plumbing and sanitation. Each individual space shall be provided with a three (3) inch watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear one-third ($1/3$) of the stand, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.

- (e) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the Village Board. Open burning of waste or refuse is prohibited.
- (f) All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the mobile home community or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state and local codes.
- (g) Each space shall be provided with direct electrical service of not less than one hundred (100) amperes for two hundred twenty (220) volt service.
- (h) A minimum of two (2) off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each mobile home space.
- (i) Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.
- (j) Exposed ground surfaces in all parts of every mobile home community shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- (k) The ground surface in all parts of every mobile home community shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- (l) All mobile home communities shall be furnished with individual outdoor lot lighting of twenty-five to sixty (25-60) watts so spaced and equipped with luminaires placed for the safe movement of pedestrians and vehicles at night.
- (m) All mobile home spaces shall abut upon a street. All streets shall be provided with a smooth, hard and dense surface which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight percent (8%), provided a maximum grade of twelve percent (12%) may be used if approved by the street superintendent, as safe and designed to avoid traffic hazards. Streets shall be at

approximately right angles within one hundred (100) feet of an intersection. Intersections of more than two (2) streets at one (1) point shall not be allowed. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets.

- (n) All streets within the mobile home community shall be two-way and paved to comply with Village standards, and have the following widths:
 - (1) With parking on both sides: Thirty-two (32) feet.
 - (2) With parking one one side: Twenty-five (25) feet.
 - (3) With no on-street parking: Eighteen (18) feet.[Note: Use of one-way streets is prohibited.]
- (o) All mobile home communities shall be provided with pedestrian walks between individual mobile homes, park streets and community facilities of not less than three (3) feet in width. Grade and surfacing of walks shall be approved by the Village Engineer as safe and comparable to sidewalks in other areas of the municipality subject to similar usage, except, that as an alternative, inverted curbing may be used which provides approximately three (3) feet of concrete walking area adjacent to the curbline.
- (p) All mobile home communities shall have a greenbelt or buffer strip not less than ten (10) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home communities shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home community. Compliance with this requirement shall be made within five (5) years from the granting of the mobile home community developer's permit. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the mobile home community, when completed, will be materially enhanced by modification or elimination of such screen planting requirements. [See also the requirements in Subsection (c) above.]
- (q) Mobile home community operators shall, at the time of approval, pay the mobile home community development fees required for conventional subdivisions in Title 14 of this Code of Ordinances.
- (r) Single-family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one (1) mobile home community office and service buildings for exclusive use of mobile home community residents shall be the only permitted uses in mobile home communities, provided the Village Board may approve the following uses when designed and limited to exclusive use of mobile home community residents:
 - (1) Laundromats.
 - (2) Clubhouses and facilities for private, social or recreation clubs.
 - (3) Swimming pools.
- (s) No permanent signs shall be erected in mobile home communities.
- (t) All mobile home communities shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to mobile

home communities shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

Sec. 13-1-287 Mobile Home Community Operator's License.

- (a) It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her a mobile home community within the Village of Crivitz without a valid, unexpired mobile home community license issued by the Village Clerk-Treasurer and approved by the Village Board upon determination that the standards in this Section have been met and payment of the required fees.
- (b) Mobile home community licenses shall be issued for a calendar year and shall expire on December 31 next succeeding date of issue. Licenses may be issued after January 1 of any year but no rebate or diminution of the fee shall be allowed therefor.
- (c) The annual fee for a mobile home community license shall be per Section 1-3-1 for each twenty (20) mobile home spaces or fraction thereof; such fee shall also be paid upon the renewal of such license. Licenses may be transferred during a license year for a fee per Section 1-3-1.
- (d) Licenses granted under this Section shall be subject to revocation or suspension by the governing body for cause in accordance with applicable statutory procedures, and the procedures in that Section shall be followed. "Cause" as used in this Subsection shall include, but not be limited to:
 - (1) Failure or neglect to abide by the requirements of this Chapter or the laws or regulations of the State of Wisconsin relating to mobile home communities and their operation.
 - (2) Conviction of any offense under the laws of the state or ordinances of the Village relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of community facilities.
 - (3) Operation or maintenance of the mobile home community in a manner inimical to the health, safety or welfare of mobile home community occupants or the inhabitants of the Village, including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.
 - (4) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.
- (e) Except as provided in Subsection (f) of this Section, no mobile home community license shall be granted for any premises or to any person not meeting the following standards and requirements:

- (1) All standards and requirements set forth in Section 13-1-286 except as specifically waived or modified in writing by the Village Board and endorsed on the mobile home developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health Services that the mobile home park complies with the provisions of Ch. HSS 177, Wis. Adm. Code, applicable thereto.
 - (2) Mobile home communities should be used only for the parking and occupancy of single-family nondependent mobile homes and accessory structures and appurtenances and uses.
 - (3) Applicant shall file with the Village Board certificates certifying that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities, including roads, have been constructed or installed in the mobile home community as required by this Chapter and are in required operating condition at the time of said application. In addition, the Building Inspector and the Chief of the Fire Department shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations and ordinances applicable thereto. These officials shall furnish the Village Board in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.
 - (4) Location and operation of the mobile home community shall comply with all zoning and land use ordinances of the state and Village.
- (f) Mobile home communities in existence and operating under a valid mobile home community license upon the effective date of this Chapter, including mobile home communities in areas hereafter annexed to the Village, shall be exempt from the requirements hereof relating to land use and occupancy provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license but shall file application for a mobile home community developer's nonconforming use permit and comply with all other provisions of this Chapter within six (6) months after the effective date hereof, provided that an existing mobile home community having a density in excess of that provided in Section 13-1-286 shall not increase its density and shall be operated in other respects in accordance with this Chapter. The governing body may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety and welfare of mobile home community occupants or inhabitants of the Village. All extensions, modifications or additions to lawfully licensed existing mobile home communities or facilities or structures therein shall comply with this Chapter.

Sec. 13-1-288 Operation of Mobile Home Communities; Responsibilities of Mobile Home Community Management.

- (a) In every mobile home community there shall be located an office of the attendant or person in charge of said mobile home community. A copy of the mobile home community license

and of this Chapter shall be posted therein and the mobile home community register shall, at all times, be kept in said office.

- (b) The attendant or person in charge and the mobile home community licensee shall operate the mobile home community in compliance with this Chapter and regulations and ordinances of the Village and state and their agents or officers and shall have the following duties:
- (1) Maintain a register of all mobile home community occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
 - a. Names and addresses of all owners and occupants of each mobile home.
 - b. Number of children of school age.
 - c. State of legal residence.
 - d. Dates of entrance and departure of each mobile home.
 - e. Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
 - f. Place of employment of each occupant, if any.
 - (2) Notify mobile home community occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Chapter or any other violations of law which may come to their attention.
 - (3) Report to law enforcement authorities all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.
 - (4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tiedowns.
 - (5) Maintain mobile home community grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
 - (6) Maintain the mobile home community free from growth of noxious weeds.
 - (7) Maintain the mobile home community free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the mobile home community designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
 - (8) Check to ensure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the ordinances of the Village.
 - (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the ordinances and regulations of the municipality, including regulations promulgated by the Fire Chief.

- (10) Allow inspections of mobile home community premises and facilities at reasonable times by municipal officials or their agents or employees.

Sec. 13-1-289 Responsibilities and Duties of Mobile Home Community Occupants.

- (a) Mobile home community occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) Mobile home community occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the mobile home community management.
- (c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home community.
- (d) Each owner or occupant of a nonexempt mobile home within a mobile home community shall remit to the licensee or authorized mobile home community management the cash deposit and monthly parking permit fee.
- (e) It shall be the duty of every occupant of a mobile home community to give the mobile home community licensee or management, or his/her agent or employee, access to any part of such mobile home community or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or ordinance of the state or Village or lawful regulation or order adopted thereunder.
- (f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.
- (g) No mobile home owner or occupant shall conduct in any unit or any mobile home community any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.
- (h) No person shall discharge any wastewater on the surface of the ground within any mobile home community.
- (i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.

Sec. 13-1-290 Additional Regulations on Mobile Homes and Mobile Home Communities.

- (a) Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home community or upon any premises in the Village. The Building Inspector or Village

Board shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector or Village Board so determines, he/she shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the mobile home community or on lands owned by him/her giving the findings upon which his/her determination is based and shall order such home removed from the mobile home community or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.

- (b) Authorized representatives of the Village Board are authorized to inspect mobile home communities to determine the health, safety and welfare of the occupants of the mobile home community and inhabitants of the Village as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the state and ordinances of the Village.
- (c) Fires in mobile home communities shall be made only in stoves/grills and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
- (d) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the mobile home community shall be in accordance with the regulations of applicable laws, ordinances and regulations of the state and municipalities and their authorized agents, and may be performed by a professional mobile home service technician.
- (e) All mobile homes in mobile home communities shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- (f) No person shall construct, alter or add to any structure, attachment or building in a mobile home community or on a mobile home space without a permit from the Building Inspector. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This Subsection shall not apply to addition of awnings, antennas or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.
- (g) Storage under mobile homes is prohibited.

Sec. 13-1-291 Compliance with Plumbing, Electrical and Building Ordinances.

All plumbing, electric, electrical, building and other work on or at any mobile home community under this Chapter shall be in accordance with the ordinances of the Village and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of

Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electric work.

Sec. 13-1-292 Standards for General Site Planning for Mobile Home Communities.

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

- (a) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the community in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- (b) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- (c) **Protection of Visibility—Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-120 shall apply and is hereby adopted by reference.
- (d) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- (e) **Internal Relationships.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
 - (1) **Streets, Drives and Parking and Service Areas.** Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community

facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.

- (2) ***Vehicular Access to Streets.*** Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than twenty (20) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
- (3) ***Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles.***
 - a. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
 - b. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

Sec. 13-1-293 through Sec. 13-1-299

Reserved for Future Use.

Sec. 13-1-300 Definitions.

- (a) **Zoning Definitions.** For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive. The word "person" includes individuals, all partnerships, associations, and bodies political and corporate. The word "lot" includes the word "plot" or "parcel" or "tract". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used or occupied".
- (1) **A Zones.** Areas of potential flooding shown on the Village's "Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These zones may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) **Abutting.** Have a common property line or district line, or are separated only by a river, stream, or transportation or utility right-of-way.
 - (3) **Accessory Apartment.** A separate complete housekeeping unit that is substantially contained within the structure of a single-family dwelling, but can be isolated from it.
 - (4) **Accessory Building.** A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building. An accessory building is considered to be an accessory structure.
 - (5) **Accessory Structure.** A subordinate structure, the use of which is incidental to, customarily found in connection with, and located on the same lot as the principal structure or use of the property. Accessory structures include, but are not limited to, detached garages and carports, sheds, barns, gazebos, swimming pools, hot tubs, fences, firewood protection structures, retaining walls and detached stairways and lifts; and impervious, pervious or porous driveways, parking lots, sidewalks, patios and decks (both detached and attached). For purposes of this Chapter, no regulatory distinction is made between permanent, temporary, prefabricated or moveable accessory buildings or structures. An accessory structure may consist of just a roof and may have one (1) or more open sides.
 - (6) **Accessory Use.** See "Use, Accessory".
 - (7) **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within forty-three thousand five hundred sixty (43,560) square feet.

- (8) **Adjacent Property Owner.** The owner of property located within three hundred (300) feet of a subject property under this Code.
- (9) **Adult-Oriented Establishment.** Any premises including, without limitation, "adult bookstores," or "adult motion picture theaters." It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. "Adult-Oriented Establishment" further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.
- (10) **Agriculture, Animal.** The use of land for animal feeding operations, including areas for the storage, treatment and disposal of manure and other related waste products.
- (11) **Agriculture, Crop.** The use of land for the production of row crops, field crops, tree crops, timber, bees, apiary productions, and fur-bearing mammals.
- (12) **Agriculturally-Related Residence.** A residence which is occupied by:
 - a. A person who, or a family at least one (1) member of which earns a substantial part of his/her livelihood from farm operations on the land; or
 - b. A parent or child of the owner of the farm.
- (13) **Agricultural Processing and Packaging.** An establishment primarily engaged in refining, processing or otherwise adding value to raw agricultural goods, including, but not limited to, washing, sorting, cutting, bagging, freezing, canning, packing, bottling or butchering.
- (14) **Agricultural Research and Development.** The use of land or buildings for agriculture research and the cultivation of new agricultural products.
- (15) **Agricultural Sales and Service.** An establishment primarily engaged in:
 - a. The sale or rental of farm tools and implements, feed and grain, tack, animal care products, farm supplies and the like; or
 - b. Performing agricultural or horticultural services on a fee or contract basis, including, but not limited to, crop dusting and spraying services, harvesting and plowing services, agricultural land grading services, farm equipment service and repair, and large animal veterinary services.
- (16) **Agricultural Storage.** Grain elevators and other facilities for the warehousing and storage of agricultural products.
- (17) **Agricultural Use.** Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; wholesale plant greenhouses and nurseries; poultry raising; raising

of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least thirty-five (35) acres of which are enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446(d); and vegetable raising.

- (18) **Aircraft Landing Strip.** A site maintained for occasional use by manned aircraft for landing or take off.
- (19) **Airport, Public.** Any airport which complies with the definition contained in Sec. 114.013(3), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.
- (20) **Alley.** A public or private right-of-way not more than twenty-one (21) feet wide which affords only a secondary means of access to the side or rear of an abutting property.
- (21) **Alley.** A public or private way which affords only secondary vehicular access to abutting property.
- (22) **Animal Hospital/Veterinary Services.** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.
- (23) **Animal Unit.** As defined in Ch. NR 243.03(3), Wis. Adm. Code.
- (24) **Animal Waste.** Manure, milking center waste and other organic waste generated by livestock, farm animals, or any number combination of animal units or portion thereof. It includes animal bedding, water, soil, hair, feathers, and other debris that becomes intermingled with animal excreta in normal waste handling operations.
- (25) **Animal Waste Storage Structure.** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. Does not include equipment used to apply waste to land. For purposes of ATCP 51.12(2) and 51.14, Wis. Adm. Code, does not include any of the following:
 - a. A structure used to collect and store waste under a livestock housing facility.
 - b. A waste digester consisting of a sealed structure in which animal waste is subject to managed biological decomposition.
- (26) **Animal Waste Utilization.** The application of animal waste on suitable land in a manner which will achieve compliance with livestock performance standards and prohibitions established in Ch. NR 151, Wis. Adm. Code, NRCS Conservation Practice Standard Code 590 and meet other designated water quality objectives. Land suitable for animal waste utilization excludes wetlands or lands below the OHWM, closed depressions, slopes in excess of twenty-five percent (25%) and other areas that may be determined as sensitive and adversely affecting surface water or groundwater quality.
- (27) **Antenna.** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include an omni-directional antenna (rod), a directional antenna (panel) or a parabolic antenna (dish).

- (28) **Apartment.** A suite of rooms or a room in a multiple dwelling, which suite or room is arranged, intended or designed to be occupied as a residence of a single family, individual or group of individuals, with separate facilities and utilities which are used or intended to be used for living, sleeping, cooking and eating.
- (29) **Arterial Street.** A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
- (30) **Authority.** A person, committee, or board to whom the power to issue a permit, or make a determination, decision, or judgment has been delegated.
- (31) **Automobile Wrecking/Salvage Yard.** Any premises on which is kept more than one (1) vehicle, not in running order or operating condition, or in a general state of disrepair, which is not completely enclosed within a building.
- (32) **Basement.** A story partly or wholly underground. The height of a basement shall be the vertical distance between the surface of the basement floor and the surface of the floor next above it. A basement shall be counted as a story for the purposes of height measurements if the vertical distance between the ceiling and the main level of the adjoining ground is more than five (5) feet, or if used for business purposes, or if used for living purposes by other than the owner and his/her immediate family, and a janitor or servants of the owner.
- (33) **Bed and Breakfast Establishment Building.** An owner's personal single-family residence that provides five (5) or fewer sleeping rooms for temporary occupancy for a period not to exceed thirty (30) days for compensation by transient guests who are traveling for business or pleasure and is the owner's personal residence and occupied by the owner at the time of rental. The partnership form of ownership shall be allowed under this definition.
- (34) **Best Management Practices (BMPs).** Practices and industry standards designed to minimize environmental damage.
- (35) **Block.** A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (36) **Bluffline.** A line along the top of a slope preservation zone. There can be more than one bluffline.
- (37) **Boarding House.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three (3) or more persons not members of a family, but not exceeding ten (10) persons and not open to transient customers.
- (38) **Boathouse.** A building or portion thereof used for the housing or care of boats and other associated marine equipment for noncommercial purposes and not permitted to be used for human habitation.
- (39) **Buffer Zone.** A designated neutral area designed to separate conflicting land uses. A natural vegetative screening of trees, shrubs or other plantings is usually employed in such a designated area.

- (40) **Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.
- (41) **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (42) **Building, Accessory.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. An automobile trailer or other vehicle or part thereof or other building shall not be used as a dwelling or lodging place and shall not be considered an accessory building or use.
- (43) **Building, Alterations of.** Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- (44) **Building Area.** The total area bounded by the exterior walls of a building at the floor levels, but not including basements, utility rooms, garages, porches, breezeways and unfinished attics.
- (45) **Building, Detached.** A building surrounded by open space on the same lot.
- (46) **Building, Front Line of.** A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- (47) **Building, Height of.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (48) **Building, Principal or Main.** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.
- (49) **Building Setback Line.** A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Zoning Code. A line measured across the width of a lot at that point where the principal structure is placed in accordance with setback provisions.
- (50) **Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.
- (51) **Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by the Village and approved by the Wisconsin Department of Natural Resources pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this Title.
- (52) **Business.** An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

- (53) **Camouflage Design.** A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.
- (54) **Campground.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
- (55) **Camping Unit.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping or travel trailer, motor home, bus, van, pickup truck, tent or other mobile recreational vehicle.
- (56) **Canopy.** A rigid structure attached to and extending outward from a building, designed to protect the building and/or people under the canopy from the sun, rain or snow.
- (57) **Carport.** A carport is a covered structure used to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free standing or attached to a wall. Unlike most structures a carport does not have four (4) walls, and usually has one or more sides open. (See "Accessory Structure".)
- (58) **Cellar.** That portion of a building having more than half of the floor-to-ceiling height below the average grade of the adjoining ground. This portion is not a completed structure and serves as a substructure or foundation for a building.
- (59) **Centerline.** A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.
- (60) **Certificate of Compliance.** A certification that the construction and the use of land or building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
- (61) **Channel.** Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (62) **Clinic, Medical or Dental.** A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.
- (63) **Club or Lodge.** A building or portion thereof or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as business.
- (64) **Cluster Subdivision.** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent undeveloped land.
- (65) **Complete Application for Local Approval – Livestock Facilities Conditional Use.** An application that contains everything required under ATCP 51.30(1)-(4), Wis. Adm. Code.
- (66) **Compliant Building Location.** An area on a lot where a building could be located in compliance with all applicable ordinance requirements.

- (67) **Conditional Use.** The occupations, vocations, skills, arts, businesses, professions or uses specifically designated in each zoning district, which for their respective conduct, exercise or performance in such designated districts may require reasonable, but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, condition modification, or regulations in such district for the promotion or preservation of the general public welfare, health, convenience or safety therein and in the Village and, therefore, may be permitted in such district only by a conditional use permit.
- (68) **Community Living Arrangement.** The following facilities licensed or operated or permitted under the authority of the Wisconsin Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin Statutes, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (69) **Condominium.** Property subject to a condominium declaration established in accordance with the requirements of the Condominium Ownership Act of Ch. 703, Wis. Stats. Condominium is a legal form of individual ownership of portions of real estate and common rights and shared use to remaining real estate in a single development, and is not a building type or style.
- (70) **Condominium Association.** A community association, incorporated or unincorporated, whose membership consists of owners of dwellings units in a condominium, which combines individual unit ownership with shared use and ownership of common areas.
- (71) **Conservation Standards.** Guidelines and specifications for soil and water conservation practices and management enumerated in the *Technical Guide*, prepared by the USDA Soil Conservation Service for Marinette County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his/her needs in developing his/her soil and water conservation.
- (72) **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (73) **Controlled Access Arterial Street.** The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- (74) **Corner Lot.** On corner lots, the setback shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal to seventy-five

percent (75%) of the setback required on residences fronting on the side street — but the side yard setback shall in no case restrict the buildable width to less than thirty (30) feet. Said corner lots shall be consisting of a parcel of property abutting on two (2) or more streets at their intersection providing that the interior angle of such intersection is less than one hundred thirty-five degrees (135°).

- (75) **Court.** An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.
- (76) **Crawlways or Crawl Space.** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
- (77) **Curb Break.** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (78) **Curb Grade or Level.** The level of the established curb in the front of the building measured at the center of such front.
- (79) **Day Care Center, Family.** A place or home which provides care for eight (8) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec. 48.65, Wis. Stats.
- (80) **Day Care Center, Group.** A dwelling or center that provides care and supervision for nine (9) or more children and is licensed by the Wisconsin Department of Health and Social Services.
- (81) **Deck.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.
- (82) **Development.** Any artificial or man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- (83) **Development Regulations.** The part of a zoning ordinance enacted under Section 62.23(7), Wis. Stats., that applies to elements including setback, height, lot coverage, and side yard. [See Section 62.23(7)(hb)a, Wis. Stats.]
- (84) **Disabled.** Having a physical or mental impairment that substantially limits one or more major life activities.
- (85) **District, Basic.** A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (86) **District, Overlay.** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a

basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

- (87) **Double Wide Mobile Home.** A double wide mobile home is a mobile home consisting of two (2) mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.
- (88) **Dwelling.** A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
- (89) **Dwelling Unit.** A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family.
- (90) **Dwelling, Efficiency.** A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (91) **Dwelling, Single-Family.** A detached building designed for or occupied by one (1) family.
- (92) **Dwelling, Two-Family.** A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.
- (93) **Dwelling, Multiple-Family.** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- (94) **Dwelling Unit.** A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.
- (95) **Elderly Day Care Home.** Locations which provide day care and food service for adults who are unable to be left alone while other family members are at work or otherwise not at home during the day. Overnight lodging is not to be provided at a day care center.
- (96) **Emergency Shelters.** Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (97) **Equal Degree of Hydraulic Encroachment.** The effect of any encroachment into the floodway is to be computed by assuming an equal degree of hydraulic encroachment on the opposite side of a river or stream for a significant hydraulic reach, in order to compute the effect of the encroachment upon hydraulic conveyance. This computation assures that the property owners up, down or across the river or stream will have the same rights of hydraulic encroachment.
- (98) **Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary

sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

- (99) **Expanded Livestock Facility.** The entire livestock facility that is created by the expansion after May 1, 2006, and includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.
- (100) **Expansion.** An addition to an existing structure regardless of whether the addition is vertical or horizontal or both.
- (101) **Expansion of Livestock Facility.** An increase in the largest number of animal units kept at a livestock facility on at least ninety (90) days in any twelve (12) month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities for at least ninety (90) days in any twelve (12) month period.
- (102) **Family.** One (1) or more persons immediately related by blood, marriage or adoption and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage or adoption. A person shall be considered to be related for the purpose of this Section if he is dwelling for the purpose of adoption or for a foster care program.
Exceptions: Nothing in this Chapter shall prohibit, under the definition of "Family," priests, laybrothers, nurses or such other collective body of persons living together in one (1) house under the same management and care, subsisting in common, and directing their attention to a common object or the promotion of their mutual interest and social happiness as set forth by the Wisconsin Supreme Court in *Missionaries of Our Lady of LaSalette vs. Village of Whitefish Bay Board of Zoning Appeals*, 267 Wis. 609, which is hereby incorporated by reference.
- (103) **Family Adult Daycare Center.** A dwelling certified by the Wisconsin Department of Family Services where care is provided for part of a day for small groups of no more than six (6) adults in the home of a provider.
- (104) **Family Day Care Home.** A dwelling also licensed as a day care center by the Wisconsin Department of Family Services where, for compensation or consideration, a resident of the dwelling provides group care for at least four (4), but not more than eight (8), children between the ages of infancy and seven (7) years of age at a location other than the child's own home or the home of relatives or guardians.
- (105) **Farm.** Land consisting of five (5) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.
- (106) **Farm Animals.** See "Livestock".
- (107) **Farming — General.** General farming shall include floriculture, forest and game management, orchards, raising of grain, grass, mint and seedcrops, raising of fruits,

nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

- (108) **Farmstead.** A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (109) **Flood.** A temporary rise in streamflow or stage in lake level that results in water overtopping the banks and inundating the areas adjacent to the steam channel or lake bed.
- (110) **Flood Insurance Study.** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mud flow) and/or floor-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.
- (111) **Flood Profile.** A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
- (112) **Flood Protection Elevation.** A point two (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action and obstructions of bridge openings.
- (113) **Flood Stage.** The elevation of the floodwater surface above an officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Floodland Zoning Map.
- (114) **Floodlands.** For the purpose of this Code, the floodlands are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the floodway district, the floodplain conservancy district and the floodplain fringe overlay district.
- (115) **Floodplain Fringe.** Those floodlands, outside the floodway, subject to inundation by the 100-year recurrence interval flood. For the purpose of this Code, the floodplain fringe includes the floodplain conservancy district and the floodplain fringe overlay district.
- (116) **Floodproofing.** Measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials, to operation and management safeguards, such as the following: reinforcing the basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight

bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of sump pumps; placement of automatic swing check valves; installation of seal-tight windows and doors; installation of wire reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevation or removal of all electric equipment; avoidance of the use of flood-vulnerable areas; temporary removal of waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valve; placement of plugs and food drain pipes; placement of movable watertight bulkheads; erection of sand bag levees; and the shoring of weak walls or structures. Floodproofing of structures shall be extended at least to a point two (2) feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

- (117) **Floodway.** A designated portion of the 100-year flood area that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.1 foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
- (118) **Floor Area—Business and Manufacturing Buildings.** For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.
- (119) **Floor Area — Dwelling Units.** The square feet of floor space of the several floors of a dwelling unit within the outside line of walls and includes the total of all space on all floors of a building, but not including porches, balconies, garages or space in a basement or cellar when the same is used for storage or incidental uses. Residential floor area is measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units.
- (120) **Floor Area — Business and Manufacturing Buildings.** For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses. For the purpose of determining off-street parking and off-street

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

- (121) **Food Pantry.** A facility used for the storage and distribution of free food and other goods, typically donated, to persons who are disadvantaged or dislocated.
- (122) **Footprint.** The land area covered by a structure at ground level, measured on a horizontal plane. The "footprint" of a residence includes attached garages and porches, but excludes decks, patios, carports and roof overhangs.
- (123) **Foster Family Home.** The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.
- (124) **Frontage.** All the property butting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.
- (125) **Frontage, Reversed.** Where the rear lot line of a corner lot coincides with all or part of the side lot line of an adjoining lot in the same block.
- (126) **Garage, Private.** An accessory building or space for the storage only of not more than four (4) wheeled, licensed motor vehicles.
- (127) **Garage — Public.** Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.
- (128) **Garage, Storage.** Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements, not to transients, where no equipment, parts, fuel, grease or oil are sold and vehicles are not equipped, serviced, repaired, hired or sold.
- (129) **Garden Center.** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.
- (130) **Gasoline Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.

- (131) **Gift Stores.** Retail stores where items such as art, antiques, jewelry, books and notions are sold.
- (132) **Grade.** When used as a reference point in measuring the height of a building, the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.
- (133) **Gravel Pit.** An open land area where sand, gravel, and rock fragment are mined or excavated including such on-site processing that are related to the mining or excavation of the sand, gravel, and rock fragment such as stockpiling of materials, blending mineral material aggregates or non metallic minerals, crushing, screening, scalping and dewatering.
- (134) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under Section 48.62, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.
- (135) **Hardware Stores.** Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.
- (136) **Home Occupation.** Any business or profession carried on primarily by a member of the immediate family residing on the premises, carried on primarily within the principal building thereto and meeting the standards of Section 13-1-93.
- (137) **Hospital.** An institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed-patient care.
- (138) **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- (139) **Institution.** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
- (140) **Junk.** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.
- (141) **Junkyard.** Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including but not limited to used or salvaged or new scrapped base metal or metals, their compounds or combinations, used for salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property, except animal matter; and used motor vehicles, machinery or equipment which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.
- (142) **Kennel.** Any facility where dogs or cats are kept for twenty-four (24) hours or more for boarding, training, or similar purposes for compensation, except that "kennel" does not include any of the following:

- a. An animal shelter.
 - b. A facility owned or operated by a veterinarian licensed under Ch. 453, Wis. Stats., where animals are boarded only in conjunction with the provision of veterinary care.
- (143) **Livestock.** Domestic animals traditionally used in Wisconsin in the production of food, fiber or other animal products, and includes cattle, swine, poultry, sheep and goats. The term "livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- (144) **Livestock Facility.** A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of forty-five (45) days or more in any twelve (12) month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this Chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility".
- (145) **Livestock Structure.** A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or animal waste storage structure. Livestock structure does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
- (146) **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (147) **Lodging House.** A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- (148) **Lot.** A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Code as pertaining to the district wherein located.
- (149) **Lot Area.** The area of contiguous land bounded by lot lines, exclusive of land designated for public thoroughfares.
- (150) **Lot, Corner.** A lot situated at the intersection of two (2) streets.
- (151) **Lot Coverage (residential).** The area of a lot occupied by the principal building or buildings and accessory building.
- (152) **Lot Coverage (except residential).** The area of a lot occupied by the principal building or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.

- (153) **Lot, Interior.** A lot with frontage on only one (1) street.
- (154) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (155) **Lot, Substandard.** A parcel of land held in separate ownership having frontage on a public street, or other officially approved access, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking area, or other open space provisions of this Chapter.
- (156) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- (157) **Lot Depth.** The shortest horizontal distance between the front lot line and the rear lot line measured at a ninety (90) degree angle from the road right-of-way.
- (158) **Lot Line.** Legally established lines dividing one (1) lot, plot of land or parcel of land from an adjoining lot or plot of land or parcel of land as defined herein.
- (159) **Lot Line, Front.** A line separating the lot from the street or approved private road.
- (160) **Lot Line, Rear.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line ten (10) feet in the length within the lot, parallel to and at the maximum distance from the front lot line.
- (161) **Lot Line, Side.** Any lot boundary line not a front line or a rear lot line.
- (162) **Lot of Record.** A lot which has been recorded in the Office of the Register of Deeds prior to the effective date of this Chapter.
- (163) **Lot Width.** The horizontal distance between the side lot lines at the building setback line.
- (164) **Lumber Yard and Warehouse.** An area used for the storage, distribution, and sale of finished or rough cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products or firewood.
- (165) **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.
- (166) **Marquee or Canopy.** A roof-like structure of a permanent nature which projects from the wall of a building.
- (167) **Manufactured Dwelling.** A dwelling structure or component thereof as is defined in Sec. 20.07(52), Wis. Adm. Code, One- and Two-Family Uniform Dwelling insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.
- (168) **Manufactured Home.** A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation at the building site and certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:

- a. Is set on an enclosed foundation in accordance with Sec. 70.43(1), Wis. Stats., and SPS 321, Subchapters III, IV and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - b. Is installed in accordance with the manufacturer's instructions;
 - c. Is properly connected to utilities;
 - d. Has an area of at least eight hundred (800) square feet of living space, with a minimum of twenty-four (24) square feet in width in its smallest horizontal dimension, exclusive of attached garage, carport or open deck, and is used exclusively as a single-family residence; and
 - e. Meets other applicable standards of this Chapter.
- (169) **Manufacturing.** The processing and converting of raw, unfinished, or finished materials or products, or any of these into an article or substance of different character, or for use for a different purpose; also includes industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.
- (170) **Manure Pit.** A structure or earthen pond located outside of a barn or shelter and used for containment of manure and other wastes from livestock and poultry.
- (171) **Mini-Warehouse.** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.
- (172) **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.
- (173) **Mobile Home.** A manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.
- (174) **Mobile Home (see also Manufactured Home).** That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this Section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as defined above.

Note: Mobile Homes vs. Modular Homes

"Mobile homes" have been required to follow construction standards, including heating, electrical and plumbing, since 1976 through a Federal Housing and Urban Development (HUD) program. In Wisconsin this is administered under contract by the Division of Safety and Buildings, Wisconsin Department of Commerce. The current proper and legal term for mobile homes is "manufactured homes". While the manufactured home itself is not covered by the Wisconsin Uniform Dwelling Code (UDC), any site-built addition to that home, such as a basement, crawl space or room addition attached to the home, does have to be constructed to meet the requirements of the UDC if the manufactured home was built after June 1, 1980.

While manufactured homes are constructed to the HUD construction standards, "manufactured dwellings" must meet the UDC standards. Such non-HUD factory-built homes are referred to as "manufactured dwellings". However, double-wide manufactured mobile homes often are similar in appearance to modular homes. For purposes of identification, a manufactured (mobile) home is identified with a red metal rectangular label affixed to the rear of each full or half unit. This indicates the home has been constructed in accordance with the HUD manufactured home standards. In contrast, a modular home or manufactured dwelling will be identified with a red plastic sticker, called a "Wisconsin Insignia", imprinted with the outline of the State of Wisconsin. It will usually be affixed to the electrical panel, vanity base cabinet or kitchen cabinet. Inspectors must first identify what they are looking at before applying the applicable code regulations.

- (175) **Mobile Home Lot.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (176) **Mobile Home Community.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation, and where individual lots are rented to individual mobile home users. A mobile home community is also any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreations and other community service facilities designed for the exclusive use of community occupants.
- (177) **Mobile Home Subdivision.** A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any Village Land Division Ordinance, with lots intended for

the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home communities.

- (178) **Modular Unit.** A prefabricated, detached single- or double-family dwelling unit designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, which is or was designed to be transported and mounted on a permanent foundation.
- (179) **Motel.** A building containing lodging rooms having adjoining individual bathrooms, and where each lodging has a doorway opening directly to the outdoors, and more than fifty percent (50%) of the lodging rooms are for rent to transient tourists for a continuous period of less than thirty (30) days.
- (180) **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.
- (181) **Navigable Waters.** Has the meaning in Section 30.01(4m), Wis. Stats.
- (182) **New Livestock Facility.** A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least five (5) years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five (5) years.
- (183) **Nonconforming Lot.** A lot of record existing on the date of passage of this Chapter which does not have the minimum width or contain the minimum area for the zone in which it is located.
- (184) **Nonconforming Structure.** A dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one (1) or more of the development regulations in the current zoning ordinance. [See Section 62.23(7)(hb)b, Wis. Stats.]
- (185) **Nonconforming Use.** A use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance. [See Section 62.23(7)(ab), Wis. Stats.]
- (186) **Nonmetallic Mining.** Operations or activities for the extraction from the earth for the sale or use by the operator of mineral aggregates or nonmetallic minerals such as stone, sand, gravel, asbestos, beryl, clay, feldspar, peat, talc, topsoil, including such operations or activities such as excavation, grading, and dredging.
- (187) **Nuisance.** An injurious effect on the safety, health, or morals of the public, or use of property which works some substantial annoyance, inconvenience, or injury to the public and which causes hurt, inconvenience or damage.
- (188) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (189) **Nursery School.** Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.

- (190) **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.
- (191) **Official Letter of Map Amendment.** Official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
- (192) **Operator.** A person who applies for or holds a local approval for a livestock facility.
- (193) **Ordinary Maintenance and Repair.** Any work done on a nonconforming structure that does not constitute expansion, structural alteration or reconstruction and does not involve the replacement, alteration or improvement of any portion of the structure's foundation.
- (194) **Other Official Approved Access.** A private road or easement extending from a private property to a component of the public street system which the Village Board has approved as a primary means of access.
- (195) **Outlot.** A lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.
- (196) **Parcel Delivery Service.** A business engaged in the transportation and delivery of goods from a manufacturer, retailer or shipper to receivers, and which may provide for temporary storage of goods awaiting delivery or collection.
- (197) **Parking Area, Semi-Public.** An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- (198) **Parking Lot.** A structure or premises containing five (5) or more parking spaces open to the public.
- (199) **Parties in Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (200) **Party Wall.** A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above, and which separates contiguous buildings but is in joint use for each building.
- (201) **Person.** An individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.
- (202) **Places of Assembly.** Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.
- (203) **Planned Unit Development.** A large lot or tract of land containing two (2) or more principal buildings of uses developed as a unit where such buildings or uses may be located in relation to each other rather than to a lot line or zoning district boundaries.
- (204) **Populate (Animals).** To add animal units for which a permit or other local approval is required.

- (205) **Porch.** A building walkway with a roof over it, providing access to a building entrance.
- (206) **Private Individual Sewage Treatment System.** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same lot as the structure. This term includes alternative sewage systems, substitutes for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (207) **Private Individual Water System.** A system supplying water for human consumption with a well and pump serving a single structure located on the same lot as the structure. This term includes alternative water supply systems, substitutes for the well or pump, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (208) **Professional Home Offices.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, tradesmen, authors, musicians or other recognized professions used to conduct their professions. Tradesmen shall be defined as a person or persons who hold themselves out with a particular skill including, but not limited to, carpenters, masons, plumbers, electricians, roofers and others involved in the building trade.
- (209) **Property Line.** A line that separates parcels of land owned by different persons.
- (210) **Qualified Nutrient Management Planner.** A person qualified under ATCP 50.48, Wis. Adm. Code.
- (211) **Quarrying.** The removal of mineral aggregates, topsoil or other natural materials from the earth by excavating, stripping or any other mining process.
- (212) **Racetrack.** A facility or track operated where vehicles of any type competitively race, whether for compensation or not.
- (213) **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.
- (214) **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 street yard or one (1) of the street yards on a corner lot.
- (215) **Reasonable Accommodation.** Allowing a disabled person to deviate from the strict requirements of the Village's zoning ordinances if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.
- (216) **Recreational Vehicle.** Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications:

- a. Is not used as the permanent residence of the owner or occupant;
- b. Is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities;
- c. Is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities;

Examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pickup campers, camping buses, and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations. Manufactured or mobile homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "recreational vehicles". The term "recreational vehicle" does not include a temporarily placed "manufactured" or "mobile" home.

- (217) **Recreational Vehicle Camp.** A part, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any recreational vehicles as defined herein, and upon which said recreational vehicles are parked.
- (218) **Recycling Center.** A facility designed to be a collection point where only recyclable materials are sorted and temporarily stored prior to shipment to others who will use those materials for reuse and/or processing into new products. This shall not include junk yards.
- (219) **Regional Flood.** This regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years; this means that in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence.
- (220) **Related Livestock Facilities.** Livestock facilities that are owned or managed by the same person, and related to each other in at least one (1) of the following ways:
 - a. They are located on the same tax parcel or adjacent tax parcels of land. (Note: A mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities).
 - b. They use one (1) or more of the same livestock structures to collect or store manure.
 - c. At least a portion of their manure is applied to the same landscaping acreage.
- (221) **Restaurant.** A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.
- (222) **Restaurant, Drive-in.** A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to be eaten either off the premises or within automobiles parked on the premises.

- (223) **Retail.** The sale of goods or merchandise in small quantities to the consumer.
- (224) **Roadside Stand.** A building or part of a building no more than five hundred (500) square feet used for the retail sale of agricultural and related incidental products, excluding livestock, produced on the farm where the stand is located. There shall be no more than one (1) such stand on any one premises.
- (225) **Sanitary Landfill.** A land disposal facility where solid waste is disposed on land by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to its smallest practical volume, and to cover it with a layer of earth or other approved material as required.
- (226) **School, Private.** An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for the mentally handicapped or a college or other institution of higher learning.
- (227) **School, Commercial.** A school limited to special instruction such as business, art, music trades, handicraft, dancing or riding.
- (228) **Seat.** Furniture upon which to sit having a linear measurement not less than twenty-four (24) inches across the surface used for sitting.
- (229) **Separate Species Facility.** A livestock facility that meets all of the following criteria:
 - a. It has only one (1) of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related. (Note: See also definition for "related livestock facility"):
 - 1. Cattle.
 - 2. Swine.
 - 3. Poultry.
 - 4. Sheep.
 - 5. Goats.
 - b. It has no more than five hundred (500) animal units.
 - c. Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
 - d. It meets one (1) of the following criteria:
 - 1. Its livestock housing and manure storage structures, if any, are located at least seven hundred and fifty (750) feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
 - 2. It and the other livestock facilities to which it is related have a combined total of fewer than one thousand (1,000) animal units.
- (230) **Setback.** The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang

cornices shall not exceed twenty-four (24) inches. Any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.

- (231) **Signs.** Any medium, including its structure, 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.
- (232) **Site Plan.** Includes but is not limited to a drawing to scale of not less than one (1) inch equals fifty (50) feet, showing all physical aspects such as buildings, setback dimensions, sidewalks, driveways, playgrounds, parking, and so forth which pertain to the proposed development and its relation to the surrounding area in conformance to the zoning of the area in which the development will exist.
- (233) **Stable, Commercial.** A building or land where horses are kept for remuneration, hire, sale, boarding, riding or show.
- (234) **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (235) **Story, Half.** That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (236) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (237) **Street Yard.** A yard extending across the full width of the lot, the depot of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) street yards.
- (238) **Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (239) **Structural Component.** Any part of the framework of a building or other structure. The structural components of a building's exterior walls include the vertical studs, top and bottom plates, and window and doorsills and headers. A structural component may be non-loadbearing, such as the framework of a wall at the gable end of a one-

story house. Wall coverings, such as siding on the exterior and dry wall on the interior, are not included in the definition of structural component.

- (240) **Structural Erosion Control Measure.** A retaining wall or other man-made structure whose primary function is to control erosion.
- (241) **Structure.** Any man-made object with form, shape and utility, that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, a river bed, stream bed or lake bed or upon another structure. Structure includes swimming pools, hot tubs, patios, decks and retaining walls, but does not include landscaping or earthwork such as graded areas, filled areas, ditches, berms or earthen terraces. Structure does not include small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, birdhouses and birdbaths.
- (242) **Substantial Evidence.** Facts and information, other than mere personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- (243) **Temporary Structure.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (244) **Tent or Hoop-Supported Structure.** Any structure, building, enclosure, canopy, or tent top, with or without full sidewalls, temporary or permanent, primarily constructed of a frame of any material covered by a fabric of natural or synthetic material, whether opaque, translucent, or transparent, but does not include:
 - a. Family or individual camping tents used by the resident of the lot and the resident's non-paying guests for camping activities.
 - b. Party tents or canopies erected for a party or event.
 - c. Screen tents or picnic canopies of the type usually used to shelter a family picnic table or outdoor furniture.
- (245) **Tourist Camp.** A tract or parcel of land on which one (1) or more automobile trailers, tents or camp cabins are located, open to the public free or for a fee.
- (246) **Transmission Services.** Electric power lines, telephone and telegraph lines, communication towers, cables, sewage lift stations, sewer and water pipes, and other pipes, conduits and accessory structures that are used to transport power, convey information or transport material between two (2) points, other than wireless communication service facilities.
- (247) **Use.** The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (248) **Use, Accessory.** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.

- (249) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (250) **Use, Principal.** The main use of land or building as distinguished from subordinate or accessory use.
- (251) **Utilities.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (252) **Utility Building or Structure.** An accessory building used for storage of gardening or home-related supplies of limited size not exceeding ten by fourteen (10 x 14) feet and no greater than nine (9) feet in height.
- (253) **Utility Room.** A room or area in the home used for the mechanicals of the home (furnace, water heater, water softener).
- (254) **Value Added Agriculture.** A small commercial, manufacturing or service operation, which is accessory to an agricultural use. Examples of value added agriculture include, but are not limited to, small scale food processing, handcrafting, agriculture-related product packaging and marketing, and agricultural tourism. These farm-based activities cannot exceed a certain size and scale, but may involve new structures. Additional permits and licenses may be required to carry on these activities.
- (255) **Variance.** A relaxation of the terms of this Chapter by the Zoning Board of Appeals where the literal enforcement of this Chapter would deny to the property owner a use of his/her property enjoyed as a right by other property owners within the same zoning district.
- (256) **Vehicle, Motor.** Every device in, upon or by which any person or property is or may be transported.
- (257) **Vending Machine.** A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.
- (258) **Vision Setback Area.** An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from this intersection as specified in this Chapter.
- (259) **Wall, Retaining.** A structure designed to resist the lateral displacement of soil or other materials.
- (260) **Warehouse.** A single unit building used primarily for the holding or storage of goods and merchandise.

- (261) **Waste.** Manure, milking center waste, and other organic waste generated by a livestock facility.
- (262) **Waste Storage Facility.** One (1) or more waste storage structures, and includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.
- (263) **Waste Storage Structure.** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. Pursuant to the purposes of ATCP 51.12(2) and 51.14, Wis. Adm. Code, "waste storage facility" does not include any of the following:
 - a. A structure used to collect and store waste under a livestock housing facility.
 - b. A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.
- (264) **Wastewater Treatment Facility.** The structures, equipment and ponds used to collect and process wastewater.
- (265) **Winter Grazing Area.** Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. "Winter grazing area" does not include any of the following:
 - a. An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
 - b. An area which at any time has an average of more than four (4) livestock animal units per acre.
 - c. An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
 - d. An area in which manure deposited by livestock causes nutrient levels to exceed the standards in ATCP 51.16, Wis. Adm. Code.
- (266) **WPDES Permit.** A Wisconsin pollutant discharge elimination permit issued by the Wisconsin Department of Natural Resources under NR 243, Wis. Adm. Code.
- (267) **Yard.** An open space on the same lot with a building, unobstructed by structures except as otherwise provided herein.
- (268) **Yard, Front.** A yard extending the full width of the lot between the front lot line and the nearest part of the principal building excluding uncovered steps. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimensions.
- (269) **Yard, Rear.** A yard extending the full width of the lot between the rear lot line to the nearest part of the principal building.
- (270) **Yard, Side.** A yard on each side of the principal building extending from the building to the lot line and from the front yard line to the rear yard line.

- (271) **Yard, Street.** Yard abutting a street.
- (272) **Yard, Transitional.** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.
- (273) **Zero Lot Line.** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.
- (274) **Zoning Permit.** A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.