

TITLE 13

Land Use Regulations

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Zoning Code

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Article A: Introduction

Sec. 13-1-1 Authority.

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

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

Sec. 13-1-2 Title.

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

Sec. 13-1-3 General Purpose.

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

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

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

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;

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- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
- (i) Preserve and protect the beauty of the Village of Cadott;
- (j) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Cadott;
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

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

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

Sec. 13-1-6 Interpretation.

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

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

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

- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

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

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

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

Article B: General Provisions

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

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Cadott.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **Yard Reduction or Joint Use.**
 - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
 - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required for another building.
- (e) **One Main Building per Lot.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
- (f) **Lots Abutting More Restrictive District.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.

Sec. 13-1-11 Use Regulations.

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

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Village Board in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.

- (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Village Board for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - (3) Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
 - (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
 - (5) Limited conditional uses authorized by Village Board resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
- (d) **Uses Not Specified in Code.**
- (1) Uses not specified in this Chapter which are found by the Village Board to be sufficiently similar to specified permitted uses for a district shall be allowed by Zoning Administrator.
 - (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board after consideration and recommendation by the Village Board, public hearing and approval in accordance with Article E of this Chapter.

Sec. 13-1-12 Site Regulations.

- (a) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of fifty (50) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
- (b) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. Basement dwellings, garage dwellings or trailer dwellings shall not be used for dwelling purposes except as specifically provided in this Chapter; this is not intended to prevent use of the basement of a completed residence for dwelling purposes. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.

- (c) **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (d) **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (e) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Village Board, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.
- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (g) **Decks.** For purposes of this Chapter, decks and porches shall be considered a part of a building or structure.

Sec. 13-1-13 Height and Area Exceptions.

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

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

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- (b) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the height regulations of this Code and may be erected in accordance with other regulations or codes of the Village.
- (c) Residences in the residence district may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot when such building exceeds the height limit of the district in which it is located.
- (d) Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.
- (e) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than thirty-six (36) inches.
- (f) Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet and into a required court not more than three and one-half (3-1/2) feet, provided it be so located as not to obstruct light and ventilation.

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

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

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

Article C: Zoning Districts

Sec. 13-1-20 Zoning Districts Designated.

- (a) For the purpose of this Chapter, the Village of Cadott is hereby divided into the following thirteen (13) zoning districts:
 - (1) R-1 Single-Family Residential District (Low Density)
 - (2) R-2 Single-Family Residential District (Medium Density)
 - (3) R-3 Two-Family Residential District
 - (4) R-4 Multiple-Family Residential District
 - (5) R-5 Mobile Home Residential District
 - (6) C-1 Conservancy District
 - (7) B-1 General Commercial District
 - (8) B-2 Highway Commercial District
 - (9) B-3 Business Park District
 - (10) I-1 Industrial District
 - (11) A-1 Agricultural District (Non-Livestock)
 - (12) A-2 Agriculture Enterprise District
 - (13) PF Public Facilities District

Sec. 13-1-21 District Boundaries.

- (a) **Zoning Map.** The boundaries of the districts enumerated in Section 13-1-20 above are hereby established as shown on a map entitled "Zoning Map, Village of Cadott, Wisconsin," which is adopted by reference and made a part hereof. The map shall bear upon its face the attestation of the Village President and the Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk-Treasurer.
- (b) **Boundary Lines.** The boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended unless otherwise noted on the Zoning Map.
- (c) **Vacation.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (d) **Annexations and Consolidations.** Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the A-1 Agricultural District unless the annexation ordinance temporarily placed the land in another district.

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

- (a) **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a low dwelling unit per acre density.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-1 District:
 - (1) Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The manufactured home shall be a double wide with nine hundred sixty (960) square feet.
 - b. The manufactured home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the manufactured home.
 - c. The manufactured home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The manufactured home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The manufactured home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Cadott.
 - (3) One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-140 specifications.
 - (4) Accessory uses and buildings as follows:
 - a. Gardening, tool and storage sheds incidental to the residential use, not to exceed four hundred (400) square feet.
 - b. Off-street parking facilities.
 - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - d. Signs as permitted by Village ordinances.
 - (5) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
 - (6) Foster family care.
 - (7) Home occupations and professional home offices.

- (8) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (9) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the R-1 District:
 - (1) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
 - (2) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
 - (3) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
 - (4) Bed and breakfast inns [7011].
 - (5) Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.
 - (6) Public utility structures, except those incompatible with the characteristics of the district.
 - (7) Agricultural and gardening uses, except those incompatible with the characteristics of the district, such as the raising of livestock.
 - (8) Parks and playgrounds.
 - (9) Planned residential developments.
 - (10) Golf courses and private clubs.
 - (11) Barbering and beauty culture.
 - (12) Sewage disposal facilities.
 - (13) Nursery schools.
- (d) **Area, Height and Yard Requirements.**
 - (1) **Lot.**
 - a. Area: Minimum nine thousand six hundred (9,600) square feet; twenty thousand (20,000) square feet without public sewer.
 - b. Width: Minimum eighty (80) feet.
 - (2) **Building Height.** Maximum thirty-five (35) feet.
 - (3) **Yards.**
 - a. Street: Minimum twenty-five (25) feet.
 - b. Rear: Minimum ten (10) feet.
 - c. Side: Minimum ten (10) feet each side; twenty (20) feet total.
 - (4) **Minimum Floor Area.** Nine hundred sixty (960) square feet.

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

- (a) **Purpose.** The purpose of the R-2 District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a medium dwelling unit per acre density. It particularly reflects older neighborhoods in the Village.

- (b) **Permitted Uses.** The following uses of land are permitted in the R-2 District:
- (1) Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The manufactured home shall be a double wide with nine hundred sixty (960) square feet.
 - b. The manufactured home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the manufactured home.
 - c. The manufactured home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The manufactured home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The manufactured home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Cadott.
 - (3) One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-140 specifications.
 - (4) Accessory uses and buildings as follows:
 - a. Gardening, tool and storage sheds incidental to the residential use, not to exceed three hundred (300) square feet.
 - b. Off-street parking facilities.
 - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - d. Signs as permitted by Village of Cadott ordinances.
 - (5) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
 - (6) Foster family care.
 - (7) Home occupations and professional home offices.
 - (8) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
 - (9) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the R-2 District:
- (1) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.

- (2) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
- (3) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (4) Bed and breakfast inns [7011].
- (5) Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.
- (6) Public utility structures, except those incompatible with the characteristics of the district.
- (7) Agricultural and gardening uses, except those incompatible with the characteristics of the district, such as the raising of livestock.
- (8) Parks and playgrounds.
- (9) Planned residential developments.
- (10) Golf courses and private clubs.
- (11) Barbering, beauty culture and hair styling.
- (12) Sewage disposal facilities.
- (13) Nursery schools.
- (14) Boarding or rooming houses provided the conditional use standards of this Chapter and the following requirements are met:
 - a. No boarding or rooming house may contain or be occupied by more than ten (10) boarders.
 - b. One (1) off-street parking space shall be provided for every two (2) sleeping rooms contained in each residence in addition to the parking required for the manager or permanent household.
 - c. Not more than one (1) non-illuminated sign advertising lodging or boarding not to exceed one (1) square foot in area shall be permitted on the lot or building on which the rooming house is located.
 - d. The maximum lot area required shall be as specified in the zoning district in which the boarding or rooming house is located, plus five hundred (500) square feet for each sleeping room, provided beyond that which is required for the owner or managers.
 - e. The boarding or rooming house must meet all other applicable state, county, or village codes and regulations.

(d) **Area, Height and Yard Requirements.**

(1) **Lot.**

- a. Area: Minimum eight thousand five hundred (8,500) square feet; twenty thousand (20,000) square feet without public sewer.
- b. Width: Minimum eighty (80) feet.

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

(3) **Yards.**

- a. Street: Minimum twenty-five (25) feet.

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- b. Rear: Minimum twenty-five (25) feet.
- c. Side: Minimum eight (8) feet each side; twenty (20) feet total.
- (4) **Minimum Floor Area.** Nine hundred sixty (960) square feet.

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

- (a) **Purpose.** The purpose of the R-3 District is to provide the opportunity for construction and maintenance of primarily two-family dwelling units.
- (b) **Permitted Uses.**
 - (1) Two-family dwellings (duplex).
 - (2) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
 - (3) Foster family care.
 - (4) Home occupations and professional home offices.
 - (5) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
 - (6) Uses customarily incident to any of the above permitted uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.**
 - (1) Parks and playgrounds.
 - (2) Multiple family dwellings.
 - (3) Golf courses and private clubs.
 - (4) Planned residential developments.
 - (5) Barbering and beauty culture.
 - (6) Lodge and fraternal buildings.
 - (7) Nursing home.
 - (8) Nursery schools and day care centers.
 - (9) Retirement homes.
 - (10) Utilities.
 - (11) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
 - (12) Schools and churches.
 - (13) Government, cultural and public buildings or uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.
 - (14) Sewage disposal facilities.
 - (15) Single-family homes.
- (d) **Area, Height and Yard Requirements.**
 - (1) **Lot.**
 - a. Area: Minimum six thousand (6,000) square feet per unit; twenty thousand (20,000) square feet without public sewer.

- b. Width: Minimum eighty (80) feet.
- (2) **Building Height.** Maximum thirty-five (35) feet.
- (3) **Yards.**
 - a. Street: Minimum twenty (20) feet.
 - b. Rear: Minimum thirty (30) feet.
 - c. Side: Minimum ten (10) feet each side.

Sec. 13-1-25 R-4 Multiple-Family Residential District.

- (a) **Purpose.** The purpose of the R-4 District is to provide the opportunity for construction and maintenance of multiple-family dwelling units at varying dwelling units per acre densities.
- (b) **Permitted Uses.**
 - (1) Two-family dwellings (duplex).
 - (2) Multiple-family dwellings.
 - (3) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.**
 - (1) Parks and playgrounds.
 - (2) Professional home offices.
 - (3) Planned residential developments.
 - (4) Golf courses and private clubs.
 - (5) Barbering and beauty culture.
 - (6) Sewage disposal facilities.
 - (7) Utilities.
 - (8) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
 - (9) Schools and churches.
 - (10) Government, cultural, and public uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.
 - (11) Home occupations.
 - (12) Nursery schools.
 - (13) Agricultural activities.
 - (14) Retirement homes.
 - (15) Colleges and fraternities.
 - (16) Single-Family dwellings.
 - (17) Day care centers (state licensed).

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(d) **Area, Height and Yard Requirements.**

(1) **Lot.**

a. Area:

1. Single-family dwellings: Eight thousand five hundred (8,500) square feet.
2. Two-family dwellings: Six thousand (6,000) square feet per family.
3. Multi-family (over two): Three thousand five hundred (3,500) square feet per family.

b. Width: Minimum eighty (80) feet.

(2) **Building Height.** Maximum forty-five (45) feet.

(3) **Yards.**

a. Street: Minimum thirty (30) feet.

b. Rear: Minimum thirty (30) feet.

c. Side: Minimum ten (10) feet each side.

(4) **Minimum Floor Area.**

a. Three-bedroom apartments: One thousand (1,000) square feet.

b. Two-bedroom apartments: Eight hundred (800) square feet.

c. One-bedroom apartments: Six hundred (600) square feet.

(e) **Other Development Regulations.**

(1) A site development plan, prepared in accordance with Section 13-1-154 of this Chapter, shall be submitted before a permit can be granted for any use in this District.

(2) No outdoor storage of any material shall be permitted in this District except within enclosed containers.

(3) No lighting shall be permitted which would glare from this District onto any street right-of-way or onto any adjacent property.

Sec. 13-1-26 R-5 Mobile Home Residential District.

(a) **Purpose.** The R-5 Mobile Home Residential District is intended to provide for the mobile home residential needs of the community at a comparatively high density in areas that have community services available.

(b) **Permitted Uses.** Land may be used for the location of mobile homes and buildings or structures may be erected, altered, enlarged or used for only one (1) or more of the following purposes:

(1) Mobile home parks subject to the requirements of the Wisconsin Administrative Code and this Code of Ordinances.

(2) One (1) private garage for each mobile home.

(3) Playgrounds and recreational areas.

(4) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.

(5) Uses customarily accessory to any of the preceding permitted uses.

- (c) **Area and Height Regulations.** No mobile home shall be located, and no building shall be erected or structurally altered, unless the following area requirements and yards are provided; no structure shall exceed the maximum height specified:
- (1) The minimum parcel size per mobile home shall not be less than six thousand five hundred (6,500) square feet for each unit.
 - (2) There shall be a rear yard of not less than ten (10) feet. Accessory buildings and structures may be placed in the rear yard, but not less than ten (10) feet from the rear property line.
 - (3) There shall be a front yard of not less than twenty-five (25) feet from the right-of-way line.
 - (4) There shall be a side yard provided on each side of the lot of not less than ten (10) feet except that private garages shared by two (2) parcels may straddle the lot line.
 - (5) The minimum parcel width shall be sixty (60) feet at the building line.
 - (6) No building or structure shall exceed a height of thirty-five (35) feet in this District.
- (d) **Other Development Regulations.**
- (1) A site development plan, prepared in accordance with Section 13-1-154 of this Chapter, shall be submitted before a permit can be granted for any use in this District.
 - (2) No outdoor storage of any material shall be permitted in this District except within enclosed containers or buildings.
 - (3) No lighting shall be permitted which would cause excessive glare from a unit(s) in this District onto any street right-of-way or onto any adjacent property.
 - (4) No mobile home over fifteen (15) years of age (from date of manufacture) shall be placed on any parcel within a mobile home community/park in a R-5 District. A mobile home placement permit from the Village shall be obtained before any mobile home is placed on a lot. The application shall provide information confirming the date of manufacture of the mobile home unit, accompanied by the fee prescribed in Section 1-3-1. The owner of a mobile home over fifteen (15) years of age may apply for a mobile home placement permit, provided that the unit is first inspected by the Village Building Inspector, or his/her designee, who shall make a determination as to whether a mobile home placement permit should be issued based on the unit's condition and fitness for human habitation. Such inspection shall occur before the mobile home is placed on a lot at a location designated by the Building Inspector or his/her designee. The applicant shall be responsible for the cost of said inspection. Any determinations made under this Subsection may be appealed to the Zoning Board of Appeals.
 - (5) Each day that a mobile home is placed on a lot without the owner thereof first obtaining a mobile home placement permit and/or the required pre-placement inspection taking place in violation of the requirements of Subsection (d)(4) above is a violation of this Section. Each day of non-compliance is a separate violation subject to the general penalty provisions of Section 1-1-6 of this Code of Ordinances until the

violation is corrected. In addition, after thirty (30) days of non-compliance, the Village Board may order that the mobile home in violation of Subsection (d)(4) above be removed from the lot and be placed in storage at a location determined by the Village Board. The owner of the lot and/or mobile home unit shall receive written notice of the Village Board meeting at which such action will be considered. The owner of such mobile home and/or lot shall be liable for all costs associated with the removal and storage of the mobile home, which, upon nonpayment of such costs by its owner, such costs shall become a special charge on the lot property pursuant to Sec. 66.0627, Wis. Stats. Said mobile home may be reclaimed by its owner upon the payment of all outstanding forfeitures and special charges. The Village of Cadott reserves the right to dispose of the mobile home after its owner has failed to pay all outstanding forfeitures and special charges involving such mobile home following written notice to the unit's owner.

Sec. 13-1-27 C-1 Conservancy District.

- (a) **Purpose.** The purpose of this District is to preserve, protect, and maintain the natural environment and character of areas exhibiting significant natural resource features which contribute to the productive, recreational, or aesthetic value of the community.
- (b) **Permitted Uses.**
 - (1) Farming and related agricultural uses when conducted in accordance with conservation standards.
 - (2) Forest and game management.
 - (3) Hunting, fishing and hiking.
 - (4) Parks and recreation areas; arboreta; botanical gardens; greenways.
 - (5) Stables.
 - (6) Non-telecommunications utilities.
 - (7) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
 - (8) Non-residential buildings used solely in conjunction with the raising of water, fowl or fish.
 - (9) Harvesting of wild crops.
 - (10) Recreation related structures not requiring basements.
- (c) **Conditional Uses.**
 - (1) Animal hospitals, shelters and kennels.
 - (2) Archery and firearm ranges, sports fields and skating rinks.
 - (3) Land restoration, flowage, ponds.
 - (4) Golf courses and clubs.
 - (5) Ski hills and trails.

- (6) Yacht clubs and marinas.
 - (7) Recreation camps.
 - (8) Public and private campgrounds.
 - (9) Riding stables.
 - (10) Planned residential developments.
 - (11) Sewage disposal plants.
 - (12) Governmental, cultural and public buildings or uses.
 - (13) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
 - (14) Hunting and fishing clubs.
 - (15) Professional home offices.
 - (16) Farm structures.
- (d) **Area, Height and yard Requirements.**
- (1) **Lot.**
 - a. Area: Minimum one and one-half (1-1/2) acres.
 - b. Width: Minimum one hundred fifty (150) feet.
 - (2) **Building Height.** Maximum thirty-five (35) feet.
 - (3) **Other Structures Height.** Maximum one-half (1/2) the distance from the structures nearest lot line.
 - (4) **Yards.**
 - a. Street: Minimum twenty (20) feet.
 - b. Rear: Minimum twenty (20) feet.
 - c. Side: Minimum twenty (20) feet except structures used for the housing of shelters of animals must be one hundred (100) feet from lot lines.

Sec. 13-1-28 B-1 Business District.

- (a) **Purpose.** The B-1 District is intended to provide an area for the business, financial, professional, and commercial needs of the community.
- (b) **Permitted Uses.** The following uses of land are permitted in the B-1 District:
 - (1) Paint, glass and wallpaper stores. [523]
 - (2) Hardware stores. [525]
 - (3) Department stores, variety stores, general merchandise stores. [53]
 - (4) General grocery stores, supermarkets, fruit and vegetable stores, delicatessens, meat and fish stores and miscellaneous food stores. [54]
 - (5) Candy, nut or confectionery stores. [544]
 - (6) Dairy products stores, including ice cream stores. [545]
 - (7) Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products

- primarily for sale through outlets located elsewhere or through home service delivery. [546]
- (8) Clothing and shoe stores. [56]
- (9) Furniture, home furnishings, floor covering and upholstery shops/stores. [57]
- (10) Restaurants, lunch rooms and other eating places, except drive-in type establishments. [5812]
- (11) Taverns, bars and other drinking places with permit by Village Board. [5813]
- (12) Drug stores and pharmacies. [591]
- (13) Liquor stores. [592]
- (14) Antique stores and secondhand stores. [593]
- (15) Sporting goods stores and bicycle shops. [5941]
- (16) Bookstores, not including adult books. [5942]
- (17) Stationery stores. [5943]
- (18) Jewelry and clock stores. [5944]
- (19) Camera and photographic supply stores. [5946]
- (20) Gift, novelty and souvenir shops. [5947]
- (21) Florist shops. [5992]
- (22) Tobacco and smokers' supplies stores. [5993]
- (23) News dealers and newsstands. [5994]
- (24) Wholesale merchandise establishments, only for retail items listed above; e.g., #19 would allow wholesale camera sales.
- (25) Banks and other financial institutions. [60-62]
- (26) Offices of insurance companies, agents, brokers and service representatives. [63-64]
- (27) Offices of real estate agents, brokers, managers and title companies. [65-67]
- (28) Miscellaneous business offices.
- (29) Heating and plumbing supplies.
- (30) Retail laundry and dry cleaning outlets, including coin-operated laundries and dry cleaning establishments, commonly called laundromats and launderettes. Tailor shops, dressmakers' shops, and garment repair shops, but not garment pressing establishments, hand laundries, or hat cleaning and blocking establishments. [721]
- (31) Photographic studios and commercial photography establishments. [722]
- (32) Barbershops, beauty shops and hairdressers. [723-4]
- (33) Shoe repair shops and shoe shine parlors. [725]
- (34) Trade and contractor's offices (office only).
- (35) Advertising agencies, consumer credit reporting, news agencies, employment agencies. [731-2, 735-6]
- (36) Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services; small print shops. [733]
- (37) Computer services. [737]
- (38) Commercial parking lots, parking garages, parking structures. [752]

- (39) Watch, clock and jewelry repair services. [763]
- (40) Motion picture theaters, not including drive-in theaters. [7832]
- (41) Miscellaneous retail stores. [5999]
- (42) Offices/clinics of physicians and surgeons, dentists and dental surgeons, osteopathic physicians, optometrists and chiropractors, but not veterinarian's offices. [801-4]
- (43) Law offices. [811]
- (44) The offices, meeting places, churches, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other non-profit membership organizations. [86]
- (45) Engineering and architectural firms or consultants. [891-3]
- (46) Accounting, auditing and bookkeeping firms or services. [8721]
- (47) Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations. [899]
- (48) The offices of governmental agencies and post offices. [91-92, 431]
- (49) Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages. [411-14]
- (50) Telephone and telegraph offices. [481-2]
- (51) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.

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

- (1) Miscellaneous repair shops and related services. [769]
- (2) Garment pressing establishments, hand laundries, hat cleaning and blocking shops and coin-operated dry cleaning establishments. [721]
- (3) Establishments engaged in the publishing and printing of newspapers, periodicals or books. [2711]
- (4) Dwelling units, provided that no dwelling shall be permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
- (5) Farm supplies, wholesale trade. [5191]
- (6) Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers. [551-2, 556]

- (7) Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories. [553]
- (8) Gasoline service stations; provided, further, that all gasoline pumps, storage tanks and accessory equipment must be located at least thirty (30) feet from any existing or officially proposed street line. [5541]
- (9) Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers. [703]
- (10) Establishments engaged in daily or extended-term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers. [751]
- (11) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes. [754]
- (12) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc. [70]
- (13) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.

(d) **Lot, Yard and Building Requirements.**

- (1) **Lot Frontage.** Minimum sixty (60) feet.
- (2) **Lot Area.** Minimum six thousand (6,000) square feet.
- (3) **Principal Building.**
 - a. Front Yard: Minimum twenty-five (25) feet.
 - b. Side Yard: Minimum ten (10) feet.
 - c. Rear Yard: Minimum twenty-five (25) feet.

NOTE: Pre-existing structures may be nonconforming. In blocks in the business districts which are already developed, the dimensional requirements of this Chapter can be modified if in the opinion of the Board of Appeals, such action would be in keeping with the purpose of this Code where a practical difficulty or hardship would result from a literal enforcement of the requirements.

- (4) **Building Height.** Maximum forty-five (45) feet.
- (5) **Percent of Lot Coverage.** Maximum ninety percent (90%).
- (6) **Alley Setback.** Minimum fifteen (15) feet.

(e) **Other Development Regulations.**

- (1) A site development plan, prepared in accordance with Section 13-1-154, shall be submitted before a permit can be granted for any use in this District.
- (2) No outdoor storage of any material shall be permitted in this District except within enclosed containers.
- (3) No lighting shall be permitted which would glare from this District onto any street right-of-way or onto any adjacent property.
- (4) Log stacks are a permitted accessory use in the B-1 District, provided that they are located a minimum of sixty (60) feet from the center of adjacent public road right-of-ways.

Sec. 13-1-29 B-2 Highway Commercial District.

- (a) **Purpose.** The purpose of the B-2 Highway Commercial District is to encourage the growth and development of business activities and establishments which require highway frontage and exposure due to their automobile and vehicular orientations.
- (b) **Permitted Uses.** Except as specified herein, all other uses within the B-2 Highway Commercial District are conditional, requiring a public hearing and consideration of specific site factors and impacts on surrounding land uses. All conditional uses must be approved in accordance with the procedures established in Article E:
 - (1) Governmental, cultural, and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
 - (2) Schools and churches.
 - (3) Public parking lots.
 - (4) Golf courses.
 - (5) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.** The following are specific conditional uses in this Chapter:
 - (1) Amusement activities.
 - (2) Automobile and truck retail services.
 - (3) Automobile repair services.
 - (4) Bars and taverns.
 - (5) Candy, nut and confectionery sales.
 - (6) Gasoline service stations.
 - (7) Gift, novelty and souvenir sales.
 - (8) Hotels, motels and tourist courts.
 - (9) Night clubs and dance halls.
 - (10) Restaurants.
 - (11) Sales, service and installation of tires, batteries and accessories.
 - (12) Residential dwelling units.
 - (13) Animal hospital, shelters and kennels.
 - (14) Yachting clubs and marinas.
 - (15) Public assembly uses.
 - (16) Commercial recreation facilities.
 - (17) Off-season storage facilities.
 - (18) Lodges and fraternal buildings.
 - (19) Nursing homes.
 - (20) Nursery and day care centers.
 - (21) Retirement homes.
 - (22) Drive-in food and beverage establishments.

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- (23) Drive-banks.
 - (24) Drive-in theaters.
 - (25) Vehicle sales and service.
 - (26) Sewage disposal plants.
 - (27) Non-telecommunications utilities.
 - (28) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
 - (29) Mobile home sales.
 - (30) Log stacks, provided that they are located a minimum of sixty (60) feet from the center of adjacent public road right-of-ways.
 - (31) Other uses similar to or customarily incident to any of the above uses.
- (d) **Area, Height and Yard Requirements.**
- (1) Lot.
 - a. Area: Ten thousand (10,000) square feet.
 - b. Width: Minimum sixty (60) feet.
 - (2) **Building Height.** Maximum thirty-five (35) feet.
 - (3) **Yards.**
 - a. Street: Minimum fifty (50) feet (may include parking).
 - b. Rear: Minimum twenty (20) feet.
 - c. Side: Minimum twenty (20) feet each side.

Sec. 13-1-30 B-3 Business Park District.

- (a) **Purpose.** The B-3 Business Park District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, non-nuisance type manufacturing operations and research and development institutions. The essential purpose of this District, is to achieve development, which is an asset to the owners, neighbors and the Village, and to promote and maintain desirable economic development in a park-like setting.
- (b) **Permitted Uses.** The following uses of land are permitted in the B-3 District:
- (1) State-classified manufacturing operations. [20, 23-28, 30, 32-39]
 - (2) Warehousing or distribution operations, not including predominantly retail sales to customers on site. [50-51]
 - (3) Offices of construction firms, shops, display rooms and enclosed storage. [15-17]
 - (4) Laboratories, research, development and testing, and manufacturing and fabrication in conjunction with such research and development and operations. [8071, 8731-34]
 - (5) Service uses, including computer and data processing services, miscellaneous business services, offices (business and professional) and communication services. [73]

- (6) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134. [48]
- (c) **Conditional Uses.** The following are permitted as conditional uses within the B-3 District: [49]
 - (1) Public utilities and public services.
 - (2) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
 - (3) Conference centers and hotel facilities. [701]
 - (4) Ancillary retail sales and service operations that serve employees within the business park.
- (d) **Lot, Yard and Building Requirements.**
 - (1) **Lot Frontage.** Minimum one hundred (100) feet.
 - (2) **Lot Area.** Minimum twenty-one thousand seven hundred eighty (21,780) square feet.
 - (3) **Front Yard.** Minimum twenty-five (25) feet.
 - (4) **Side Yard.** Minimum fifteen (15) feet.
 - (5) **Rear Yard.** Minimum thirty (30) feet.
 - (6) **Building Height.** Maximum thirty-five (35) feet.

* Requirements may be modified by conditional use permit.

- (e) **Other Requirements.** Uses permitted and conditional in the B-3 District are subject to the following requirements:
 - (1) No building or improvement shall be erected, placed or altered on any lands in the B-3 District until the plans for such building or improvement including site, landscaping and building plan and specifications, have been approved by the Village Board. The Village Board shall review and approve, approve conditionally or disapprove such plans with respect to conformity with deed restrictions and protective covenants placed on the land in the B-3 District. The deed restriction and protective covenants must be approved by the Village Board. The approved deed restriction and protective covenants must be recorded on the land prior to rezoning to the B-3 District.
 - (2) Design standards in the B-3 District shall include as a minimum the following standards:
 - a. All uses shall comply with Village performance standards for air pollution, fire and explosive hazards, glare and heat, liquid or solid wastes, noise and vibration, odors, radioactivity and electrical disturbances and refuse.
 - b. All business, servicing or processing, except off-street parking and loading and outside storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings.
 - c. The building coverage on any zoning lot shall not exceed fifty-five percent (55%), nor be less than twenty-five percent (25%).

- d. All areas not covered by buildings or parking lots shall be landscaped subject to detail requirements of restrictive covenants.
- e. All zoning lots abutting residentially zoned districts shall be screened.

Sec. 13-1-31 I-1 Industrial District.

- (a) **Purpose.** The I-1 District is intended to provide an area for manufacturing, marketing, and industrial and agribusiness activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas, or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions, or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.
- (b) **Permitted Uses.** The following are permitted uses within the I-1 District:
 - (1) **Light Industrial and Service Uses.**
 - a. Manufacturing establishments, usually described as factories, mills or plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.
[20, 23-28, 30, 32-39]
 - b. Warehousing and distribution, including refrigerated warehousing and storage.
 - c. Plastic products manufacturing, including plastic injection molding and thermoset molding.
 - d. Automotive body repair.
 - e. Commercial bakeries.
 - f. Commercial greenhouses.
 - g. Food distribution centers.
 - h. Printing and publishing.
 - i. Trade and contractor's facilities and training centers.
 - j. Direct sales in relation to a manufacturing or distribution facility.
 - k. Building construction contractors.
 - l. The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.
 - m. Or similar uses consistent and compatible with permitted uses as determined by the Village Board.
 - (2) **Public Facilities and Uses.**
 - a. Airports, airstrips and landing fields.
 - b. Governmental and public buildings or uses, such as fire and police stations and public emergency shelters.

- c. Or similar uses consistent and compatible with permitted uses as determined by the Village Board.
- (3) Agriculture Related Industry and Service Uses.
 - a. Production of natural and processed cheese.
 - b. Production of creamery butter.
 - c. Drying and dehydrating fruits and vegetables.
 - d. Creameries and dairies.
 - e. Production of flour and other grain mill products; blending and preparing of flour.
 - f. Horticultural services.
 - g. Canning of fruits, vegetables, preserves, jams and jellies.
 - h. Canning of specialty foods.
 - i. Sales or maintenance of farm implements and related equipment.
 - j. Animal hospitals, shelters and kennels.
 - k. Veterinarian services.
 - l. Or similar uses consistent and compatible with permitted uses as determined by the Village Board.
- (4) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Permitted Uses Accessory.**
 - (1) Any use that is clearly accessory to the above permitted uses.
 - (2) Temporary buildings for construction purposed for a period not to exceed the completion date of such construction.
- (d) **Conditional Uses.** Except for specifically listed conditional uses below, all other unlisted uses are conditional uses within the I-1 District. Such use shall be subject to the consideration and final decision of the Village Board with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors: all conditional uses require a public hearing and consideration of specific site factors and impacts on surrounding land uses and must be approved in accordance with the procedures established in Article E:
 - (1) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (e) **Prohibited Uses.**
 - (1) Specifically excluded from this designation and expressly prohibited is any use or business which is dangerous or which would create a public nuisance.
 - (2) All residential uses are expressly prohibited.
 - (3) Also specifically excluded and expressly prohibited is any use or business involving the wrecking of automobiles, junk yards, scrap yards, garbage removal or the slaughter of animals or poultry.

(f) **Lot, Yard and Building Requirements.**

- (1) **Lot Frontage.** No minimum.
- (2) **Lot Area.** Minimum fifteen thousand (15,000) square feet.
- (3) **Front Yard.** Minimum twenty-five (25) feet.
- (4) **Side Yards.** Minimum twenty (20) feet.*
- (5) **Rear Yard.** Minimum thirty (30) feet.*
- (6) **Building Height.** Maximum sixty (60) feet.
- (7) **Percentage of Lot Coverage.** Maximum seventy percent (70%).

* **Required Buffer Strips in Industrial Districts.** Where an Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary, a buffer strip not less than forty (40) feet in width as measured at right angles to said lot line. Plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the Residential District shall be planted in the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than four (4) nor more than eight (8) feet in height, and shall be of such materials as to effectively screen the industrial area. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

Sec. 13-1-32 A-1 Agricultural District (Non-Livestock).

- (a) **Purpose.** The A-1 Agricultural District is intended to provide for the continuation of general non-livestock farming and related uses in those areas of the Village of Cadott that are not yet committed to urban development. It is further intended for this District to protect lands contained therein from urban development until their orderly transition into urban-oriented districts is required.
- (b) **Permitted Uses.**
- (1) General non-livestock farming, including crop-raising agriculture, floriculture, forestry, grazing, hay, orchards, truck farming and viticulture (grape growing).
 - (2) Forestry, grazing, nurseries, orchards, and truck farming.
 - (3) Harvesting of wild crops and management of wildlife including nonresidential buildings used solely in conjunction with such activity.
 - (4) In-season roadside stands for the sale of farm products produced on the premises, and up to two (2) unlighted signs not larger than eight (8) square feet each advertising such sale.

- (5) Customary home occupations.
- (6) One (1) and two (2) family farm residences and a single mobile home, but only when occupied by owners and/or persons engaged in farming activities on the farm on which it is located.
- (7) Woodlots and tree farms.
- (8) Production of forest crops, including tree plantations.
- (9) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.

(c) **Permitted Accessory Uses.**

- (1) Attached or detached private garages and carports accessory to permitted or permitted accessory uses.
- (2) General farm buildings including barns, silos, sheds, storage bins and including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign and other provisions of this Chapter.
- (3) One (1) farm dwelling. The only residences allowed as permitted uses on newly established parcels are those to be occupied by a person who or a family at least one (1) member of which earns a substantial part of his or her livelihood from farm operations on the parcel or is related to the operator of the larger farm parcel from which the new parcel is taken. Preexisting residences located in areas subject to zoning under this Section which do not conform to this paragraph may be continued in residential use. The minimum parcel size to establish a residence or a farm operation is thirty-five (35) acres. No structure or improvement may be built on the land unless consistent with agricultural uses.
- (4) Private garages and parking space.
- (5) Private swimming pool and tennis court.
- (6) Home occupation.
- (7) Signs as regulated by the Village.
- (8) Buildings temporarily located for purposes of constructing on the premises for a period not to exceed time necessary for such constructing.
- (9) Gardening and other horticultural uses where no sale of products is conducted on the premises.

(d) **Conditional Uses.**

- (1) Airports, airstrips and landing fields provided that the site is not less than twenty (20) acres.
- (2) Housing for farm laborers and seasonal or migratory farm workers.
- (3) Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
- (4) Utilities.
- (5) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.

- (6) Veterinary clinics, provided that no structure or animal enclosure shall be located closer than one hundred fifty (150) feet to a property boundary. [074, 075]
 - (7) Public and parochial schools, provided no building shall be located within fifty (50) feet of any lot line.
 - (8) Churches, including those related structures located on the same site which are an integral part of the church proper, convents or homes for persons related to a religious function on the same site, provided no more than ten (10) persons shall reside on the site and no building shall be located within fifty (50) feet of any lot line.
 - (9) Golf courses, country clubs, tennis clubs or public swimming pools serving more than one (1) family. The principal structure for any of the above listed uses shall be one hundred (100) feet or more from any abutting lot in a Residential District, and accessory structures shall be a minimum of fifty (50) feet from any lot line.
 - (10) Essential service structures, including but not limited to buildings such as telephone exchange stations, booster or pressure-regulating stations, wells, pumping stations, elevated tanks, lift stations and electrical power substations, provided no building shall be located within ten (10) feet from any lot line of an abutting lot in a Residential District. Prior to granting such permit, it shall be found that the architectural design of service structures is compatible to the neighborhood in which it is to be located and thus will promote the general welfare.
 - (11) Hospitals for human care, sanitariums, rest homes, and nursing homes, provided that all structures, except fences, shall be located one hundred (100) feet or more from the lot line of any abutting lot in a Residential District.
 - (12) Cemeteries.
 - (13) Kennels, greenhouses and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards.
 - (14) Campgrounds, tourist camps and travel trailer parks, subject to the provisions of this Chapter and the Wisconsin Administrative Code.
 - (15) Trap or skeet shooting facilities, target ranges, gun clubs, shooting preserves.
 - (16) Golf courses.
- (e) **Lot, Yard and Building Requirements.**
- (1) **Lot Frontage.** Minimum two hundred (200) feet.
 - (2) **Lot Area.** Minimum two (2) acres.
 - (3) **Principal Building.**
 - a. Front Yard: Minimum eighty (80) feet.
 - b. Side Yards: Minimum fifty (50) feet.
 - c. Rear Yard: Minimum fifty (50) feet.
 - (4) **Accessory Building.**
 - a. Front Yard: Minimum eighty (80) feet.
 - b. Side Yards: Minimum forty-five (45) feet.
 - c. Rear Yard: Minimum forty-five (45) feet.
 - d. Building Height: Maximum fifty (50) feet.

Sec. 13-1-33 A-2 Agriculture Enterprise District.

(a) **Purpose.**

- (1) The A-2 Agriculture Enterprise District is intended to preserve and promote a full range of agricultural uses, secure land for livestock production and other agricultural uses that may be more intensive than crop production, strengthen agriculture's contribution to the Village of Cadott's taxbase, support valued-added and other activities closely allied to the agriculture industry, and prevent the conversion of land identified as a valuable agricultural resource to uses that are not consistent with agriculture. The A-2 District's uses and regulations are intended to implement Comprehensive Plan goals by encouraging livestock and other intensive agricultural uses in areas where conditions are best suited to these agricultural pursuits, and discouraging residential development to avoid potential land use conflicts. Due to the more intensive nature of uses allowed, the A-2 District is not intended to be applied near moderately to densely populated areas, and it is not intended to accommodate residential uses as principal uses. The A-2 District is also intended to be compatible with any "exclusive agricultural" land use designation in the Village Comprehensive Plan or pursuant to Chapter 91, Wis. Stats.
- (2) The standards of Sec. 93.90, Wis. Stats. (Livestock Facility Siting Law), and ATPCP, Wis. Adm. Code are adopted and incorporated herein by reference.

(b) **Permitted Uses.** The following uses are permitted by right in the A-2 District without any further noticed approval to or from the Village of Cadott:

- (1) Agriculture uses, including livestock facilities under five hundred (500) units.
- (2) One (1) agricultural-related residence.
- (3) Value-added agriculture.
- (4) Roadside stands.
- (5) Agricultural research facilities.
- (6) Commercial stables.
- (7) Home occupations and professional home offices per Section 13-1-72.
- (8) Other agriculturally-related structures and improvements.
- (9) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.

(c) **Conditional Uses.** The following uses may be allowed in the A-2 District if reviewed and approved in accordance with the standards in Article E of this Chapter:

- (1) Livestock facilities over five hundred (500) animal units.
- (2) Agricultural sales and service.
- (3) Agricultural grain and commodity storage.
- (4) Commercial communications and wind energy towers.
- (5) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.

- (6) Mineral extraction and mining.
- (7) Agricultural packing and processing.
- (d) **Minimum Parcel Area.**
 - (1) No building, structure or use shall be established on any parcel less than forty (40) acres.
 - (2) The minimum lot size may be permitted to be reduced by action of the Village Board to twenty (20) acres for agricultural buildings and structures if required for biosecurity or other legitimate research- or operation-related reasons.
- (e) **Property Line Setbacks.**
 - (1) Except as provided for waste storage structures, livestock structures shall be located a minimum of one hundred (100) feet from a property line if the livestock facility will have fewer than one thousand (1,000) animal units, and two hundred (200) feet from a property line if the livestock facility will have one thousand (1,000) or more animal units.
 - (2) This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the original effective date of this setback requirement, except that a structure may not be expanded closer to a property line.
 - (3) Any residence in an A-2 District shall conform to the property line setback requirements of the A-1 District.
- (f) **Public Right-of-Way Setbacks.**
 - (1) Except as provided for waste storage structures, livestock structures shall be located a minimum of one hundred (100) feet from a public right-of-way if the livestock facility will have fewer than one thousand (1,000) animal units, and one hundred fifty feet (150) feet from a public right-of-way if the livestock facility will have one thousand (1,000) or more animal units.
 - (2) This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the original effective date of this setback requirement, except that a structure may not be expanded closer to the public right-of-way.
 - (3) Any residence in the A-2 District shall conform to the right-of-way setback requirements of the A-1 District.
- (g) **Waste Storage Structure.**
 - (1) A new waste storage structure shall not be located within three hundred and fifty (350) feet of a property line, or within three hundred and fifty (350) feet of the nearest point of any public road right-of-way.
 - (2) A single new waste storage structure may be constructed closer to the property line or public road right-of-way if a new structure is:
 - a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.

- b. No larger than the existing structure.
- c. No further than fifty (50) feet from the existing structure.
- d. No closer to the road or property line than the existing structure.
- (3) This setback requirement does not apply to existing waste storage structures, except that an existing structure within three hundred and fifty (350) feet of a property line or road right-of-way may not expand toward that property line or road right-of-way.
- (h) **Setbacks for Navigable Waters and Shorelands/Wetlands.** A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351 or 62.231, Wis. Stats. [Note: Essentially all navigable waters are now protected by ordinances that require building setbacks of seventy-five (75) feet or more].
- (i) **Setbacks for Floodplains.** A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30, Wis. Stats.
- (j) **Setbacks for Wells.** All wells located within a livestock facility shall comply with the requirements of Chapters NR 811 and NR 812, Wis. Adm. Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in Chapters NR 811 and NR 812, Wis. Adm. Code, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.
- (k) **Compliance with State Runoff Requirements.** Livestock operations under this Section shall comply with state runoff regulations prescribed in NR 151 and ATCP 50, Wis. Adm. Code.

State Law Reference: Sec. 93.90, Wis. Stats.; ATCP 50 and 51, Wis. Adm. Code; NR 151, Wis. Adm. Code.

Sec. 13-1-34 PF Public Facilities District.

- (a) **Purpose.** The PF Public Facilities District is characterized by parks and outdoor recreation for large groups of people, golf courses, schools and utilities.
- (b) **Permitted Uses.**
 - (1) Parks.
 - (2) Utilities.
 - (3) Schools.
 - (4) Churches.
 - (5) Municipal buildings and facilities.
 - (6) Cemeteries.

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- (7) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.**
 - (1) Outdoor advertising signs.
 - (2) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (d) **Lot, Building and Yard Requirements.** See requirements for B-1 Business District.

Sec. 13-1-35 WP Wellhead Protection Overlay District.

- (a) **Purpose.** The users of the public water supply system located in the Village of Cadott depend exclusively on ground water for safe drinking water. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of the Wellhead Protection Overlay District is to institute land use regulations and restrictions to protect the Village of Cadott municipal water supply and wells, and to promote the public health, safety and general welfare of the residents of the Village of Cadott.
- (b) **Authority.** These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added ground water protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare.
- (c) **Applicability.**
 - (1) The regulations specified in the Wellhead Protection Overlay District shall apply within the Village of Cadott limits.
 - (2) No new use or change in use of any structure, land or water shall be located, extended, converted or structurally altered, and no development shall commence without full compliance with the terms of this Section and other applicable regulations.
- (d) **Definitions.** As used in this Section:
 - (1) **Aquifer.** A saturated, permeable, geologic formation that contains and will yield significant quantities of water.
 - (2) **Existing Facilities Which May Cause or Threaten to Cause Environmental Pollution.** Existing facilities which may cause or threaten to cause environmental pollution within the Village of Cadott include, but are not limited to, the Department of Natural Resources' draft or current list of *Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution*, the Department of Commerce list of Underground Storage Tanks (USTs), lists of facilities with hazardous, solid waste permits, and any facility which is considered a prohibited use under this Section, all of which are incorporated herein as if fully set forth.

- (3) **Cone of Depression.** The area around a well, in which the water level has been lowered at least one-tenth (1/10) of a foot by pumping of the well.
- (4) **Five Year Time of Travel.** The five (5) year time of travel is the recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five (5) years to reach a pumping well.
- (5) **Recharge Area.** The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
- (6) **Well Field.** A piece of land used primarily for the purpose of locating wells to supply a municipal water system.
- (7) **Wellhead Protection Overlay District.** Shall be defined to include the following area:

The area of land which contributes water to the well starting at the well and continuing out to a line delineating the five (5) year time of travel to the well. Time of travel delineations must be based on accepted hydrogeological research as outlined in the *State Wellhead Protection Program Plan for Public Water Utilities, Appendix 2* with Zone boundaries normalized (if practical) to road centerlines, railways, surface water features, the public land survey section lines, 1/2, 1/4, 1/8, or 1/16 section lines and property lines.

- (8) **Zone of Saturation.** The saturated zone is the area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.
- (e) **Supremacy of the District.** The regulations of this WP Wellhead Protection Overlay District will apply in addition to all other regulations which occupy the same geographic area. The provisions of any zoning districts that underlay this overlay district will apply except when provisions of the WP Wellhead Protection Overlay District are more stringent.
- (f) **Permitted Uses.** Permitted uses within the WP Wellhead Protection Overlay District are subject to the separation distance requirements set forth in Subsection (g), Separation Distance Requirements, the prohibition of uses, activities or structures designated in Subsection (h), Prohibited Uses, and include:
 - (1) Public and private parks and beaches, provided there are no on-site wastewater disposal systems or holding tanks.
 - (2) Playgrounds.
 - (3) Wildlife areas and natural areas.
 - (4) Trails such as biking, hiking skiing, nature, equestrian and fitness trails.
 - (5) Residences which are municipally sewered.
 - (6) Agricultural activities which are conducted in accordance with *USDA–SCS Wisconsin Field Office Technical Guide Specification 590* nutrient management standards.

- (7) Commercial establishments which are municipally sewered.
- (8) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (g) **Separation Distance Requirements.** The following separation distances as specified in NR 811.16, Wis. Adm. Code, shall be maintained:
 - (1) Fifty (50) feet between a public water supply well and a stormwater sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA C600 specifications.
 - (2) Two hundred (200) feet between a public water supply well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
 - (3) Four hundred (400) feet between a public water supply well and a stormwater detention, retention, infiltration or drainage basin.
 - (4) The provisions of NR 811.16(4)(d)4., 5., and 6., Wis. Adm. Code, are not listed here as uses, activities or structures contained therein are prohibited in the District.
- (h) **Prohibited Uses.** The method of regulation by prohibition of certain uses is employed to provide the greatest assurance that inadvertent discharge of pollutants into the groundwater supply will not occur, since such an event would result in almost certain contamination of the public water supply, and costly mitigation or remediation for which liability is difficult or impossible to establish. The prohibited uses, activities or structures for the WP Wellhead Protection Overlay District include:
 - (1) Above and below ground hydrocarbon or petroleum storage tanks.
 - (2) Cemeteries.
 - (3) Chemical manufacturers (Standard Industrial Classification Major Group 28).
 - (4) Coal storage.
 - (5) Dry cleaners.
 - (6) Hazardous, toxic or radioactive materials transfer and storage under Title III or SARA planning.
 - (7) Industrial lagoons and pits.
 - (8) Jewelry plating and metal plating.
 - (9) Landfills and any other solid waste facility, except post-consumer recycling.
 - (10) Machine or metal working shops.
 - (11) Manure storage.
 - (12) Non-metallic earthen materials extraction or sand and gravel pits.
 - (13) Pesticide and fertilizer dealer, transfer or storage.
 - (14) Research labs, universities and hospitals.
 - (15) Railroad yards and maintenance stations.
 - (16) Rendering plants and slaughterhouses.
 - (17) Salt or deicing material storage.
 - (18) Salvage or junk yards.

- (19) Septage or sludge spreading, storage or treatment.
- (20) Septage, wastewater, or sewage lagoons.
- (21) Septic tanks, holding tanks or other on-site sewage treatment systems.
- (22) Stockyards and feedlots.
- (23) Stormwater infiltration basins without pre-treatment.
- (24) Vehicular services, including filling and service stations, repair, renovation and body working.
- (25) Wood preserving.

(i) **Requirements for Existing Facilities Which May Cause or Threaten to Cause Environmental Pollution.**

- (1) Existing facilities within the Wellhead Protection Overlay District at the time of enactment of such district which may cause or threaten to cause environmental pollution include, but are not limited to, the Wisconsin Department of Natural Resources' draft or current list of *Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution*, Wisconsin Department of Commerce's list of Underground Storage Tanks, lists of facilities with hazardous, solid waste permits, and all other facilities which are considered a prohibited use in Subsection (h), Prohibited Uses, all of which are incorporated herein as if fully set forth.
- (2) Such facilities as above which exist within the district at the time of enactment of a district shall provide copies of all federal, state and local facility operation approval or certificates and ongoing environmental monitoring results to the Village.
- (3) Such facilities as above which exist within the district at the time of enactment of a district shall provide environmental or safety structures/monitoring to include an operational safety plan, hazardous material containment, best management practices, stormwater runoff management and groundwater monitoring.
- (4) Such facilities as above which exist within the district at the time of enactment of a district shall replace equipment, or expand on the site or property of record associated with the facility at the time of enactment of a district, in a manner that improves the environment and safety technologies already being utilized.
- (5) Such facilities as above which exist within the district at the time of enactment of a district shall have the responsibility to devising, filing and maintaining, with the Village, a current contingency plan which details how they intend to respond to any emergency which occurs at their facility, including notifying municipal, county and state officials.
- (6) Such facilities as above cannot engage in or employ a use, activity, or structure listed in Subsection (h), Prohibited Uses, which they did not engage in or employ at the time of enactment of a district, and can only expand those present uses, activities, or structures on the site or property of record associated with the facility at the time of enactment of a district, and in a manner that improves the environmental and safety technologies already being utilized.

- (j) **Conditional Uses.** Any individual, person, partnership, corporation, or other legal entity and/or facility may request that the Village Board grant a Conditional Use Permit for certain uses, activities and structures within the Wellhead Protection Overlay District.
- (1) All requests shall be made in writing to the Clerk-Treasurer and shall include:
 - a. A site plan map with all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and two (2) foot ground elevation contours.
 - b. A business plan and/or other documentation which describes in detail the use, activities, and structures proposed.
 - c. An environmental assessment report prepared by a licensed environmental engineer which details the risk to, and potential impact of, the proposed use, activities and structures on groundwater quality.
 - d. An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring.
 - e. A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
 - (2) All Conditional Use Permits granted under this Section shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply, and/or bonds and/or sureties satisfactory to the Village. These conditions shall include, but not be limited to:
 - a. Provide current copies of all federal, state and local facility operation approval or certificates and ongoing environmental monitoring results to County Emergency Government and the Village of Cadott.
 - b. Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.
 - c. Replace equipment or expand in a manner that improves the environmental and safety technologies being utilized.
 - d. Devise, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to County Emergency Government and the Village of Cadott.
 - (3) The individual, person, partnership, corporation, or other legal entity and/or facility making the request shall reimburse the Village for consultant fees and Plan Commission expenses associated with this review at the invoiced amount, plus administrative costs.
 - (4) The Village Board shall decide upon a request for a Conditional Use Permit only after full consideration of the recommendations made by the Village Plan Commission. Any condition above and beyond those specified in Subsection (j), Conditional Uses,

that are recommended by the Plan Commission or established by the Village Board may be applied to the granting of the Conditional Use Permit.

(k) **Violations, Enforcement and Penalties.**

- (1) It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Section. In case of any violation, the Village Board shall institute appropriate action or proceeding to enjoin a violation of this Section.
- (2) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Section shall, upon conviction thereof, forfeit to the Village of Cadott, a penalty as prescribed in Section 1-1-6. Each and every day of violation shall constitute a separate offense in addition to any penalties. Compliance with this Section is mandatory, and no building, structure or use shall be allowed without full compliance.
- (3) In the event any individual, person, partnership, corporation, or other legal entity (hereinafter "individual") that owns an Existing Facility Which May Cause or Threaten to Cause Environmental Pollution, or any individual and/or facility possession a Conditional Use Permit under the provisions of Subsection (j), Conditional Uses, and that individual/facility causes, or is the site of, the release of any contaminants which endanger the municipal water supply associated with a Wellhead Protection Overlay District, the activity causing said release shall immediately cease and a cleanup satisfactory to the Village shall occur.
- (4) The individual/facility shall be responsible for all costs of cleanup, Village consultant or outside contractor fees, fees at the invoice amount plus administrative costs for oversight, review and documentation, plus the following:
 - a. The cost of Village employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, workman's compensation, holidays, overtime, vacation, and similar benefits.
 - b. The cost of Village equipment employed in the cleanup.
 - c. The cost of mileage incurred on Village vehicles used in any activity related to the cleanup, or of mileage fees reimbursed to Village employees attributed to the cleanup.

Sec. 13-1-36 through Sec. 13-1-49 Reserved for Future Use.

Article D: Planned Unit Development (PUD) Conditional Use

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

- (a) The planned unit development conditional use is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The planned unit development under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district.
- (b) The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under Section 13-1-57 of this Chapter and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section of the Chapter have been met.

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

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

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

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

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

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

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

- (b) **Density Requirements (Lot Area, Width and Yard Requirements).** The district area, width and yard requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units that would have been permitted if the planned unit development regulations had not been utilized.
- (c) **Building Height and Area Requirements.**
 - (1) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
 - (2) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.
- (d) **Single Parcel, Lot or Tract.** At the time of filing, the planned unit development shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract.

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

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

Sec. 13-1-55 Subsequent Land Division.

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

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

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

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

- (a) **Pre-Petition Conference.** Prior to the official submission of the petition for the approval of a planned unit development, the owner or his agent making such petition shall meet with the Village Board or its staff to discuss the scope and proposed nature of the contemplated development.
- (b) **Petition for Approval.** Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk-Treasurer for approval of a planned unit development. Such petition shall be accompanied by a review fee of Twenty-five Dollars (\$25.00), as well as incorporate the following information:
 - (1) **Informational Statement.** A statement which sets forth the relationship of the proposed PUD to the Village's adopted master (comprehensive land use and thoroughfare plan) plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
 - a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - d. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.
 - e. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
 - (2) **A General Development Plan Including:**
 - a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.

- b. The location of public and private roads, driveways, sidewalks and parking facilities.
 - c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
 - d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
 - e. The type, size and location of all structures.
 - f. General landscape treatment.
 - g. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
 - h. The existing and proposed location of all private utilities or other easements.
 - i. Existing topography on the site with contours at no greater than two (2) foot intervals.
 - j. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
 - k. If the development is to be staged, a staging plan.
 - l. A plan showing how the entire development can be further subdivided in the future.
- (c) **Public Hearing.** The Village Board shall hold public hearing on the petition in the manner provided in Sections 13-1-63 and 13-1-64 for Conditional Uses.

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

- (a) **Requirements.** The Village Board, in making a determination approving a petition for planned unit development, shall find as follows:
- (1) That the general requirements made and provided in Section 13-1-52 will be met;
 - (2) That the applicable physical requirements made and provided in Section 13-1-53 will be met;
 - (3) That the requirements as to public services and facilities made and provided in Section 13-1-54 will be met.
- (b) **Proposed Construction Schedule.** The Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one (1) year of approval being deemed reasonable.
- (c) **Residential PUD, Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:
- (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.

- (2) The total net residential density within the planned unit development will be compatible with the Village master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
 - (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, structure type shall be limited as follows:
 - a. Planned residential developments in the residential districts shall not exceed sixteen (16) dwelling units per structure.
 - (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
 - (5) Provision has been made for adequate, continuing fire and police protection.
 - (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.
- (d) **Commercial PUD, Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:
- (1) The economic practicality of the proposed development can be justified.
 - (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
 - (3) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
 - (4) The locations of entrances and exists have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - (5) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (e) **Industrial PUD, Considerations.** The Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:
- (1) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.

- (2) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and storm water drainage and maintenance of public areas.
 - (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
 - (4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (f) **Mixed Use PUD, Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:
- (1) The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
 - (2) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
 - (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

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

- (a) **General.** The Village Board, following public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Village Board may impose.
- (b) **Approval.** The general and detailed approvals of a planned unit development shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Village Board.
 - (1) **General Approval.** The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provided it is in sufficient detail to satisfy the Village Board as to the general character, scope and appearance of the proposed development. Such plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development plan, by way of approval of the petition, shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.
 - (2) **Detailed Approval.** Detail plans must be furnished to the Village Board for its consideration and the detailed approval by the Village Board of any part or stage of the proposed development shall be required before construction of such part or stage of the development may be commenced. Before plans submitted for detailed approval

within the corporate limits will be approved, the petitioner shall give satisfactory proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Village Board.

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

Article E: Conditional Uses

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

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

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

- (a) The Village Board may, by resolution, authorize the Zoning Administrator to issue a conditional use permit for either regular or limited conditional use after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of limited conditional use, the Village Board in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Board resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Village Board shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

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

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

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

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

An application for a conditional use shall be filed on a form prescribed by the Village. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The Village Board may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

Sec. 13-1-64 Hearing on Application.

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

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

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place

and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing, except that in the case of livestock siting conditional use hearings, such notice shall be sent to owners of property within three hundred (300) feet, per Section 13-1-74(d)(2).

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

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

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

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- (7) The need of the proposed use for a shoreland location.
- (8) Its compatibility with uses on adjacent land.
- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

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

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

Sec. 13-1-68 Conditions and Guarantees.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or

- (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** The Village Board shall evaluate each application and may request assistance from any source which can provide technical assistance. The Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
 - (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board.
 - (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
 - (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
 - (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading.

Sec. 13-1-69 Validity of Conditional Use Permit.

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

Sec. 13-1-70 Complaints Regarding Conditional Uses.

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall

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

Sec. 13-1-71 Bed and Breakfast Establishments.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.
- (b) **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
- (c) **State Standards.** Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

Sec. 13-1-72 Home Occupations.

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family business as a conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- (b) **Restrictions on Home Occupations.** Home occupations are a conditional use in all Residential Districts and are subject to the requirements of the District in which the use is located, in addition to the following:

- (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated.
 - (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - (7) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the gross floor area of any one (1) floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of home occupation;
 - (8) The home occupation may be restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises.
 - (9) The types and number of equipment or machinery may be restricted by the Village Board.
 - (10) Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.
 - (11) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- (c) **Exception.** A home occupation under this Section may be maintained in any Residential District as a permitted use, as opposed to a conditional use, if the standards of Subsection (b) above are complied with, and no sign is erected or maintained regarding the home occupation, no more than one (1) person works on the premises and no customers regularly come to the house.

Sec. 13-1-73 Town Houses Conditional Uses.

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

- (a) The overall density shall not exceed fifteen (15) dwelling units per acre.
- (b) The average lot width shall be at least twenty (20) feet; however, no individual lot shall be narrower than eighteen (18) feet.

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- (c) The average maximum lot coverage of principal and accessory buildings shall not exceed fifty percent (50%) and no individual lot shall be covered more than sixty percent (60%).
- (d) The average front yard setback shall be twenty (20) feet but no building shall be located closer to the front property line than fifteen (15) feet.
- (e) Side yards of not less than twenty (20) feet in width shall be provided at least every one hundred sixty (160) feet and for every corner lot; zero lot lines are permitted in between.
- (f) The rear yard shall be not less than twenty percent (20%) of the depth of the lot.
- (g) No structure shall be higher than three (3) stories or thirty-five (35) feet.
- (h) One (1) off-street parking space of not less than one hundred eighty (180) square feet in area, exclusive of access drive or aisle, shall be provided for each dwelling unit.

Sec. 13-1-74 Large Livestock Facilities Conditional Uses.

- (a) **General Applicability.** The procedures in this Section apply to large livestock facilities that require a conditional use under this Chapter and are supplementary to the general conditional use procedures of this Article. The other provisions of this Article regarding the review and granting of conditional use permits shall not be applicable to large livestock facilities conditional uses unless specifically referred to by this Section.
- (b) **Conditional Use Permits for Existing Livestock Facilities.**
 - (1) **When Required.** A conditional use permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
 - a. The applicable size threshold for a conditional use permit established for the A-2 Zoning District in Article C where the facility is located.
 - b. The maximum number previously approved or, if no maximum number was previously approved, a number that is twenty percent (20%) greater than the number of animal units kept on the original effective date of this Chapter.
 - (2) **When Permit Is Not Required.**
 - a. A permit is not required for a livestock facility that existed before the original effective date of this Chapter.
 - b. A permit is not required for a livestock facility that was previously issued a conditional use permit or other local approval, except as provided in Subsection (b)(1) above. [Note: A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility].
- (c) **Application Procedure.**
 - (1) **Filing Requirements.** A livestock operator filing for a livestock facility conditional use permit shall complete the application and worksheets of the Wisconsin

Department of Agriculture, Trade and Consumer Protection prescribed in ATCP 51, Wis. Adm. Code, which are incorporated herein by reference without reproduction in full. The application form and worksheets establish compliance with the standards of ATCP 51, Wis. Adm. Code, and this Chapter. The livestock operator shall file four (4) duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application. If the conditional use permit application is locally approved, one (1) duplicate copy of the conditional use permit application must be filed with the Wisconsin Department of Agriculture, Trade and Consumer Protection, and one (1) duplicate copy marked "approved" shall be given back to the applicant. It is advisable that the applicant also record a duplicate "approved" copy with County Register of Deeds.

- (2) **Fees.** A nonrefundable application fee of Two Hundred Dollars (\$200.00) shall accompany an application. Processing of the application shall not proceed until such fee is paid.
- (d) **Application Review Procedure.**
 - (1) **Notice of Application Completeness.** Within forty-five (45) days after the Village Clerk-Treasurer, or the Zoning Administrator, receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within fourteen (14) days after the applicant provides all of the required information, the Zoning Administrator or Village Clerk-Treasurer shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
 - (2) **Notification of Adjacent Landowners.** Within fourteen (14) days after the Zoning Administrator or Village Clerk-Treasurer notifies an applicant that his/her application is complete, the Zoning Administrator or Village Clerk-Treasurer shall notify adjacent landowners of the application pursuant to the procedures in Section 13-1-65, and this Article, including the public hearing notice requirements below. The Zoning Administrator shall use the approved notice form in ATCP 51, Wis. Adm. Code, and mail a written notice to each property owner situated within three hundred (300) feet of the boundaries of the applicant's property pursuant to the procedures in Section 13-1-65.
 - (3) **Public Hearing.** The Village shall schedule a public hearing on the application/notification pursuant to the requirements of Sections 13-1-64 and 13-1-65 before both the Plan Commission and Village Board meetings, or a joint public hearing may be held.
- (e) **General Standards.** The general standards to be satisfied for issuance of a conditional use permit are as follows:
 - (1) **State Livestock Facility Siting Standards.** The State of Wisconsin livestock facility siting standards prescribed under ATCP, Wis. Adm. Code. These state standards are incorporated herein by reference, without reproducing them in full.
 - (2) **Ordinance Setbacks.** Setbacks authorized by this Chapter by applicable zoning district.

(f) **Criteria for Issuance of a Permit.**

- (1) **Compliance With Standards.** A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this Section.
- (2) **Basis for Denial.** A conditional use permit application under this Section may be denied if any of the following apply:
 - a. The application, on its face, fails to meet the standard for approval.
 - b. The Village Board finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this Section.
 - c. Other grounds exist authorized by Section 93.90, Wis. Stats., that warrant disapproving the proposed livestock facility.
- (3) **Conditions.** No conditions may be imposed on a conditional use permit under this Section other than standards described and provided in this Section.

(g) **Determination.**

- (1) **Plan Commission Advisory Recommendation.**
 - a. Following referral of the conditional use permit application under this Section, the Plan Commission may recommend that the Village Board issue a conditional use for livestock uses specified under this Chapter after review and public hearing, provided such uses are in accordance with the purpose and intent of the underlying zoning district, and, more specifically, the standards for such conditional use permits under this Section.
 - b. The Plan Commission shall make findings of fact and recommend such actions or conditions relating to the request as the Plan Commission deems necessary to carry out the intent and purpose of this Section.
- (2) **Village Board Action.**
 - a. Upon receiving the recommendation of the Plan Commission, the Village Board shall place the application and such recommendation(s) on the agenda for a subsequent Village Board meeting. The hearing requirements of Subsection (d)(3) shall be followed.
 - b. If, following the recommendations of the Plan Commission, the Village Board finds that specific inconsistencies exist in the review process or significant new facts have now been made available and thus the final determination of the Village Board could differ from the advisory recommendation of the Plan Commission, the Village Board may, before taking final action, refer the matter back to the Plan Commission with the written record or separate statement/report, explaining the specific reason(s) for referral. This referral action shall only be permitted one (1) time with each conditional use permit application under this Section.

- c. At the Village Board's discretion, the Village Board shall have the option to set and hold a public hearing at the next regular Village Board meeting. Such hearing shall be noticed and conducted as prescribed in Sections 13-1-64 and 13-1-65.
 - d. The Village Board shall issue its decision in writing, which may be the minutes of the Village Board's meeting. The Village Board's decision shall be based on written findings of fact supported by evidence in the record. In the event that a livestock facility conditional use permit application is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved". The duplicate copy must include worksheets, maps and other documents included in the application.
 - e. The Village Board shall grant, deny or conditionally approve a livestock facility conditional use permit application within ninety (90) days after the notice of a complete application is provided as required under Subsection (d) above.
 - f. The Village Board may extend this time for good cause, including any of the following:
 - 1. The Village Board needs additional information to act on the application.
 - 2. The applicant materially modifies the application or agrees to an extension.
 - g. The Village Board shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Village Board will act on the application.
- (h) **Notice To The State.** As required by ATCP 51.36, Wis. Adm. Code, within thirty (30) days of the Village Board's decision on the application, the Village Clerk-Treasurer shall:
- (1) **Notice of Decision.** The Village Clerk-Treasurer shall give the Wisconsin Department of Agriculture, Trade and Consumer Protection written notice of the Village Board's decision.
 - (2) **Filing Of Final Application/Worksheets.** The Village Clerk-Treasurer shall file with the Wisconsin Department of Agriculture, Trade and Consumer Protection ("Department") a copy of the final application granted or denied, if the Village has granted or denied an application under this Section. Such copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.
 - (3) **Approval Withdrawal.** If the Village has withdrawn a local animal livestock facility conditional use permit approval under this Section, the Village Clerk-Treasurer shall file with the Department a copy of the Village final notice or order withdrawing the local approval.
- (i) **Permit Expiration.** A conditional use permit under this Section remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under such permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Village Board may treat

a conditional use permit under this Section as lapsed and withdraw the permit if the permit holder fails to do all of the following within two (2) years after issuance of the permit:

- (1) **Animal Populating Requirement.** Begin populating the new or expanded livestock facility; and
 - (2) **Construction Requirement.** Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the conditional use permit application.
- (j) **Permit Modifications.** The operator may make reasonable changes that maintain compliance with the standards in this Section, and the Village Board shall not withhold authorization for those changes.
- (k) **Compliance Monitoring.** The Village of Cadott shall monitor compliance with this Section as follows:
- (1) **Inspections.** Upon notice to the livestock facility owner request the right of the Zoning Administrator or designee to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.
 - (2) **Inspection Refusal.** If the livestock facility owner refuses the Zoning Administrator or designee the right to view the permitted facility, the Zoning Administrator or designee may request the assistance of the Police Department to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Section 66.0119, Wis. Stats.
 - (3) **Noncompliance; Time to Correct.** If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Zoning Administrator or designee shall issue a written notice to the livestock facility owner stating the conditions of noncompliance and directing that compliance of the commitments of the approved application and be complied with in a reasonable amount of time stated in the written notice.
 - (4) **Failure to Correct.** If noncompliance of the conditional use permit conditions as described in the written notice given by the Zoning Administrator continue past the stated reasonable time to comply, the Zoning Administrator may take further action as provided in this Section and Zoning Code, including, but not limited to, issuance of a citation or seeking of injunctive relief.
 - (5) **Compliance Disputes; Hearing.** If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing, such request to be in writing to the Village Clerk-Treasurer within five (5) days of receipt of the notice of noncompliance. Upon receipt of such written hearing request, the Village Board shall schedule a hearing within five (5) days to determine if the conditions of the permit have been complied with or whether noncompliance of the commitments of the approved application and local approval exists.
- (l) **Terms of the Permit; Violations.**
- (1) **Compliance With Permit Standards.** A livestock facilities conditional use permit, and the privileges granted by such a permit under this Section, is conditioned on the

livestock operator's compliance with the standards in this Section, and with the commitments made in the application for a permit.

(2) **Violations; Penalties.**

- a. The Village of Cadott is authorized to suspend a livestock facilities conditional use permit or seek other redress in this Section and Zoning Code for noncompliance, including, but not limited to, penalties under Section 13-1-155 of this Chapter and permit revocation or suspension, forfeiture and/or injunctive relief. In considering permit suspension or revocation, the Village Board shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.
- b. In addition to any penalties herein, the cost of abatement of any public nuisance on the permitted facility by the Village may be collected under this Section or Section 823.06, Wis. Stats., against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Section 66.0627, Wis. Stats., unless paid earlier.

(m) **Transferability.**

- (1) **Permit To Run With Land.** A livestock facilities conditional use permit and the privileges granted by the permit run with the land, and remain in effect, despite a change in ownership of the livestock facility, provided the new operator does not violate the terms of the Village approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application.
- (2) **Requirements Upon Change of Ownership.** Upon a change of ownership of the livestock facility, the new owner of the facility shall file information with the Village Clerk-Treasurer providing pertinent information, including, but not limited to, such information as the name and address of the new owner and date of transfer of ownership.

(n) **Appeals.**

- (1) **Appeals Under This Chapter.** Appeals to this Section shall be taken pursuant to Article N of this Chapter.
- (2) **Appeals To State Livestock Facility Siting Board.**
 - a. In addition to other appeal rights provided by law and this Chapter, Section 93.90(5), Wis. Stats., provides that any aggrieved person may request review by the Livestock Facility Siting Review Board of any decision by the Village in connection with a permit application.
 - b. An aggrieved person may challenge the decision on the grounds that the Village incorrectly applied the standards under this Section or violated Section 93.30, Wis. Stats.
 - c. An "aggrieved person" under this Section as defined in Section 93.90(5), Wis. Stats., means a person who applied to a political subdivision, i.e. Village, for approval of a livestock siting or expansion, a person who lives within two (2)

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miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within two (2) miles of a livestock facility that is proposed to be sited or expanded.

- d. Any appeal to the State Livestock Facility Siting Review Board brought under this Subsection shall be requested within thirty (30) days of the Village Board approval or disapproval or within thirty (30) days after the decision on appeal before the Zoning Board of Appeals.

Sec. 13-1-75 through Sec. 13-1-79 Reserved for Future Use.

Article F: Nonconforming Uses, Structures and Lots

Sec. 13-1-80 Intent – Nonconforming Uses, Lots and Structures.

(a) **Intent; Interpretation.**

- (1) Within the zoning districts established by this Zoning Code or amendment thereof, there may exist lots, structures and uses of land which were lawful before this Zoning Code was enacted or amended, but which would be prohibited in the future under the terms of this Zoning Code or amendment thereto.
- (2) It is the intent of the Village of Cadott to permit nonconforming uses, lots and structures to remain and continue in accordance with the provisions hereinafter set forth until they are removed due to economic forces, public health or safety grounds, or otherwise. It is not the intent of this Zoning Code to perpetuate and/or encourage the long-term continuance of nonconformities because they are inconsistent with the requirements and character of the districts involved, or to permit nonconformities to be generally enlarged upon, expanded, or extended except as provided for herein. Existing nonconformities shall not be used to justify adding structures or uses prohibited in the zoning district.

(b) **Classification of Nonconformities.** Zoning nonconformities are classified into three (3) categories as follows:

- (1) Nonconforming uses.
- (2) Nonconforming lots.
- (3) Nonconforming structures.

(c) **General Guidelines.** It is the intention of the Village of Cadott that standards be set forth for the purpose of determining:

- (1) That the nonconforming use, lot or structure existed prior to the effective date of this Chapter or amendment thereto;
- (2) The ways in which the right of the nonconforming use, lot or structure to remain can be preserved and the ways in which the right to continue nonconforming use, lot or structure can be lost;
- (3) The extent of permissible variation in the nonconforming use, lot or structure; and
- (4) The devices available for eliminating such nonconforming uses, lots or structures, where appropriate.

(d) **Burden of Proof Regarding Nonconforming Uses.** Any property owner asserting as a defense to a charge of violating this Chapter because his/her property is a valid nonconforming use has the burden of demonstrating to reasonable certainty by the greater weight of credible evidence that:

- (1) The nonconforming use was legally in existence at the time the zoning ordinance provision that now prohibits that use was adopted. The use must be lawful under then existing zoning regulations and cannot contravene such zoning requirements.

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- (2) That the use of the property prior to the nonconformity came into being was so active and actual that the property owner can properly assert that the property owner has acquired a vested interest in its continuance. Such use cannot be occasional or sporadic. For purposes of this Chapter, a property owner shall be deemed to have a vested right in the use of his/her property where that use at the time the nonconformity came into being is both actual and active and a substantial degree of activity or expense had been undertaken prior to the effective date the zoning provision that caused the nonconformity to come into being. Such use must be more than incidental or accessory to the principal use of the property.
- (3) That the use is substantially the same use that existed prior to the enactment of the ordinance or amendment thereto that caused the nonconformity.

Sec. 13-1-81 Article Definitions.

In addition to the definitions contained in Section 13-1-200(a) of this Chapter, the following definitions shall be applicable in Article; in the event of conflict, the more specific definition shall be applicable:

- (a) **Assessed Value (Lot).** The full market value placed upon the lot by the Village Assessor as of the date that the nonconformity came into being. Such valuation by the Assessor shall be prima facie evidence of an assessed value of the lot.
- (b) **Nonconforming Lot.** [See definition in Sec. 13-1-200(a)].
- (c) **Nonconforming Structure.** [See definition in Sec. 13-1-200(a)].
- (d) **Nonconforming Use.** [See definition in Sec. 13-1-200(a)].

Sec. 13-1-82 Common Ownership of Abutting Nonconforming Lots.

Nonconforming lots of record owned by the same individual or other legal entity shall be combined prior to the issuance of a zoning permit.

Sec. 13-1-83 Existing Nonconforming Structures.

- (a) **Continuation of Nonconforming Structures.**
 - (1) The use of a structure existing on the date that the nonconformity came into being may be continued although the structure's size or location does not conform with the development regulations, parking, loading, or access provisions of this Chapter.
 - (2) Any lawful nonconforming structure may be extended, enlarged, reconstructed, or structurally altered, provided that said extension, enlargement, reconstruction,

movement or alteration complies with the setback and building requirements of the specific zoning district. However, the nonconforming feature of said structure shall not be allowed to become more nonconforming by being extended, enlarged, reconstructed, moved, or structurally altered except under one (1) or more of the following fact situations:

- a. As when required to do so by law, or order.
 - b. To comply with the provisions of this Chapter.
 - c. With the approval of a conditional use permit under the procedures of Article D of this Chapter for the purpose of making required alterations to maintain the structural integrity of the building.
 - d. With the approval of a variance by the Zoning Board of Appeals.
- (b) **Yard Encroachments by Nonconforming Structures.** Nonconforming structures which encroach upon the yard (setback) requirements of this Chapter, but which met yard requirements at the time the nonconformity came into being at the time of construction, may be structurally enlarged or expanded if the existing structure is located at a minimum of at least fifty percent (50%) of the minimum setback requirement(s) and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements. Placement of a new foundation or basement under an existing nonconforming structure shall be allowed as long as no further encroachment is permitted. The setbacks of the zoning district in which the structure is located shall be met if the lot size and existing location of the structure permits the setbacks to be met.
- (c) **Unsafe Nonconforming Structures.** Nothing in this Chapter shall preclude the Building Inspector or any other Village official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare, constitutes a public nuisance, or is in violation of a licensing regulation.
- (d) **Maintenance, Repair and Remodeling of Nonconforming Structures.** This Chapter does not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.
- (e) **Restoration of Certain Damaged Nonconforming Structures.**
- (1) In the case of damaged or destroyed nonconforming structures, the restoration of a nonconforming structure is permitted if the structure will be restored to the size, subject to Subsection (e)(2) below, location and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 - a. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 - b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

- (2) Where the criteria under Subsection (e)(1) above exist for a nonconforming structure to be restored, the size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable federal or state requirements.
- (f) **Shoreland Nonconforming Structures.** Nonconforming structures in shoreland areas damaged or destroyed by violent wind, fire, flood, or vandalism may be reconstructed or repaired, as provided by state law, to the size, location, and use it had immediately before the damage occurred if the landowner can establish that the damage was not due to deliberate act by the landowner or his/her agent, or due to general deterioration or dilapidated condition.
- (g) **Relocation of Nonconforming Structures.** A nonconforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the zoning district in which it is located.

Sec. 13-1-84 Existing Nonconforming Uses.

Pursuant to Section 62.23(7)(h), Wis. Stats., a nonconforming use may not be extended. The total structural repairs and alterations in such a nonconforming use's building, premises, structure, or fixtures shall not during its life exceed fifty percent (50%) of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. The nonconforming use of a structure, land, or water existing on the date that the nonconformity came into being may be continued although the use does not conform with the provisions of this Chapter, except that:

- (a) **Change to More Restrictive Use Category.** The nonconforming use of a structure may be changed to a use of the same or more restricted classification, but where the nonconforming use of a structure is hereafter changed to a use of a more restrictive classification, it shall not thereafter be changed to a use of a less restricted classification.
- (b) **Discontinuation of Nonconforming Use.** If a nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water shall conform to the provisions of this Chapter.
- (c) **Maintenance of Nonconforming Use Parcels.** Parcels containing a nonconforming use of land or water may be maintained or repaired including grading, paving, and surfacing, or the repair and replacement of bumper or wheel stops, fences, screening and drainage ways, provided that the amount of land, water or storage (i.e. vehicles, equipment and/or materials) devoted to such nonconforming use as it existed prior to the date that the nonconformity came into being is not extended, enlarged or moved.

Sec. 13-1-85 Changes and Substitutions.

Once a nonconforming use or structure has been changed or altered so as to comply with the pertinent district provisions of this Chapter, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more or equally

restrictive nonconforming use for an existing nonconforming use pursuant to the provisions of Article N, the existing use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals and pertinent zoning district. Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 13-1-86 Floodplain and Shoreland-Wetland Nonconforming Uses and Structures.

- (a) **Nonconformities in Floodplain Zoning Areas.** Nonconformities in Floodplain Zoning areas shall be governed by the provisions of the Village of Cadott Code of Ordinances regulating floodplain zoning, particularly Sections 13-2-50 through 13-2-53 and pertinent sections of the Wisconsin Statutes and Wisconsin Administrative Code.
- (b) **Nonconformities in Shoreland-Wetland Zoning Areas.** Nonconformities in Shoreland-Wetland Zoning areas shall be governed by the provisions of the Village of Cadott Code of Ordinances regulating shoreland-wetland zoning, particularly Section 13-3-24 and pertinent sections of the Wisconsin Statutes and Wisconsin Administrative Code.

State Law References: Sec. 87.303, Wis. Stats., and NR 116.15, Wis. Adm. Code

Sec. 13-1-87 Nonconforming Performance Standards.

The use of any lot or parcel failing to comply with the performance standards set forth in this Chapter at the time of the adoption of this Chapter shall not be expanded unless the expansion conforms with the performance standards set forth in this Chapter.

Sec. 13-1-88 Reduced Building Setbacks.

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

- (a) **Lot Size.**
 - (1) **Width:** Minimum forty (40) feet.
 - (2) **Area:** Minimum four thousand six hundred (4,600) square feet.

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(b) **Building:**

- (1) **Height:** Maximum thirty (30) feet.

(c) **Yards:**

- (1) **Street:** Minimum twenty-five (25) feet; the second street yard on corner lots shall not be less than ten (10) feet.
- (2) **Rear:** Minimum twenty-five (25) feet.
- (3) **Side:** Minimum sixteen percent (16%) of the frontage, but not less than five (5) feet of each.

Sec. 13-1-89 through Sec. 13-1-99 Reserved for Future Use.

Article G: Traffic Visibility, Loading, Parking and Access

Sec. 13-1-90 Traffic Visibility.

- (a) On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines twenty-five (25) feet from the point of intersection.
- (b) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 13-1-91 Loading Requirements.

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

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

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

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- (c) **Location.** Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty-five (45) feet, and a vertical clearance of at least fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.
- (e) **Surfacing.** All open off-street loading berths shall be improved with a compacted gravel base, not less than six (6) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.
- (g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
 - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Sec. 13-1-92 Parking Requirements.

All new parking lots and all alterations of existing lots shall be subject to the approval of the Village Board. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except those areas which are located within the fire zone as designated on the Official Map, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Adequate access to a public street shall be provided for each parking space.
- (b) **Location.**
 - (1) Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.

- (2) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line.
- (3) Off-street parking in the single-family resident and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Section 13-1-93.
- (c) **Use Restrictions.**
- (1) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
- (2) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line.
- (3) **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- (d) **Number of Stalls.** Number of parking stalls required for newly created parking lots are shown in the following table:

Use	Minimum Parking Required
Dwellings: Single-family, two-family and mobile homes	2 stalls for each dwelling unit
Dwellings: Multi-family	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Sororities, dormitories, rooming and boarding houses	1 stall for each bed
Retirement homes, orphanages	1 stall per 2,000 feet of principal floor area

Rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor
Churches, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each 5 students of 16 years of age or more
Restaurants, bars, clubs and lodges, places of entertainment	1 stall for each 150 square feet
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Financial institutions, business, government and professional offices, retail and service establishments	1 stall for each 300 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for each 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages—see above.)
Repair shops, retail and service stores	1 space for each 150 square feet of net floor space
Automobile repair garages and service stations	1 space for each employee plus 1 space for each 250 square feet of floor area used for repair work
Bowling alleys	5 spaces for each alley

- (e) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.

- (f) **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (g) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of fifty percent (50%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (h) **Off-Lot Parking.**
 - (1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off-lot provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the Village Attorney.
 - (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within three hundred (300) feet of the entrance of the establishment.
 - (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
 - (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

Sec. 13-1-93 Driveways.

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

Sec. 13-1-94 Highway Access.

- (a) **Highway Access.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.

- (b) **Access Barriers.** Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (c) **Temporary Access.** Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

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

Article H: Signs and Billboards

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

- (a) The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs and billboards.
- (b) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Building Permit except those signs excepted in Sections 13-1-102 and 13-1-103 below and without being in conformity with the provisions of this Article. The sign shall also meet the structural requirements of the Building Code.

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

- (a) No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- (b) No sign shall contain, include, or be illuminated by flashing lights. No sign will be permitted that resembles the size, shape, form, or color of official traffic control signs, signals, or devices.
- (c) No sign shall contain, include, or be composed of any conspicuous animated or moving part.
- (d) No sign shall contain more than five hundred (500) square feet in gross area.
- (e) No sign shall be painted directly on the building walls, except water towers which may display the name or symbol of the owner or operator.
- (f) Temporary signs: Two double-faced sandwich or movable signs are permitted when meeting all other applicable requirements and when their use is limited to thirty (30) days of a ninety (90) day period. Such signs shall be set back at least five (5) feet from the street property line and shall not be larger than eight (8) square feet per face except that the area of one such sign may be increased by one (1) square foot for each three (3) lineal feet of frontage over fifty (50) feet on a street to a maximum of twenty-four (24) square feet per face.
- (g)
 - (1) Parking of advertising vehicles is prohibited. No persons shall park any vehicle or trailer on a public right-of-way or public property or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.
 - (2) This Section shall not prohibit "For Sale" signs on vehicles for sale provided the vehicle is not parked on a public right-of-way.

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

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

- (a) Signs not exceeding two (2) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.
- (b) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (c) Legal notices, identification information or directional signs erected by governmental bodies.
- (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (f) Signs erected by national, state, county or municipal governmental agencies, including traffic and informational signs.

Sec. 13-1-103 Residential Signs.

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

- (a) **Signs Over Show Windows or Doors.** Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (b) **Real Estate Signs.** Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
- (c) **Name, Occupation and Warning Signs.** Name, occupation and warning signs not to exceed two (2) square feet located on the premises.
- (d) **Bulletin Boards.** Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises. Present signs under this Section or the replacing of or removing of signs in excess of eight (8) square feet shall be at the discretion of the Village Board. New signs in excess of eight (8) square feet may be constructed under a permit from the Village Board.
- (e) **Memorial Signs.** Memorial signs, tables, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (f) **Temporary Signs.** Temporary signs when authorized by the Zoning Administrator for a period not to exceed thirty (30) days pursuant to Section 13-1-101(g).

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

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

- (a) **Wall Signs.** Wall signs placed against the exterior walls of buildings shall not exceed more than six (6) inches outside of a building's wall surface, shall not exceed five hundred (500) square feet in area for any one (1) premise and shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (b) **Projected Signs.** Projected signs, fastened to, suspended from or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premise; shall not extend more than six (6) feet into any required yard, shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet above a driveway or an alley.
- (c) **Ground/Billboard Signs.** Ground and billboard signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which they are located, and shall not exceed two hundred (200) square feet on all sides for any one (1) site.
- (d) **Roof Signs.** Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed three hundred (300) square feet on all sides for any one (1) premise.
- (e) **Combination.** Combination of any of the above signs shall meet all the requirements for the individual sign.

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

- (a) **Removal.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six (6) months or when, in the judgment of the Village Board, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Village Board may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Village Board's decision to the Board of Appeals.
- (b) **Alterations.** Any sign which was erected before the adoption of this sign Article shall not be rebuilt or relocated without conforming to all of the requirements of this Article.
- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Article are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

Sec. 13-1-106 Variances or Exceptions.

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

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

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Village Board or Building Inspector.
- (b) **Prohibitions.**
 - (1) No sign shall be erected so that any portion of the sign or its supports attached to or interfere with the free use of any fire escape, exit, any required stairway, door, ventilator or window.
 - (2) No sign shall be erected that will interfere with, obstruct, confuse or mislead traffic.
 - (3) At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety.
 - (4) No sign located within one hundred fifty (150) feet of a highway or street right-of-way shall contain, include or be illuminated by a flashing or rotating beam of light.
- (c) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this Chapter.

Sec. 13-1-108 Nonconforming Signs.

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the Village of Cadott limits of the date of adoption of this Chapter or located in an area annexed to the Village of Cadott hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
 - (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Article than it was before alteration;
 - (2) The sign is relocated;
 - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;

- (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

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

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

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

Article I: Performance Standards

Sec. 13-1-120 Compliance.

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

Sec. 13-1-121 Sound.

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

- (a) Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.
- (b) Maximum sound pressure levels shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association and shall not exceed the values for octave bands lying within the several frequency limits given in the following table after the application of appropriate corrections:

B-1 and B-2 Districts

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels
0 - 74	72
75 - 149	67
150 - 299	59
300 - 599	52
600 - 1,199	46
1,200 - 2,399	40
2,400 - 4,800	34
Above 4,800	32

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

I-1 District

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels
0 - 74	79
75 - 149	74
150 - 299	66
300 - 599	59
600 - 1,199	53
1,200 - 2,399	47
2,400 - 4,800	41
Above 4,800	39

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

Sec. 13-1-122 Vibration.

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

Sec. 13-1-123 Radioactivity.

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

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

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

Sec. 13-1-125 Glare.

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

Sec. 13-1-126 Particulate Emissions.

- (a) **Dust.** No solid or liquid particles shall be emitted in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air.
- (b) **Fly Ash.**
 - (1) No emission or fly ash in excess of the quantity specified in the following table shall be permitted:

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

- (2) For heat content between any two (2) consecutive heat contents given in the Table, the fly ash limitation shall be as determined by interpolation.
- (c) **Smoke.** No emission of smoke from any source, as measured on the Ringelmann Chart published by the United States Bureau of Mines, shall be permitted in excess of:
 - (1) In the Business/Commercial Districts, a density described as Ringelmann No. 2, provided that a density equal to Ringelmann No. 3 may be emitted for not more than three (3) minutes in any fifteen (15) consecutive minutes.
 - (2) In an Industrial District, a density described as Ringelmann No. 3.

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

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

Sec. 13-1-130 Signal Receiving Antennas.

- (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 outdoor apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas and over-the-air reception devices, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (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 Cadott, 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), (7), (9) and (12).

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

(1) **Setbacks.**

- a. Any signal receiving antenna and its mounting post shall be located a minimum of five (5) feet from any side or rear property line. The purpose of setback regulations is to protect the aesthetics of the area and to preserve adequate access for emergency equipment and personnel.
- 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 Board of Appeals 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 twelve (12) feet for the ground-mounted antenna and ten (10) feet for the roof-mounted antenna, except for stations used to provide community antenna television services.

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

(5) **Roof-Mounted Antennas.**

- a. In all residential zoning districts, roof-mounted antennas shall only be permitted subject to the provisions contained herein:
 1. Earth station dish antennas exceeding thirty-six (36) inches in diameter shall not be permitted on the roof, unless allowed under Subsection (c)(2) above.

2. A roof-mounted dish antenna shall not extend higher than fifteen (15) feet above the highest point of the roof, unless allowed under Subsection (c)(2) above.
- b. In the commercial and industrial zoning districts, earth station dish antennas shall not extend more than twenty (20) feet above the height limit established for the district in which the structure is located.
- (6) **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.
- (7) **Electrical Installations.** To safeguard public safety, electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
- (8) **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.
- (9) **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.
- (10) **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.
- (11) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder, including Federal Communications Commission rules.
- (12) **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 specifi-

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

- (a) **Approval Required.** No owner shall, within the Village of Cadott, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system.
- (b) **Separate Permit Required for Each System.** A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.
- (c) **Basis of Approval.** The Village Board shall base its determinations on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.
- (d) **Definitions.** "Wind energy systems" shall mean "windmills" which are used to produce electrical or mechanical power.

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

- (a) **Application.** The permit application for a wind energy system shall be made to the Zoning Administrator on forms provided by the Village of Cadott. The application shall include the following information:
 - (1) The name and address of the applicant.
 - (2) The address of the property on which the system will be located.
 - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further

indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.

- (4) An accurate and complete written description of the use for which special grant is being requested, including pertinent statistics and operational characteristics.
- (5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable.
- (6) Any other information which the Zoning Administrator, Village Board or Building Inspector may deem to be necessary to the proper review of the application.
- (7) The Zoning Administrator shall review the application and, if the application is complete and contains all required information, shall refer it to the Village Board.
- (b) **Hearing.** Upon referral of the application, the Village Board shall schedule a public hearing thereof following the procedures for conditional use permits in Article D.
- (c) **Determination.** Following public hearing and necessary study and investigation, the Village Board shall, as soon as practical, render its decision and a copy be made a permanent part of the Board's minutes. Such decision shall include an accurate description of the special use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or, if disapproved, shall indicate the reasons for disapproval. The Village Board may impose any conditions or exemptions necessary to minimize any burden on the persons affected by granting the special use permit.
- (d) **Termination.** When a special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the special grant may be terminated by action of the Village Board following a public hearing thereon.
- (e) **Changes.** Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Village Board and if, in the opinion of the Village Board, such change or addition constitutes a substantial alteration, a public hearing before the Village Board shall be required and notice thereof be given.
- (f) **Approval Does Not Waive Permit Requirements.** The approval of a permit under this Article shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

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

- (a) **Additional Standards.** Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section in addition to those found elsewhere in this Article.
- (b) **Application.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the

generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.

- (c) **Construction.** Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (d) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- (e) **Electro-magnetic Interference.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (f) **Location and Height.** Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter; however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (g) **Fence Required.** All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- (h) **Utility Company Notification.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

Sec. 13-1-134 Mobile Tower Siting.

- (a) **Title; Purpose; Authority.**
 - (1) **Title.** This Section is entitled the Village of Cadott Mobile Tower Siting Ordinance.

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- (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 Cadott 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.

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- 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 13-1-156, plus applicable surcharges, 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 Cadott may seek injunctive relief from a court of record to enjoin further violations.

Sec. 13-1-135 through Sec. 13-1-139

Reserved for Future Use.

Article K: Accessory Uses and Structures; Fences

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

- (a) **Building Permit Required for Accessory Buildings.**
 - (1) **Permit Required.** No owner shall, within the Village of Cadott, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the Building Permit Issuer. Application for an accessory building permit shall be made in writing to the Building Permit Issuer. With such application, there shall be submitted the required fee and a set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining streets, alleys, lot lines and buildings.
 - (2) **Applicability to Temporary, Movable and Permanent Buildings.** For purposes of this Section, no regulatory distinction is made between temporary, permanent or movable accessory buildings (such as those mounted on skids).
- (b) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (c) **Placement Restrictions.** Residential accessory buildings which are not a part of the main building shall not be more than twenty (20) feet in height. They are not permitted in the front yard or in front of the principal structure. Accessory buildings and structures such as storage buildings, garages, swimming pools, heating-air conditioning equipment and wind and solar energy conversion equipment are permitted, provided such buildings, structures or equipment:
 - (1) In the aggregate, shall not occupy more than thirty percent (30%) of any required rear yard areas. Any accessory building in a Residential District which exceeds four (4) automobile stalls or one thousand two hundred (1,200) square feet of floor area shall first obtain a conditional use permit upon a showing of legal hardship.
 - (2) Shall be located no closer than three (3) feet from any part of any other building or structure.
 - (3) Shall comply with all applicable Village setback requirements for principal structures.
- (d) **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.
- (e) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials,

fountains, statuary, bird baths, trees, shrubs and flowers and gardens, pursuant to Subsection (i) below.

- (f) **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.
- (g) **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.
- (h) **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.
- (i) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (j) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls. No such retaining wall shall be located closer than three (3) to any property line.
- (k) **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 and shall comply with the requirements of this Section, 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.
- (l) **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.
- (m) **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.

- (n) **Prohibited Dwelling Use.** No accessory structure in any district shall be used or let for living purposes, whether for compensation or not.
- (o) **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.
- (p) **Dog Houses/Runs.** Dog houses and/or runs shall comply with the setback requirements in Section 13-1-142(n).
- (q) **Agricultural Structures.** Agricultural structures in properly zoned agricultural districts such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.
- (r) **Tent or Hoop-Supported Structures.**
 - (1) No tent or hoop-supported structure may be used as a permanent accessory structure in a non-agricultural district; such structures may be erected and used no more than six (6) months per year without being removed. An exception is that a tent or hoop-supported greenhouse may be maintained if used exclusively for personal greenhouse use.
 - (2) Any permitted tent or hoop-supported structure shall be fastened or anchored in a stable manner to the ground.
 - (3) No plumbing, electrical, heating or other utility service may be installed in a tent or hoop-supported structure, except seasonal use in personal greenhouses. A tent shall not be used as a dwelling.

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

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of fifteen (15) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of within fifteen (15) days and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than thirty percent (30%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 13-1-142 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 three (3) 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 ten (10) 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 without first obtaining a fence permit from the Village of Cadott, including special purpose fences under Subsection (n), paying the required permit fee, 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 three (3) year period. A fence permit may include reasonable conditions required by the Village of Cadott. A fence permit application shall be filed with the Village of Cadott and include the following:
- (1) **Fee Payment.** Payment of the permit fee and completed application forms required by the Building Inspector or designee.

- (2) **Site Sketch.** 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) **Owner's Consent on Leased Property.** If the fence is proposed to be installed on leased or rented property, the written consent of the owner.
- (c) **Responsibilities of Applicant; 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 applicant's responsibility to secure a lot survey.
 - (2) **Covenant/Easement Compliance.** The applicant 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, permit conditions, and the following:
 - (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 Determination.** 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.
- (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 seventy-five percent (75%) 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 pursuant to Subsection (h) 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. 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 three (3) 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 to remove the violating fence at the owner's expense.

(i) **Industrial/Commercial Security Fences.** Security fences are not permitted on the property lines. They are subject to a two (2) foot setback off of the property line in all districts and shall not exceed ten (10) 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 ten (10) 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 prohibited.

- (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 of Cadott 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.**

(1) **Swimming Pool/Hot Tub Fences.** Swimming pool and hot tub fences shall comply with the requirements of Section 13-1-143.

(2) **Pet Enclosures; Dog Runs.** Pet enclosures and dog runs shall be permitted in residential districts subject to the following conditions:

- a. A 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.

(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.

Sec. 13-1-143 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 above or below the surface of ground elevation, having an area greater than one hundred fifty (150) square feet, used or intended to be used solely by the owner, operator or lessee thereof and his/her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. Such pool is installed in such a manner that the 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 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 or Building Inspector, the Zoning Administrator or Building Inspector 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 required fee 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 Cadott now in effect or hereafter enacted.
- b. All plumbing work shall be in accordance with all applicable Ordinances of the Village 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 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 swimming pools and outdoor hot tubs shall be at least six (6) 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.** 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) **Requirement.** Except as hereinafter provided, every outdoor swimming pool and hot tub shall be completely surrounded by a fence or wall in addition to the pool wall of an above ground pool. Said fence or wall shall be constructed to a height of no less than six (6) feet. Any fence or wall shall be located to a minimum horizontal distance of four feet from the edge of the swimming pool or hot tub.
- (2) **Enclosure Components; Access.** A dwelling, deck or accessory building may be used as part of such enclosure and may be located within four (4) feet of the swimming pool or hot tub, providing it meets or exceeds the minimum fence and wall requirements provided above. 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.
- (3) **Exemption.** A swimming pool or hot tub which has a pool wall exceeding fifty (50) inches above the grade shall be exempt from the fencing requirement, provided it has a retractable 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 or hot tub is not in use.
- (4) **Decks; Access.** 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.
- (5) **Service Gates.** 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.
- (6) **Hot Tub Exemption.** Hot tubs equipped with a fitted cover and capable of supporting a minimum of two hundred (200) pounds shall be exempt from required fencing.
- (7) **Applicability.** Enclosure requirements are applicable to all swimming pools and hot tubs, other than indoor pools, and shall apply to all existing swimming pools and hot tubs which have a minimum depth of twenty-four (24) inches of water.

(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.

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- (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.

Sec. 13-1-150 General Administrative System.

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

Sec. 13-1-151 Zoning Administrator.

- (a) The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:
 - (1) Maintain records of all permits issued, inspections made, work approved and other official actions.
 - (2) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.
 - (3) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
 - (4) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
 - (5) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by him.
 - (6) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
 - (7) Request assistance and cooperation from the Village Clerk-Treasurer, Building Inspector and Village Attorney as deemed necessary.
- (b) Due to the size of the Village of Cadott it may not be feasible to find a suitable person willing to take on the responsibility of being Zoning Administrator on a part-time basis. It is therefore provided that the function of the Zoning Administrator can be delegated to a committee of the Board or a single member of the Board or the Village President. An officer other than a Board member or another employee of the Village may also be designated to handle the duties of Zoning Administrator on part-time basis in addition to the other duties performed by such person.

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

- (a) **Village Board.** The Village Board, the governing body of the Village, subject to the holding of public hearings by said Board, has ultimate authority to grant permitted conditional uses, planned unit development conditional uses, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter.
- (b) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article N of this Chapter for detail provisions.

Sec. 13-1-153 Zoning Permit.

- (a) **Zoning Permit Required.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit. The zoning permit may be issued as part of issuance of a building permit; there shall be a charge for only one (1) permit under such circumstances.
- (b) **Application.** Applications for a zoning permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning Administrator: the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.
 - (4) Fee receipt from the Village Clerk-Treasurer in an amount of Twenty-five Dollars (\$25.00).
 - (5) Additional information as may be required by the Zoning Administrator or Village Board.

(c) **Action.**

- (1) A zoning permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of application and the applicant shall post such permit in a conspicuous place at the site.
- (2) The permit shall expire within six (6) months unless substantial work has commenced or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the application shall reapply for a zoning permit before commencing work on the structure.
- (3) Any permit issued in conflict with the provisions of this Chapter shall be null and void.

Sec. 13-1-154 Certificate of Compliance.

(a) **Certificate of Compliance Requirement.**

- (1) No building or premises shall be occupied, erected, used or moved, or a change in use created for, or vacant land be occupied, used or substantially developed, until a Certificate of Compliance has been issued by the Zoning Administrator.
- (2) Such Certificate of Compliance shall provide verification that the premises, building or part thereof is in compliance with the provisions of this Zoning Code. The Certificate of Compliance shall indicate that the building or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of this Zoning Code. A Certificate of Compliance may only be issued when the building or premises and the proposed use thereof conforms with all requirements of this Zoning Code.
- (3) No land within a floodplain zoning district shall be developed, occupied or used, and no structure erected, altered or moved shall be occupied until the applicant submits to the Zoning Administrator a certification by a Wisconsin registered professional engineer or land surveyor that the floodplain regulations set forth in this Code of Ordinances have been complied with. Such certification shall include the ground elevations of any site which has been filled; and the first floor and basement floor elevations of any structure permitted by this Zoning Code and erected on the site.
- (4) A Certificate of Compliance is required when a new business or industry is established in an existing structure. No new business or industry established in an existing structure shall be permitted to commence its operation until such time as a Certificate of Compliance has been issued by the Zoning Administrator certifying that the proposed use or operation is in compliance with the terms of this Chapter.
- (5) In multi-tenant buildings such as a shopping center or a multi-family residential building proposed to be constructed in phases, a Certificate of Compliance may be issued for the part of the building that has been completed when the Zoning

Administrator has determined that occupancy will not create a hazard to life and property. Such Certificate of Compliance for the occupation of a previously existing building by a new tenant or for a new use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by a new owner.

- (6) Upon the written request by the owner, the Zoning Administrator may issue a Certificate of Compliance for any building or premises existing at the time of adoption of this Section certifying the extent and kind of use being made of the building or premises and whether or not it conforms to the provisions of this Chapter.
- (b) **Application.** Applications for a Certificate of Compliance shall be made to the Zoning Administrator and shall include the following information where necessary for proper review:
- (1) Names, addresses, telephone number(s) and email addresses of the applicant, owner of the site, and, if involved, the architect, engineer and/or contractor involved with the project.
 - (2) Address of the subject site or premises; description of the subject type by lot, block and recorded subdivision or CSM, or by metes and bounds; type of structure; existing and proposed operation or use of the structure; the number of employees and/or residents proposed for the use; and the current zoning district within which the subject site lies.
 - (3) Copies of any pertinent licenses or permits, or verification of pending applications, required by any federal, state or county regulatory body. These permit requirements may include, but are not limited to, a water use permit pursuant to Chapters 30 and 31, Wis. Stats., any State of Wisconsin license required for a community living arrangement or adult family home, and a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act from the U.S. Army Corps of Engineers.
 - (4) Fee receipt from the Village Clerk-Treasurer in an amount as prescribed in Section 1-3-1.
 - (5) If deemed necessary by the Zoning Administrator, a plat of survey prepared by a land surveyor registered in the State of Wisconsin or other detailed map drawn to scale and showing the following information as may be required by the Zoning Administrator: the location, boundaries, dimensions, uses, and size of the subject site; existing and proposed structures, existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water, channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.
- (c) **Proper Applicants - In General.** The following shall be considered proper applicants for a Certificate of Compliance under the terms of this Section:
- (1) Record title owner under properly recorded instrument of conveyance;
 - (2) Vendee under a properly recorded land contract;

- (3) Vendee under written contract of sale, agreement to sell, earnest money agreement, or similar real estate agreement; or
- (4) Duly authorized agent/operator/representative for any of the above.
- (d) **Appels.** Any person who feels aggrieved by a Certificate of Compliance decision of the Zoning Administrator may appeal to the the Zoning Board of Appeals, which has the authority in a specific case, by the majority vote of its members, to issue a Certificate of Compliance. Such appeals shall proceed pursuant to the procedures in Article N.

Sec. 13-1-155 Site Plan Approval.

- (e) **Site Plan Approval.** All applications for Zoning Permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in Residential Districts, shall require site plan approval by the Village Board in accordance with the requirements of this Section.
- (f) **Application.** The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Village Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (g) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Village Board within ten (10) days. The Village Board 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-five (45) days of its receipt of the application, the Village Board shall authorize the Zoning Administrator to issue or refuse a Zoning Permit.
- (h) **Requirements.** In acting on any site plan, the Village Board shall consider the following:
 - (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - (4) The landscaping and appearance of the completed site. The Village Board may require that those portions of all front, rear and side yards not used for off-street

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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.

- (i) **Effect on Municipal Services.** Before granting any site approval, the Village Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Village Board shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

Sec. 13-1-156 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, resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.

Sec. 13-1-157 through Sec. 13-1-159 Reserved for Future Use.

APPENDIX A

ADULT FAMILY HOMES – INFORMATION BULLETIN VILLAGE OF CADOTT, WISCONSIN

- (a) **General State Licensing Requirement; Village Certificate of Compliance Requirement.** Anyone seeking to operate an Adult Family Home (AFH) in the Village of Cadott shall:
- (1) Be licensed by the State of Wisconsin Department of Health Services; and
 - (2) Obtain a Certificate of Compliance from the Zoning Administrator pursuant to the *Village of Cadott Code of Ordinances*.
- (b) **Definition.** An Adult Family Home is a facility licensed, operated and/or permitted by the State of Wisconsin, and is defined as follows in Sec. 13-1-200(a)(9) of the *Village of Cadott Code of Ordinances*:
- (9) **Adult Family Home (AFH).** Pursuant to Section 50.01(1), Wis. Stats., means one (1) of the following that is licensed by the State of Wisconsin, but does not include a place that is defined as a community-based residential facility other than an adult family home:
 - a. A private residence to which all of the following apply:
 1. Care and maintenance above the level of room and board, but not including nursing care, are provided in the private residence by the care provider whose primary domicile is this residence for three (3) or (4) adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in Section 51.05(5), Wis. Stats., or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than four (4), or more adults and children if all of the adults or all of the children are siblings.
 2. The private residence was licensed under Section 48.62, Wis. Stats., as a home for the care of adults specified in Subsection (a)(9)a.1 above at least twelve (12) months before any of the adults attained eighteen (18) years of age.

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- b. A place where three (3) or four (4) adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to seven (7) hours per week of nursing care per resident.
- c. A place in which the operator provides care, treatment, support, or service above the level of room and board to up to two (2) adults.

(c) Application Process.

- (1) A party interested in operating an AFH shall:
 - a. First apply to the Wisconsin Department of Health Services for appropriate licensing.
 - b. File with the Village of Cadott Zoning Administrator, as part of applying for a Certificate of Compliance, a copy of all State licenses governing the AFH, along with the site address, number of clients, and client type.
 - c. In the alternative and in lieu of filing with the Zoning Administrator a copy of State licenses, provide written notification from the Wisconsin Department of Health Services, Division of Supportive Living, that a license is pending, provided that all necessary information is contained in that notification.
- (2) For full information regarding the State licensing process for Adult Family Homes or to access a directory of licensed facilities, the following State website should be consulted:
<http://dhs.wisconsin.gov/bqaconsumer>
- (3) The Wisconsin Department of Health Services, Bureau of Assisted Living, may be contacted directly at (414) 227-2005; the Bureau office is located at 819 North 6th Street, Room 609B, Milwaukee, WI 53203-1606.

(d) Certificates of Compliance.

- (1) A certificate of compliance for an Adult Family Home can be issued by the Village of Cadott only if the facility meets the location requirements that are established by the State of Wisconsin, as applicable in the Village of Cadott, or if the facility has been granted an exception from these requirements.
- (2) The Wisconsin Statutes specify that Adult Family Homes shall not be located within 2,500 feet of each other or a Community Living Arrangement (CLA) unless granted a conditional use permit exception from the Cadott Village Board.
- (3) If it is determined, however, by the Village Board that the facility serves clients that are disabled, as defined in Sec. 13-1-200(a) of the *Village of Cadott Code of*

Ordinances, the 2,500 foot distance requirement does not apply and no Village Board approval is required.

- (e) **AFH Location Information; Village Contact.** The Village of Cadott maintains a list by location of all Adult Family Homes located in the Village of Cadott. For further information regarding the location of existing Adult Family Homes in the Village of Cadott, please contact the Village of Cadott Clerk-Treasurer at 110 North Central Street, Cadott, Wisconsin 54727, or telephone at (715) 289-4282.

APPENDIX B

COMMUNITY LIVING ARRANGEMENTS – INFORMATION BULLETIN

VILLAGE OF CADOTT, WISCONSIN

- (a) **General State Licensing Requirement; Village Certificate of Compliance Requirement.** Anyone seeking to operate a Community Living Arrangement (CLA) in the Village of Cadott shall:
- (1) Be licensed by the State of Wisconsin; and
 - (2) Obtain a Certificate of Compliance from the Zoning Administrator pursuant to the *Village of Cadott Code of Ordinances*.
- (b) **Definition.** A Community Living Arrangement is a facility licensed, operated and/or permitted by the State of Wisconsin, and can be one of the following types:
- (1) A community living arrangement for adults, as defined in Sec. 46.03(22), Wis. Stats.;
 - (2) A community living arrangement for children, as defined in Sec. 48.743(1), Wis. Stats.;
 - (3) A foster home, as defined in Sec. 48.02(6), Wis. Stats.; or
 - (4) An adult family home, as defined in Sec. 50.01(1), Wis. Stats.
- (c) **Application Process.**
- (1) A party interested in operating a CLA shall:
 - a. First apply to the proper State of Wisconsin agency for appropriate licensing.
 - b. File with the Village of Cadott Zoning Administrator, as part of applying for a certificate of compliance, a copy of all State licenses governing the CLA, along with the site address, number of clients, and client type.
 - c. In the alternative and in lieu of filing with the Zoning Administrator a copy of State licenses, provide written notification from the State of Wisconsin that a license is pending, provided that all necessary information is contained in that notification. Only after the Village of Cadott receives this notification can application be made for a Certificate of Compliance.
 - (2) For full information regarding the State licensing process for a residential care center or group home or to access a directory of licensed facilities, the following State website should be consulted:

<http://dcf.wisconsin.gov/childrenresidential>

- (3) The Wisconsin Department of Children and Families, Division of Safety and Permanence, may be contacted directly regarding residential care center or group

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home licensing at (262) 521-5100; their office is located at 141 N.W. Barstow Street, Room 104, Waukesha, WI 53188.

- (4) For information regarding the State licensing process for community-based residential facilities or to access a directory of licensed facilities, the following State website should be consulted:

<http://dhs.wisconsin.gov/bqaconsumer>

- (5) The Wisconsin Department of Health Services, Bureau of Assisted Living, may be contacted directly regarding community-based residential facilities licensing at (414) 227-2005; their office is located at 819 North 6th Street, Room 609B, Milwaukee, WI 53203-1606.

(d) **Certificates of Compliance.**

- (1) A Certificate of Compliance for a Community Living Arrangement can be issued by the Village of Cadott only if the facility meets the location requirements that are established by the State of Wisconsin, as applicable in the Village of Cadott, or if the facility has been granted an exception from these requirements.
- (2) The Wisconsin Statutes specify that a Community Living Arrangement shall not be located within 2,500 feet of another State-licensed Community Living Arrangement or Adult Family Home unless granted a conditional use permit exception from the Cadott Village Board. Furthermore, State law does not permit the total capacity of all Community Living Arrangement facilities within a municipality to exceed twenty-five (25) in number or one percent (1%) of the municipality's population, whichever is greater. [Cross-Reference: Sec. 59.69(15)(b)1, Wis. Stats.].
- (3) If it is determined, however, by the Village Board that the facility serves clients that are disabled, as defined in Sec. 13-1-200(a) of the *Village of Cadott Code of Ordinances*, the 2,500 foot distance requirement does not apply and no Village Board approval is required.
- (4) For issuance of a Certificate of Compliance, the number of residents in the proposed CLA facility must be allowed the zoning regulations for the property. If it is determined that the number of residents proposed for the CLA exceeds the maximum number allowed by the Village Zoning Code, the operator is required to receive a conditional use permit from the Village Board regardless of the disabled status of the clients.

- (e) **CLA Location Information; Village Contact.** The Village of Cadott maintains a list by location of all Community Living Arrangement facilities located in the Village of Cadott. For further information regarding the location of existing Community Living Arrangement facilities in the Village of Cadott, please contact the Village of Cadott Clerk-Treasurer at 110 North Central Street, Cadott, Wisconsin 54727, or telephone at (715) 289-4282.'

Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-160 Authority.

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

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

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

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

- (a) **Application.** Petitions or applications for any change to the district boundaries and map(s) or amendments to the text regulations shall be obtained at the Clerk's office. Such applications/petitions shall be addressed to the Village Board and shall be filed with the Village Clerk and Zoning Administrator. Such applications/petitions shall describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
 - (1) Plot plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
 - (3) Together with additional information as may be required by the Planning and Development Committee or the Village Board.
- (b) **Hearings.**
 - (1) The Planning and Development Committee shall meet prior to the public hearing to give a recommendation to the Village Board.

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- (2) The Village Board shall hold a public hearing at a time established by the Village Board upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
- (c) **Village Board's Action.** Following such hearing, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment.

Sec. 13-1-163 Protest.

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

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

Sec. 13-1-170 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 Cadott 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 Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record 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 Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:
 - (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 Village Board may make a review and recommendation.
 - (4) **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made; the Village Board may make a review and recommendation. Whenever the 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 Village Board may make a review and recommendation.

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- (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 Village Board has made a review and recommendation. 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 Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.
- (d) **Appeals Applications.** Parties intending to appeal an authorized matter to the Zoning Board of Appeals shall file an application satisfying the requirements of Section 13-1-173(b), along with the required application fee.

Sec. 13-1-171 Hearing on Appeals.

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

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

- (a) **Timeframe.** The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board of Appeal's decision to the appellant or applicant and the Zoning Administrator.
- (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 Board of Appeals shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

Sec. 13-1-173 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 variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.

- (2) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning 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 Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
- (1) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Clerk-Treasurer, Building Inspector, Zoning Board of Appeals and/or Zoning Administrator.
 - (6) The variance application fee of One Hundred and Fifty Dollars (\$150.00).
- (c) **Public Hearing of Application.**
- (1) The Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than 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 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 Board of Appeals.** For the 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 physiographical 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 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.
- (f) **Standards for Qualifying For A Variance.** To qualify for a variance, the applicant must demonstrate that their 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 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 Cadott and the general public. Such factors are generally identified in Article A of this Chapter.

(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 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 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.

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(**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. 13-1-174 Review by Court of Record.

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

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

Article 0: Definitions

Sec. 13-1-200 Definitions.

- (a) 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.
 - (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, sheds, barns, gazebos, swimming pools, hot tubs, fences, retaining walls and detached stairways and lifts; and impervious, pervious or porous driveways, parking lots, sidewalks, patios and decks (both detached and attached).
 - (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 Family Home (AFH).** Pursuant to Section 50.01(1), Wis. Stats., means one (1) of the following that is licensed by the State of Wisconsin, but does not include a place that is defined as a community-based residential facility other than an adult family home:

- a. A private residence to which all of the following apply:
 1. Care and maintenance above the level of room and board, but not including nursing care, are provided in the private residence by the care provider whose primary domicile is this residence for three (3) or (4) adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in Section 51.05(5), Wis. Stats., or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than four (4), or more adults and children if all of the adults or all of the children are siblings.
 2. The private residence was licensed under Section 48.62, Wis. Stats., as a home for the care of adults specified in Subsection (a)(9)a.1 above at least twelve (12) months before any of the adults attained eighteen (18) years of age.
 - b. A place where three (3) or four (4) adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to seven (7) hours per week of nursing care per resident.
 - c. A place in which the operator provides care, treatment, support, or service above the level of room and board to up to two (2) adults.
- (10) **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.
- (11) **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.
- (12) **Agriculture, Crop.** The use of land for the production of row crops, field crops, tree crops, timber, bees, apiary productions, and fur-bearing mammals.
- (13) **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.

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- (14) **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.
- (15) **Agricultural Research and Development.** The use of land or buildings for agriculture research and the cultivation of new agricultural products.
- (16) **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.
- (17) **Agricultural Storage.** Grain elevators and other facilities for the warehousing and storage of agricultural products.
- (18) **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.
- (19) **Aircraft Landing Strip.** A site maintained for occasional use by manned aircraft for landing or take off.
- (20) **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.
- (21) **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.
- (22) **Alley.** A public or private way which affords only secondary vehicular access to abutting property.
- (23) **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.
- (24) **Animal Unit.** As defined in Ch. NR 243.03(3), Wis. Adm. Code.
- (25) **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.

- (26) **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.
- (27) **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.
- (28) **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).
- (29) **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.
- (30) **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.
- (31) **Authority.** A person, committee, or board to whom the power to issue a permit, or make a determination, decision, or judgment has been delegated.
- (32) **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.
- (33) **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 immediate family, and a janitor or servants of the owner.
- (34) **Bed and Breakfast Establishment Building.** A building that provides ten (10) or fewer sleeping rooms for temporary occupancy 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.

- (35) **Best Management Practices (BMPs).** Practices and industry standards designed to minimize environmental damage.
- (36) **Block.** A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (37) **Bluffline.** A line along the top of a slope preservation zone. There can be more than one bluffline.
- (38) **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.
- (39) **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.
- (40) **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.
- (41) **Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.
- (42) **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.
- (43) **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.
- (44) **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.
- (45) **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.
- (46) **Building, Detached.** A building surrounded by open space on the same lot.
- (47) **Building, Front Line of.** A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- (48) **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.

- (49) **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.
- (50) **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.
- (51) **Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.
- (52) **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.
- (53) **Business.** An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- (54) **Camouflage Design.** A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.
- (55) **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.
- (56) **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.
- (57) **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.
- (58) **Carport.** An automobile shelter having one (1) or more sides open.
- (59) **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.
- (60) **Centerline.** A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.
- (61) **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.
- (62) **Channel.** Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

- (63) **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.
- (64) **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.
- (65) **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.
- (66) **Community-Based Residential Facility (CBRF).** Pursuant to Section 51.01(1g), Wis. Stats., means a place licensed by the State of Wisconsin where five (5) or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than three (3) hours of nursing care per week per resident. "Community-based residential facility" does not include any of the following:
- a. A convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order.
 - b. A facility or private home that provides care, treatment, and services only for victims of domestic abuse, as defined in Section 49.165(1)(a), Wis. Stats., and their children.
 - c. A shelter facility as defined under Section 560.9808(1)(d), Wis. Stats.
 - d. A place that provides lodging for individuals and in which all of the following conditions are met:
 1. Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.
 2. No lodged individual receives from the owner, manager or operator of the place or other owner's, manager's or operator's agent or employee any of the following:
 - i. Personal care, supervision or treatment, or management, control or supervision of prescription medications.
 - ii. Care or services other than board, information, referral, advocacy or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager or operator, for which arrangements were made for an individual before he or she lodged in the place; or in case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager or operator.
 - e. An adult family home.
 - f. A residential care apartment complex.
- (67) **Complete Application for Local Approval – Livestock Facilities Conditional Use.** An application that contains everything required under ATCP 51.30(1)-(4), Wis. Adm. Code.
- (68) **Compliant Building Location.** An area on a lot where a building could be located in compliance with all applicable ordinance requirements.

- (69) **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.
- (70) **Community Living Arrangement.** A facility licensed, operated and/or permitted by the State of Wisconsin, and can be one of the following types:
- a. A community living arrangement for adults, as defined in Sec. 46.03(22), Wis. Stats.;
 - b. A community living arrangement for children, as defined in Sec. 48.743(1), Wis. Stats.;
 - c. A foster home, as defined in Sec. 48.02(6), Wis. Stats.; or
 - d. An adult family home, as defined in Sec. 50.01(1), Wis. Stats.
- (71) **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (72) **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.
- (73) **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°).
- (74) **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 Chippewa 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 needs in developing his soil and water conservation.
- (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 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 Person.** A person who has an impairment of a physical, mental or emotional nature that substantially limits at least one (1) major life activity and who is or will be housed in a community living arrangement or other group living facility required to be licensed by the State of Wisconsin and who falls into one (1) or more of the following client groups [Cross-Reference: 134.95(1)(a), Wis. Stats.]:
- a. Advanced age.
 - b. Irreversible dementia/Alzheimer's disease.
 - c. Developmental disability.
 - d. Emotionally disturbed/mental illness.
 - e. Physical disability.
 - f. Traumatic brain injury.
 - g. Acquired immunodeficiency syndrome (AIDS).
 - h. Alcohol or other drug abuse.
 - i. Any other physical or mental impairment which substantially limits one (1) or more of such person's major life activities, or a record of having such an impairment, provided the impairment is not related to current, illegal use of, or an addiction to, a controlled substance.

- (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 Day Care Home.** A dwelling also licensed as a day care center by the State Department of Health and Social Services where, for compensation of 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.
- (104) **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.
- (105) **Farm Animals.** See "Livestock".
- (106) **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.

- (107) **Farmstead.** A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (108) **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.
- (109) **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.
- (110) **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.
- (111) **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.
- (112) **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.
- (113) **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.
- (114) **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.
- (115) **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.

- (116) **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.
- (117) **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.
- (118) **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.
- (119) **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.

- (120) **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.
- (121) **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.
- (122) **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.
- (123) **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.
- (124) **Garage, Private.** An accessory building or space for the storage only of not more than four (4) wheeled, licensed motor vehicles.
- (125) **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.
- (126) **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.
- (127) **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.
- (128) **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.
- (129) **Gift Stores.** Retail stores where items such as art, antiques, jewelry, books and notions are sold.
- (130) **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.

- (131) **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.
- (132) **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.
- (133) **Hardware Stores.** Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.
- (134) **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 13-1-72.
- (135) **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.
- (136) **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.
- (137) **Institution.** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
- (138) **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.
- (139) **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.
- (140) **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.

- (141) **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.
- (142) **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".
- (143) **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.
- (144) **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.
- (145) **Lodging House.** A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- (146) **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.
- (147) **Lot Area.** The area of contiguous land bounded by lot lines, exclusive of land designated for public thoroughfares.
- (148) **Lot, Corner.** A lot situated at the intersection of two (2) streets.
- (149) **Lot Coverage (residential).** The area of a lot occupied by the principal building or buildings and accessory building.
- (150) **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.
- (151) **Lot, Interior.** A lot with frontage on only one (1) street.
- (152) **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.
- (153) **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.

- (154) **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.
- (155) **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.
- (156) **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.
- (157) **Lot Line, Front.** A line separating the lot from the street or approved private road.
- (158) **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.
- (159) **Lot Line, Side.** Any lot boundary line not a front line or a rear lot line.
- (160) **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.
- (161) **Lot Width.** The horizontal distance between the side lot lines at the building setback line.
- (162) **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.
- (163) **Marquee or Canopy.** A roof-like structure of a permanent nature which projects from the wall of a building.
- (164) **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.
- (165) **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 COMM 21, Subchapters III, IV and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - 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.

- (166) **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.
- (167) **Mini-Storage/Warehouse Structure.** A structure where self-contained sections thereof are rented for storage purposes, typically serving residential and small business clients.
- (168) **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.
- (169) **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.
- (170) **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.

- (171) **Mobile Home Lot.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (172) **Mobile Home Park.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation, and where individual lots are rented to individual mobile home users. A mobile home park 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 park occupants.
- (173) **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 parks.

- (174) **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.
- (175) **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.
- (176) **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.
- (177) **Navigable Waters.** Has the meaning in Section 30.01(4m), Wis. Stats.
- (178) **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.
- (179) **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.
- (180) **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.]
- (181) **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.]
- (182) **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.
- (183) **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.
- (184) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (185) **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.

- (186) **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.
- (187) **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.
- (188) **Operator.** A person who applies for or holds a local approval for a livestock facility.
- (189) **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.
- (190) **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.
- (191) **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.
- (192) **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.
- (193) **Parking Lot.** A structure or premises containing five (5) or more parking spaces open to the public.
- (194) **Parties in Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (195) **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.
- (196) **Person.** An individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.
- (197) **Places of Assembly.** Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.
- (198) **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.
- (199) **Populate (Animals).** To add animal units for which a permit or other local approval is required.
- (200) **Porch.** A building walkway with a roof over it, providing access to a building entrance.

- (201) **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.
- (202) **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.
- (203) **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.
- (204) **Property Line.** A line that separates parcels of land owned by different persons.
- (205) **Qualified Nutrient Management Planner.** A person qualified under ATCP 50.48, Wis. Adm. Code.
- (206) **Quarrying.** The removal of mineral aggregates, topsoil or other natural materials from the earth by excavating, stripping or any other mining process.
- (207) **Racetrack.** A facility or track operated where vehicles of any type competitively race, whether for compensation or not.
- (208) **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.
- (209) **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.
- (210) **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.
- (211) **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.
- (212) **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.
- (213) **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.
- (214) **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.
- (215) **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.
- (216) **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.
- (217) **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.
- (218) **Retail.** The sale of goods or merchandise in small quantities to the consumer.
- (219) **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.

- (220) **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.
- (221) **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.
- (222) **School, Commercial.** A school limited to special instruction such as business, art, music trades, handicraft, dancing or riding.
- (223) **Seat.** Furniture upon which to sit having a linear measurement not less than twenty-four (24) inches across the surface used for sitting.
- (224) **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.
- (225) **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.

- (226) **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.
- (227) **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.
- (228) **Stable, Commercial.** A building or land where horses are kept for remuneration, hire, sale, boarding, riding or show.
- (229) **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.
- (230) **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.
- (231) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (232) **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.
- (233) **Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (234) **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.

- (235) **Structural Erosion Control Measure.** A retaining wall or other man-made structure whose primary function is to control erosion.
- (236) **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.
- (237) **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.
- (238) **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.
- (239) **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.
- (240) **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.
- (241) **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.
- (242) **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.
- (243) **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.
- (244) **Use, Principal.** The main use of land or building as distinguished from subordinate or accessory use.

- (245) **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.
- (246) **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.
- (247) **Utility Room.** A room or area in the home used for the mechanicals of the home (furnace, water heater, water softener).
- (248) **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.
- (249) **Variance.** A relaxation of the terms of this Chapter by the 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.
- (250) **Vehicle, Motor.** Every device in, upon or by which any person or property is or may be transported.
- (251) **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.
- (252) **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.
- (253) **Wall, Retaining.** A structure designed to resist the lateral displacement of soil or other materials.
- (254) **Waste.** Manure, milking center waste, and other organic waste generated by a livestock facility.
- (255) **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.

- (256) **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.
- (257) **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.
- (258) **WPDES Permit.** A Wisconsin pollutant discharge elimination permit issued by the Wisconsin Department of Natural Resources under NR 243, Wis. Adm. Code.
- (259) **Yard.** An open space on the same lot with a building, unobstructed by structures except as otherwise provided herein.
- (260) **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.
- (261) **Yard, Rear.** A yard extending the full width of the lot between the rear lot line to the nearest part of the principal building.
- (262) **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.
- (263) **Yard, Street.** Yard abutting a street.
- (264) **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.
- (265) **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.

- (266) **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.

Article P: Rezoning

Sec. 13-1-220 Rezoning — August 22, 2002.

The certain parcel of real estate situated in the Village of Cadott, Chippewa County, Wisconsin, hereinafter described shall be hereby rezoned as follows:

From District A (Agricultural) to District R-1 (Residential)

Part of Outlot 2, Assessors Outlot Plat, located in the NE 1/4 and part of the NW 1/4, Section 31, T29N, R6W.

(Property is owned by Lauren Kyes and is located to the southwest of Mill Avenue.)

Sec. 13-1-221 Rezoning — March 20, 2003.

The certain parcel of real estate situated in the Village of Cadott, Chippewa County, Wisconsin, hereinafter described shall be hereby rezoned as follows:

From District A-1 (Agricultural) to District R-1 (Residential)

NE NW EX Beg 354' W of NE Cor; S 270', W 140', N 270', E 140' to POB and EX PCL in NW Cor for cemetery.

(Owner: Rick & Peggy Crank)

Sec. 13-1-222 Rezoning — May 1, 2003.

The certain parcel of real estate situated in the Village of Cadott, Chippewa County, Wisconsin, hereinafter described shall be hereby rezoned as follows:

From District B-1 Business to District R-1 Single Family Residential

LOTS 1,2,3 & 4 of CSM 2400
VOL. 10
PGS. 316-317

(Owner: Shawn Kromrey)

Title 13 ► Chapter 2

Floodplain Zoning

Article A

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Article A: Introduction

Sec. 13-2-1 Statutory Authorization.

This Chapter is adopted pursuant to the authorization in Secs. 61.35 and 62.23, Wis. Stats. for villages and cities; Secs. 59.69, 59.692 and 59.694, Wis. Stats.; and the requirements in Sec. 87.30, Wis. Stats.

Sec. 13-2-2 Finding of Fact.

Uncontrolled development and the use of the floodplains and rivers of the Village of Cadott would impair the public health, safety, convenience, general welfare and tax base.

Sec. 13-2-3 Statement of Purpose.

This Chapter is intended to regulate floodplain development to:

- (a) Protect life, health and property;
- (b) Minimize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damage to public facilities in the floodplain;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (g) Discourage the victimization of unwary land and home buyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

Sec. 13-2-4 Title.

This Chapter shall be known as the Floodplain Zoning Ordinance for the Village of Cadott, Wisconsin.

Sec. 13-2-5 General Provisions.

- (a) **Areas To Be Regulated.** This Chapter regulates all areas that would be covered by the regional flood or base flood.

[**Note:** "Base floods" are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.]

(b) **Official Maps and Revisions.**

- (1) The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and in any revisions in the Village of Cadott Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Cadott Village Clerk-Treasurer. If more than one (1) map or revision is referenced, the most current approved information shall apply.
- (2) The official floodplain zoning map under this Chapter, based on the Flood Insurance Study (FIS), is the Flood Insurance Rate Map (FIRM), panel numbers 55017C0608E, 55017C0609E, and 55017C0620E, dated March 3, 2010, with corresponding profiles that are based on the Flood Insurance Study (FIS) dated March 3, 2010, Volume number 55017CV000A. This map has been approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA) and is on file with the Village of Cadott Clerk-Treasurer.

(c) **Establishment of Districts.** The regional floodplain areas are divided into three (3) districts as follows:

- (1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (2) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (3) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(d) **Locating Floodplain Boundaries.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in Subsections (d)(1) and (2) below. If a significant difference exists, the map shall be amended according to Sec. 13-2-80 and 13-2-81. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Section. Disputes between the Zoning Administrator and an applicant over the district's boundary line shall be settled according to Sec. 13-2-53 and the criteria in Subsection (d)(1) and (2) below:

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

- (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspections and any information provided by the Wisconsin Department of Natural Resources.

[**Note:** Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Sec. 13-2-80(f)].

- (c) **Removal of Lands From Floodplain.** Compliance with the provisions of this Chapter shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Secs. 13-2-80 and 13-2-81.

[**Note:** This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).]

- (f) **Compliance.** Any development or use within the areas regulated by this Chapter shall be in compliance with the terms of this Chapter, and other applicable local, state and federal regulations.

- (g) **Municipalities and State Agencies Regulated.** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Chapter and obtain necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Sec. 30.2022, Wis. Stats., applies.

- (h) **Abrogation and Greater Restrictions.**

- (1) This Chapter supercedes all the provisions of any zoning ordinance enacted under Section 61.35, Wis. Stats., for villages and Sec. 62.23, Wis. Stats., for cities which relate to floodplains. If another ordinance is more restrictive than this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- (2) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

- (i) **Interpretation.** In their interpretation and application, the provisions of this Chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Chapter, required by NR 116, Wis. Adm. Code, is unclear, the provisions shall be interpreted in light of the standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

- (j) **Warning and Disclaimer of Liability.** The flood protection standards in this Chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Chapter create liability on the part of, or a

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cause of action against, the Village of Cadott or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.

- (k) **Severability.** Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.
- (l) **Annexed Areas for Cities and Villages.** The Chippewa County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the Village of Cadott adopts and enforces an ordinance which meets the requirements of NR 116, Wis. Adm. Code, and the National Flood Insurance Program (NFIP). These annexed lands are described on the Village of Cadott's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the Village Clerk-Treasurer. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
- (m) **General Development Standards.** The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development which meets the subdivision definition of this Chapter.

Sec. 13-2-6 through Sec. 13-2-19 Reserved for Future Use.

Article A: Introduction

Sec. 13-2-1 Statutory Authorization.

This Chapter is adopted pursuant to the authorization in Secs. 61.35 and 62.23, Wis. Stats. for villages and cities; Secs. 59.69, 59.692 and 59.694, Wis. Stats.; and the requirements in Sec. 87.30, Wis. Stats.

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- (2) The official floodplain zoning map under this Chapter, based on the Flood Insurance Study (FIS), is the Flood Insurance Rate Map (FIRM), panel numbers 55017C0608E, 55017C0609E, and 55017C0620E, dated March 3, 2010, with corresponding profiles that are based on the Flood Insurance Study (FIS) dated March 3, 2010, Volume number 55017CV000A. This map has been approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA) and is on file with the Village of Cadott Clerk-Treasurer.

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- (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspections and any information provided by the Wisconsin Department of Natural Resources.

[**Note:** Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Sec. 13-2-80(f)].

- (e) **Removal of Lands From Floodplain.** Compliance with the provisions of this Chapter shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Secs. 13-2-80 and 13-2-81.

[**Note:** This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).]

- (f) **Compliance.** Any development or use within the areas regulated by this Chapter shall be in compliance with the terms of this Chapter, and other applicable local, state and federal regulations.
- (g) **Municipalities and State Agencies Regulated.** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Chapter and obtain necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Sec. 30.2022, Wis. Stats., applies.
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- (1) This Chapter supercedes all the provisions of any zoning ordinance enacted under Section 61.35, Wis. Stats., for villages and Sec. 62.23, Wis. Stats., for cities which relate to floodplains. If another ordinance is more restrictive than this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.
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cause of action against, the Village of Cadott or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.

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- (l) **Annexed Areas for Cities and Villages.** The Chippewa County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the Village of Cadott adopts and enforces an ordinance which meets the requirements of NR 116, Wis. Adm. Code, and the National Flood Insurance Program (NFIP). These annexed lands are described on the Village of Cadott's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the Village Clerk-Treasurer. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
- (m) **General Development Standards.** The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development which meets the subdivision definition of this Chapter.

Sec. 13-2-6 through Sec. 13-2-19 Reserved for Future Use.

Article B: General Provisions Applicable to All Floodplain Districts

Sec. 13-2-20 Hydraulic and Hydrologic Analyses.

- (a) Except as provided in Subsection (c) below, no floodplain development shall:
 - (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- (b) The Zoning Administrator shall deny permits if it is determined the proposed development obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of Subsection (c) are met.
- (c) Obstructions or increases equal to or greater than 0.01 may only be permitted if amendments are made to this Chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Secs. 13-2-80 and 13-2-81.

[Note: This Section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.]

Sec. 13-2-21 Watercourse Alterations.

- (a) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.
- (b) As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

Sec. 13-2-22 Chapter 30, 31, Wis. Stats., Development.

Development which requires a permit from the Department, under Chapters 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water

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surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Secs. 13-2-80 and 13-2-81.

Sec. 13-2-23 Public or Private Campgrounds.

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (a) The campground is approved by the Wisconsin Department of Health Services.
- (b) A land use permit for the campground is issued by the Zoning Administrator.
- (c) The character of the river system and the elevation of the campground is such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (e) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in Subsection (d), to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations.
- (f) Only camping units are allowed.
- (g) The camping units may not occupy any site in the campground for more than one hundred and eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours.
- (h) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred and eighty (180) days and shall ensure compliance with all the provisions of this Section.
- (i) The Village of Cadott shall monitor the limited authorization issued by the campground operator to assure compliance with the terms of this Section.
- (j) All camping units that remain in place for more than one hundred and eighty (180) consecutive days must meet the applicable requirements of either Article C or Article D of this Chapter for the floodplain district in which the structure is located.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Sec. 13-2-24 through Sec. 13-2-29 Reserved for Future Use.

Article D: Floodfringe District (FF)

Sec. 13-2-40 Applicability of Floodfringe District Regulations.

This Article/District applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Sec. 13-2-53.

Sec. 13-2-41 Floodfringe District Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Sec. 13-2-42 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Sec. 13-2-70 have been issued.

Sec. 13-2-42 Standards for Development in Floodfringe Areas.

- (a) **Compliance With Other Provisions.** All of the provisions of Sec. 13-2-20 shall apply. In addition, the following requirements prescribed below shall apply according to the use requested.
- (b) **Residential Uses.** Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards:
 - (1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
 - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection (b)(4) below;
 - (4) In developments where existing street or sewer line elevations make compliance with Subsection (b)(3) impractical, the Village of Cadott may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - a. The Village of Cadott has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

- b. The Village of Cadott has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
- (c) **Accessory Structures or Uses.**
 - (1) Except as provided in Subsection (b), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
 - (2) An accessory structure which is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less than Ten Thousand Dollars (\$10,000.00) may be constructed with its lowest floor no more than two (2) feet below the regional flood elevation if it is subject to flood velocities of no more than two (2) feet per second, and it meets all of the provisions of Section 13-2-32(b)(1)-(4) and Subsection (f) below.
- (d) **Commercial Uses.** Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of Sec. 13-2-42(b). Subject to the requirements of Subsection (f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) **Manufacturing and Industrial Uses.** Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in Sec. 13-2-74. Subject to the requirements of Subsection (f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (f) **Storage of Materials.** Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Sec. 13-2-74. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (g) **Public Utilities, Streets and Bridges.** All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:
 - (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Sec. 13-2-74 to the flood protection elevation;
 - (2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (h) **Sewage Systems.** All on-site sewage disposal systems shall be floodproofed, pursuant to Sec. 13-2-74, to the flood protection elevation and shall meet the provisions of all local ordinances and SPS 383, Wis. Adm. Code.
- (i) **Wells.** All wells shall be floodproofed, pursuant to Sec. 13-2-74, to the flood protection elevation and shall meet the provisions of NR 811 and NR 812, Wis. Adm. Code.

- (j) **Solid Waste Disposal Sites.** Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (k) **Deposition of Materials.** Any deposited material must meet all the provisions of this Chapter.
- (l) **Manufactured Homes.**
 - (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. Have the lowest floor elevated to the flood protection elevation; and
 - b. Be anchored so they do not float, collapse or move laterally during the flood.
 - (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Sec. 13-2-42(b).
- (m) **Mobile Recreational Vehicles.** All mobile recreational vehicles that are on site for one hundred and eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Sec. 13-2-42(l)(1)-(2). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

Sec. 13-2-43 through Sec. 13-2-49 Reserved for Future Use

Article E: General Floodplain District (GFP)

Sec. 13-2-50 Applicability of Floodplain District Regulations.

The provisions of this Article/District shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and Floodfringe Districts shall be delineated when adequate data is available.

Sec. 13-2-51 General Floodplain District Permitted Uses.

- (a) Pursuant to Sec. 13-2-54, it shall be determined whether the proposed use is located within a floodway or floodfringe area.
- (b) Those uses permitted in floodway (Sec. 13-2-31) and floodfringe areas (Sec. 13-2-41) are allowed within the General Floodplain District, according to the standards of Sec. 13-2-52, provided that all permits or certificates required under Sec. 13-2-70 have been issued.

Sec. 13-2-52 Standards for Development in the General Floodplain District.

Article C applies to floodway areas; Article D applies to floodfringe areas. The rest of this Chapter applies to either district.

Sec. 13-2-53 Determining Floodway and Floodfringe Limits.

Upon receiving an application for development within the General Floodplain District, the Zoning Administrator shall:

- (a) Require the applicant to submit two (2) copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures;
- (b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - (1) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing

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- structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil type and other pertinent information;
- (3) Profile showing the slope of the bottom of the channel or flow line of the stream;
- (4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (c) Transmit one (1) copy of the information described in Subsections (a) and (b) to the Department's regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Sec. 13-2-70(b)(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

Sec. 13-2-54 through Sec. 13-2-59 Reserved for Future Use.

Article F: Nonconforming Uses

Sec. 13-2-60 General Applicability of Nonconforming Use Status.

- (a) **Applicability.** If these standards in this Article conform with Sec. 62.23(7)(h), Wis. Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this Chapter or any amendment thereto.
- (b) **Existing Lawful Use of a Structure.** The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Chapter may continue subject to the following conditions:
 - (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this Chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. The construction of a deck that does not exceed two hundred (200) sq. ft. and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure;
 - (2) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Chapter;
 - (3) The Village of Cadott shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
 - (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 13-2-42(b). The costs of elevating a nonconforming building or a building with

- a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this Subsection;
- (5) Except as provided in Subsection (b)(6) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet this Chapter's requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.
 - (6) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or under the regulations promulgated thereunder.
 - (7) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Sec. 13-2-32(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 13-2-74 are used.

Sec. 13-2-61 Floodway Areas—Nonconforming Uses.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification/addition:
 - (1) Has been granted a permit or variance which meets all Chapter requirements;
 - (2) Meets the requirements of Sec. 13-2-60;
 - (3) Will not increase the obstruction to flood flows or regional flood height; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Sec. 13-2-74, by means other than the use of fill, to the flood protection elevation;
 - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one square inch for every one square foot (1sq. in.: 1 sq. ft.) of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking or limited storage.

- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and SPS 383, Wis. Adm. Code.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all Village of Cadott ordinances and NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-62 Floodfringe Areas—Nonconforming Uses.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modifications or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Sec. 13-2-42, except where Subsection (b) below is applicable.
- (b) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Sec. 13-2-70, may grant a variance from those provisions of Subsection (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two (2) feet;
 - (5) Flood velocities will not exceed two (2) feet per second; and
 - (6) The structure will not be used for storage of materials as described in Sec. 13-2-42(f).
- (c) If neither the provisions of Subsections (a) or (b) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
 - (1) Meets all other regulations and will be granted by permit or variance;
 - (2) Does not exceed sixty (60) square feet in area; and
 - (3) In combination with other previous modifications or additions to the building, does not equal or exceed fifty percent (50%) of the present equalized assessed value of the building.

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- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and SPS 383, Wis. Adm. Code.
- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Chapter and NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-63 through Sec. 13-2-69 Reserved for Future Use.

Article G: Administration

Sec. 13-2-70 Zoning Administrator; Permits.

- (a) **Administration Responsibilities.** Where a Zoning Administrator, planning agency or a Board of Appeals has already been appointed to administer a zoning ordinance adopted under Sec. 62.23(7), Wis. Stats., these officials shall also administer this Chapter. The Zoning Administrator is authorized to administer this Chapter and shall have the following duties and powers:
- (1) Advise applicants of the provisions of this Chapter, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (2) Issue permits and inspect properties for compliance with provisions of this Chapter and issue certificates of compliance where appropriate.
 - (3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
 - (4) Keep records of all official actions such as;
 - a. All permits issued, inspections made, and work approved;
 - b. Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - c. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - d. All substantial damage assessment reports for floodplain structures.
 - (5) Submit copies of the following items to the Department's regional office:
 - a. Within ten (10) days of the decision, a copy of any decision on variances, appeals for map or text interpretations, and map or text amendments;
 - b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning assessments.
 - (6) Investigate, prepare reports, and report violations of this Chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department's regional office.
 - (7) Submit copies of text and map amendments and biennial reports to the FEMA regional office.
- (b) **Land Use Permit.** A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

- (1) **General Information.**
 - a. Name and address of the applicant, property owner and contractor;
 - b. Legal description, proposed use, and whether it is new construction or a modification.
- (2) **Site Development Plan.** A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - a. Location, dimensions, area and elevation of the lot;
 - b. Location of the ordinary highwater mark of any abutting navigable waterways;
 - c. Location of any structures with distances measured from the lot lines and street center lines;
 - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - e. Location and elevation of existing or future access roads;
 - f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 - g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either the National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Articles C or D are met; and
 - i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Sec. 13-2-20. This may include any of the information noted in Sec. 13-2-32(a).
- (3) **Data Requirements to Analyze Developments.**
 - a. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Ch. 236, Wis. Stats., and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred and Twenty-five Thousand Dollars (\$125,000.00). The applicant shall provide:
 1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 2. A map showing location and details of vehicular access to lands outside the floodplain; and
 3. A surface drainage plan showing how flood damage will be minimized.

[Note: The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.]
- (4) **Expiration.** All permits issued under the authority of this Chapter shall expire one hundred and eighty (180) days after issuance.

- (c) **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Chapter;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within ten (10) days after written notification that the permitted work is completed;
 - (4) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of Sec. 13-2-74.
- (d) **Other Permits.** The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Sec. 13-2-71 Zoning Agency.

- (a) The Village of Cadott Plan Commission shall:
- (1) Oversee the functions of the office of the Zoning Administrator; and
 - (2) Review and advise the Village Board on all proposed amendments to this Chapter, maps and text.
- (b) The Village of Cadott Plan Commission shall not:
- (1) Grant variances to the terms of this Chapter in place of action by the Board of Appeals; or
 - (2) Amend the text or zoning maps in place of official action by the Village Board.

Sec. 13-2-72 Board of Appeals.

The Board of Appeals, created under Sec. 62.23(7)(e), Wis. Stats., for village and cities is hereby authorized to act for the purposes of this Chapter. The Board of Appeals shall exercise the powers conferred by the Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Board of Appeals:

- (a) **Powers and Duties.**
- (1) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.

- (2) **Boundary Disputes.** The Board of Appeals shall hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
 - (3) **Variances.** The Board of Appeals shall hear and decide, upon appeal, variances from the standards of this Chapter.
- (b) **Appeals to the Board of Appeals.**
- (1) **Eligible Parties.** Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer or department of the Village of Cadott affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Board of Appeals, by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board of Appeals all records regarding the matter appealed.
 - (2) **Notice and Hearing for Appeals Including Variances.**
 - a. **Notice.** The Board of Appeals shall:
 - 1. Fix a reasonable time for the hearing;
 - 2. Publish adequate notice pursuant to the Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - 3. Assure that notice shall be mailed to the parties in interest and the Department's regional office at least ten (10) days in advance of the hearing.
 - b. **Hearing.** Any party may appear in person or by agent or attorney. The Board of Appeals shall:
 - 1. Resolve boundary disputes according to Subsection (c) below.
 - 2. Decide variance applications according to Subsection (d) below.
 - 3. Decide appeals of permit denials according to Sec. 13-2-73.
 - (3) **Decision.** The final decision regarding the appeal or variance application shall:
 - a. Be made within a reasonable time;
 - b. Be sent to the Department's regional office within ten (10) days of the decision;
 - c. Be a written determination signed by the chairperson or secretary of the Board of Appeals;
 - d. State the specific facts which are the basis for the Board of Appeals' decision;
 - e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
 - f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board of Appeals' proceedings.
- (c) **Boundary Disputes.** The following procedure shall be used by the Board of Appeals in hearing disputes concerning floodplain district boundaries:
- (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

- (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals.
 - (3) If the boundary is incorrectly mapped, the Board of Appeals should inform the Planning Commission or the person contesting the boundary location to petition the governing body for a map amendment according to Secs. 13-2-80 and 13-2-81.
- (d) **Variances.**
- (1) The Board of Appeals may, upon appeal, grant a variance from the standards of this Chapter if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the Chapter's provisions will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions not common to adjacent lots or premises. In such cases this Chapter or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this Chapter in Sec. 13-2-3.
 - (2) In addition to the criteria in Subsection (d)(1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this Chapter.
 - (3) A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district.
 - b. Be granted for a hardship based solely on an economic gain or loss.
 - c. Be granted for a hardship which is self-created.
 - d. Damage the rights or property values of other persons in the area.
 - e. Allow actions without the amendments to this Chapter or map(s) required in Sec. 13-2-80.
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
 - (4) When a floodplain variance is granted, the Board of Appeals shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

Sec. 13-2-73 Board of Appeals to Review Appeals of Permit Denials.

- (a) The Board of Appeals shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in Sec. 13-2-70(b).

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- (2) Floodway/floodfringe determination data in Sec. 13-2-53.
- (3) Data listed in Sec. 13-2-32(a)(2)b where the applicant has not submitted this information to the Zoning Administrator.
- (4) Other data submitted with the application, or submitted to the Board of Appeals with the appeal.
- (b) For appeals of all denied permits the Board of Appeals shall:
 - (1) Follow the procedures of Sec. 13-2-72;
 - (2) Consider the Zoning Administrator's recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation, the Board of Appeals shall:
 - (1) Uphold the denial where the Board of Appeals agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

Sec. 13-2-74 Floodproofing.

- (a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (b) Floodproofing measures shall be designed to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement; and
 - (4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Floodproofing measures could include:
 - (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
 - (2) Adding mass or weight to prevent flotation.
 - (3) Placing essential utilities above the flood protection elevation.
 - (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
 - (5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
 - (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

Sec. 13-2-75 Public Information.

The Village of Cadott may do the following:

- (a) Place marks on structures to show the depth of inundation during the regional flood.
- (b) All maps, engineering data and regulations shall be available and widely distributed.
- (c) All real estate transfers should show what floodplain zoning district any real property is in.

Sec. 13-2-76 through Sec. 13-2-79 Reserved for Future Use

Article H: Amendments

Sec. 13-2-80 General Amendments.

The Village Board may change or supplement the floodplain zoning district boundaries and this Chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (a) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (b) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- (c) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- (e) Any upgrade to a floodplain zoning ordinance text required by NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village of Cadott.
- (f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

[**Note:** Consult the FEMA web site - www.fema.gov - for a current map change fee schedule.]

Sec. 13-2-81 Procedures for Amendments.

- (a) Ordinance amendments to this Chapter may be made upon petition of any interested party according to the provisions of Sec. 62.23, Wis. Stats. Such petitions shall include all necessary data required by Secs. 13-2-53 and 13-2-70(b).
- (b) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Sec. 62.23, Wis. Stats.
- (c) No amendments shall become effective until reviewed and approved by the Department.
- (d) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Village Board.
- (e) For amendments in areas with no water surface profiles, the Plan Commission shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information [See Sec. 13-2-5(d)].

Sec. 13-2-82 through Sec. 13-2-89 Reserved for Future Use

Article I: Enforcement and Penalties; Definitions

Sec. 13-2-90 Enforcement and Penalties.

Any violation of the provisions of this Chapter by any person shall be unlawful and shall be referred to the Village of Cadott village attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village of Cadott a penalty of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the Village of Cadott, the state, or any citizen thereof pursuant to Sec. 87.30, Wis. Stats.

Sec. 13-2-91 Definitions.

- (a) **Definitions Established.** Unless specifically defined below, words and phrases used in this Chapter shall have the same meaning as they have at common law and to give this Chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and not discretionary:
- (1) **A-Zones.** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or 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) **Accessory Structure or Use.** A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
 - (3) **Base Flood.** The flood having a one percent (1%) chance of being equalled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
 - (4) **Basement.** Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
 - (5) **Building.** See "Structure."
 - (6) **Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department 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 Chapter.
 - (7) **Campground.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

- (8) **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 trailer, motor home, bus, van, pick-up truck or tent.
- (9) **Certificate of Compliance.** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
- (10) **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (11) **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.
- (12) **Deck.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation..
- (13) **Department.** The Wisconsin Department of Natural Resources.
- (14) **Development.** Any artificial 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.
- (15) **Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (16) **Encroachment.** Any fill, structure, equipment, building, use or development in the floodway.
- (17) **Existing Manufactured Home Park or Subdivision.** A parcel of land, divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the original effective date of this Chapter/ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- (18) **Expansion to Existing Mobile/Manufactured Home Park.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- (19) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.

- (20) **Flood Insurance Rate Map (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (floodplains) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency (FEMA).
- (21) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - a. The overflow or rise of inland waters;
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (22) **Flood Frequency.** The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (23) **Floodfringe.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- (24) **Flood Hazard Boundary Map.** A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superceded by a Flood Insurance Study and a Flood Insurance Rate Map.
- (25) **Flood Insurance Study.** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (26) **Floodplain.** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- (27) **Floodplain Island.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (28) **Floodplain Management.** Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

- (29) **Flood Profile.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (30) **Floodproofing.** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (31) **Flood Protection Elevation.** An elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (See also "Freeboard").
- (32) **Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (33) **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (34) **Freeboard.** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (35) **Habitable Structure.** Any structure or portion thereof used or designed for human habitation.
- (36) **Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class I notice, published once at least one (1) week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class II notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (37) **High Flood Damage Potential.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (38) **Historic Structure.** Any structure that is either:
 - a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places with historic preservation programs which have been approved by the Secretary of the Interior; or

- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.
- (39) **Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (40) **Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see "Development".)
- (41) **Manufactured Home.** A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- (42) **Mobile Recreational Vehicle.** A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured 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 "mobile recreational vehicles".
- (43) **Municipality or Municipal.** The county, city or village governmental units enacting, administering and enforcing this Chapter (Village of Cadott).
- (44) **NAVD or North American Vertical Datum.** Elevations referenced to mean sea level datum, 1988 adjustment.
- (45) **NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (46) **New Construction.** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (47) **Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area

of the floodplain which it occupies. (For example, an existing residential structure in the Floodfringe District is a conforming use; however, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

- (48) **Nonconforming Use.** An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (49) **Obstruction to Flow.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- (50) **Official Floodplain Zoning Map.** That map, adopted and made part of this Chapter, as described in Sec. 13-2-5(b), which has been approved by the Department and FEMA.
- (51) **Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.
- (52) **Ordinary Highwater Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (53) **Person.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (54) **Private Sewage System.** A sewage treatment and disposal system serving one (1) structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a hold tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (55) **Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (56) **Reasonably Safe From Flooding.** Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (57) **Regional Flood.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (58) **Start of Construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The

actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (59) **Structure.** Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (60) **Subdivision.** Has the meaning given in Sec. 236.02(12), Wis. Stats.
- (61) **Substantial Damage.** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
- (62) **Unnecessary Hardship.** Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Chapter.
- (63) **Variance.** An authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- (64) **Violation.** The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- (65) **Watershed.** The entire region contributing runoff or surface water to a watercourse or body of water.
- (66) **Water Surface Profile.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (67) **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Title 13 ► Chapter 3

Shoreland-Wetland Zoning

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Article A: Statutory Authorization; Findings of
Fact; Statement of Purpose and Title

Sec. 13-3-1 Statutory Authorization.

This Chapter is adopted pursuant to the authorization in Sections 61.35, 61.351, 87.30 and 144.26, Wis. Stats.

Sec. 13-3-2 Findings of Fact.

Uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of the Village of Cadott would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

- (a) Promote the public health, safety, convenience and general welfare;
- (b) Maintain the storm and flood water storage capacity of wetlands;
- (c) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (d) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- (e) Prohibit certain uses detrimental to the shoreland-wetland area; and
- (f) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

Sec. 13-3-3 Title of Chapter.

Shoreland-Wetland Zoning Ordinance/Chapter for the Village of Cadott, Wisconsin.

Sec. 13-3-4 through Sec. 13-3-9 Reserved for Future Use.

Article B: General Provisions

Sec. 13-3-10 Compliance.

The use of wetlands and the alteration of wetlands within the shoreland area of the Village of Cadott shall be in full compliance with the terms of this Chapter and other applicable local, state or federal regulations. (However, see Section 13-3-24 of this Chapter for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this Chapter.

Sec. 13-3-11 Municipalities and State Agencies Regulated.

Unless specifically exempted by law, all cities, villages, town and counties are required to comply with this Chapter and obtain all necessary permits. State agencies are required to comply if Section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(a), Wis. Stats., applies.

Sec. 13-3-12 Abrogation and Greater Restrictions.

- (a) This Chapter supersedes all the provisions of any municipal zoning ordinance enacted under Section 61.35, 62.23 or 87.30, Wis. Stats., which relates to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

Sec. 13-3-13 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Chapter NR 117, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

Sec. 13-3-14 Severability.

Should any portion of this Chapter be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

Sec. 13-3-15 Annexed Areas.

The shoreland zoning provisions of Chippewa County in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. The Chippewa County shoreland zoning provisions are incorporated by reference for the purpose of administering this Chapter and are on file in the office of the municipal zoning administrator.

Sec. 13-3-16 through Sec. 13-3-19 Reserved for Future Use.

Article C: Shoreland-Wetland Zoning District

Sec. 13-3-20 Official Shoreland-Wetland Zoning Maps.

The following maps are hereby adopted and made a part of this Chapter and are on file in the office of the Village Clerk-Treasurer:

- (a) Wisconsin Wetland Inventory map stamped "Final" on November 11, 1986.
- (b) United States Geological Survey, Cadott Quadrangle of the most recent date.
- (c) Floodplain Zoning Maps titled "Flood Insurance Study Map" dated March 5, 1996.

Sec. 13-3-21 District Boundaries.

- (a) **Boundaries.** The shoreland-wetland zoning district includes all wetlands in the Village of Cadott, Wisconsin, which are five (5) acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Chapter in Section 13-3-20 and which are:
 - (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the Village of Cadott shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 13-3-20 of this Chapter.
 - (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 13-3-20. Floodplain Zoning Maps shall be used to determine the extent of floodplain areas in the Village.
- (b) **Determinations of Navigability.** Determinations of navigability and ordinary high-water mark shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for the final determination of navigability or ordinary high-water mark.
- (c) **Discrepancies.** When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official shoreland-wetland zoning maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If the Department staff concurs with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in Sections 13-3-21(d) and 13-3-21(e), the Zoning Administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period.

Sec. 13-3-22 Permitted Uses.

The following uses are permitted subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- (a) **No Wetland Alteration.** Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
- (b) **Wetland Alteration Restricted.** Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - (3) The maintenance and repair of existing drainage to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible, and that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland listed in Section 13-3-37(c) of this Chapter; and
 - (7) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

- (c) **Permit Required.** Uses which are allowed upon the issuance of a simple zoning permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted in this Section, provided that:
 - a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-37(c) of this Chapter;
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - d. Road construction activities are carried out in the immediate area of the roadbed only; and
 - e. Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that:
 - a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. The building does not exceed five hundred (500) square feet in floor area; and
 - d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
 - (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 - c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection (c)(1) of this Section; and
 - d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - (4) The construction and maintenance of electric and telephone transmission lines, gas and water distribution lines, and sewage collection lines, and related facilities and the construction and maintenance of railroad lines provided that:
 - a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

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- b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
- c. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-37 (c) of this Chapter.

Sec. 13-3-23 Prohibited Uses.

- (a) **Rezoning Required.** Any use not listed in Section 13-3-22 of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section 13-3-37 of this Chapter.
- (b) **Other Prohibited Uses.** The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

Sec. 13-3-24 Nonconforming Structures and Uses.

The lawful use of a building, structure or property which existed at the time this Chapter, or an applicable amendment to this Chapter, took effect and which is not in conformity with the provisions of the Chapter, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- (a) **Reconstruction and Repair.** The shoreland-wetland provisions of this ordinance authorized by Sec. 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to Sec. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to fifty percent (50%) of current fair market value.
- (b) **Nonconforming Use Discontinued.** If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Chapter.
- (c) **Nonconforming Use Without a Structure.** Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under Sections 62.231 or 61.351, Wis. Stats., may be continued although such use does not conform with the provisions of this Chapter. However, such nonconforming use may not be extended.
- (d) **Boathouses.** The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Sec. 30.121, Wis. Stats.
- (e) **Nuisances.** Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

Sec. 13-3-25 through Sec. 13-3-29 Reserved for Future Use.

Article D: Administrative Provisions

Sec. 13-3-30 Zoning Administrator.

The Village Building Inspector is appointed Zoning Administrator for the purpose of administering and enforcing this Chapter. The Zoning Administrator shall have the following duties and powers:

- (a) Advise applications as to the provisions of this Chapter and assist them in preparing permit applications and appeal forms.
- (b) Issue permits and inspect properties for compliance with this Chapter.
- (c) Keep records of all permits issued, inspections made, work approved and other official actions.
- (d) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
- (e) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation and map or text amendments within ten (10) days after they are granted or denied to the appropriate district office of the Department.
- (f) Investigate and report violations of this Chapter to the appropriate Village planning agency and the District Attorney, corporation counsel or Village Attorney.

Sec. 13-3-31 Zoning Permits.

- (a) **When Required.** Unless another Section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 13-3-41(b)(6) of this Chapter, or any change in the use of an existing building or structure is initiated.
- (b) **Application.** An application for a permit shall be made to the Zoning Administrator upon forms furnished by the Village and shall include, for the purpose of proper enforcement of these regulations, the following information:
 - (1) **General Information.**
 - a. Name, address and telephone number of applicant, property owner and contractor, where applicable.
 - b. Legal description of the property and a general description of the proposed use or development.
 - c. Whether or not a private water or sewage system is to be installed.
 - (2) **Site Development Plan.** The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
 - a. Dimensions and area of the lot;
 - b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

- c. Description of any existing or proposed on-site sewage systems or private water supply systems;
 - d. Location of the ordinary high-water mark of any abutting navigable waterways;
 - e. Boundaries of all wetlands;
 - f. Existing and proposed topographic and drainage features and vegetative cover;
 - g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;
 - h. Location of existing or future access roads; and
 - i. Specifications and dimensions for areas of proposed wetland alteration.
- (c) **Expiration.** All permits issued under the authority of this Chapter shall expire twelve (12) months from the date of issuance.

Sec. 13-3-32 Certificates of Compliance.

- (a) **Certificates of Compliance.** Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:
 - (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this Chapter.
 - (2) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
 - (3) The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this Chapter.
- (b) **Temporary Certificate.** The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the Village Board.
- (c) **Issued Upon Written Request.** Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

Sec. 13-3-33 Conditional Use Permits.

- (a) **Application.** Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Appeals following the procedures in Section 13-3-37(b), (c) and (d).

- (b) **Conditions.** Upon consideration of the permit application and the standards applicable to the conditional uses designated in Section 13-3-22, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter. Such conditions may include specifications for, without limitation because of specific enumeration: Type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.

Sec. 13-3-34 Fees.

The Village Board, by resolution, shall establish fees for the following:

- (a) Zoning permits.
- (b) Public hearings.
- (c) Legal notice publications.
- (d) Conditional use permits.
- (e) Rezoning petitions.
- (f) Certificates of compliances.

Sec. 3-3-35 Recording.

Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

Sec. 13-3-36 Revocation.

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

Sec. 13-3-37 Board of Appeals.

- (a) **Appointment.** The Village President shall appoint a Board of Appeals under Title 2, Chapter 4 of this Code of Ordinances and Section 62.23(7)(e), Wis. Stats., consisting of five (5) members subject to confirmation by the Village Board. The Board of Appeals shall adopt rules for the conduct of the business of the Board of Appeals as required by Section 62.23(7)(e)3, Wis. Stats.

- (b) **Powers and Duties.** The Board of Appeals shall:
 - (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
 - (2) Hear and decide applications for conditional use permits under this Chapter.
 - (3) May authorize, upon appeal, a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates:
 - a. That literal enforcement of the terms of the ordinance will result in unnecessary hardship for the applicant.
 - b. That the hardship is due to special conditions unique to the property; and is no self-created or based solely on economic gain or loss.
 - c. That such variance is not contrary to the public interest as expressed by the purpose of this Chapter.
 - d. That such variance will not grant or increase any use of property which is prohibited in the zoning district.
- (c) **Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision or determination of the Zoning Administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the official from whom the appeal is taken and with the Board of Appeals, a notice of appeal specifying the reasons therefor. The Zoning Administrator or other official from whom the appeal is taken shall transmit to the Board all the papers constituting the record on which the appeal action was taken.
- (d) **Public Hearings.**
 - (1) Before making a decision on an appeal, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a Class 2 notice under Ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may appear in person, by agent or by attorney and present testimony.
 - (2) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least ten (10) days prior to all public hearings on issues involving shoreland-wetland zoning.
- (e) **Decisions.**
 - (1) The final disposition of an appeal, or application for a conditional use permit, to the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or persecution, or grant the application for a conditional use.
 - (2) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within one hundred ninety (190) days after the decision is issued.

Sec. 13-3-38 Amending Shoreland-Wetland Zoning Regulations.

The Village Board may alter, supplement or change the district boundaries and the regulations contained in this Chapter in accordance with the requirements of Section 62.23(7)(d)2, Wis. Stats., Ch. NR 117, Wis. Adm. Code, and the following:

- (a) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the Village planning agency.
- (b) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held as required by Section 62.23(7)(d)2, Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least twenty (20) days prior to such hearing.
- (c) In order to insure that the shoreland protection objectives in Section 144.26, Wis. Stats., will be accomplished by the amendment, the Village Board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (1) Storm and flood water storage capacity;
 - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Shoreline protection against soil erosion;
 - (5) Fish spawning, breeding, nursery or feeding grounds;
 - (6) Wildlife habitat; or
 - (7) Areas of special recreational scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- (d) Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection (c) of this Section, the Department shall so notify the Village of its determination either prior to or during the public hearing held on the proposed amendment.
- (e) The appropriate district office of the Department shall be provided with:
 - (1) A copy of the recommendations and report, if any, of the municipal planning agency on the proposed text or map amendment within ten (10) days after the submission of those recommendations to the Village Board; and
 - (2) Written notice of the Village Board's action on the proposed text or map amendment within ten (10) days after the action is taken.
- (f) If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection (c) of this Section, that proposed amendment, if approved by the Village Board, may not become effective until more than thirty (30) days have elapsed since written notice

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of the Village Board approval was mailed to the Department, as required by Subsection (e) of this Section. If, within the thirty (30) day period, the Department notifies the Village Board that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the Village under Section 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment may not become effective until the ordinance adoption procedure under Section 62.231(6) and 61.351(6), Wis. Stats., is completed or otherwise terminated.

Sec. 13-3-39 Reserved for Future Use.

Article E: Penalties; Definitions

Sec. 13-3-40 Enforcement and Penalties.

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced, or any use or accessory use established after the effective date of this Chapter in violation of the provisions of this Chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the Village Board and the Village Attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture of not less than Fifteen Dollars (\$15.00) nor more than Two Hundred Dollars (\$200.00) per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the State or any citizen thereof pursuant to Section 87.30(2), Wis. Stats.

Sec. 13-3-41 Definitions.

- (a) For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.
- (b) The following terms used in this Chapter mean:
 - (1) **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
 - (2) **Boathouse.** As defined in Section 30.121(1), Wis. Stats., a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.
 - (3) **Class 2 Public Notice.** Publication of a public hearing notice under Chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.
 - (4) **Conditional Use.** A use which is permitted by this Chapter provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning agency designated by the municipal governing body.
 - (5) **Department.** The Wisconsin Department of Natural Resources.

- (6) **Development.** Any 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 substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.
- (7) **Drainage System.** One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (8) **Environmental Control Facility.** Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (9) **Fixed Houseboat.** As defined in Section 30.121(1), Wis. Stats., a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- (10) **Navigable Waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Sections 62.351 and 62.221, Wis. Stats., and Chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:
 - a. Such lands are not adjacent to a natural navigable stream or river;
 - b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - c. Such lands are maintained in nonstructural agricultural use
- (11) **Ordinary High-Water Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- (12) **Planning Agency.** The Plan Commission created under Section 62.23(1), Wis. Stats., or the Planning Committee of the Village.
- (13) **Shorelands.** Lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

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- (14) **Shoreland-Wetland District.** The zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter as described in Section 13-3-20 of this Chapter.
 - (15) **Unnecessary Hardship.** That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this Chapter.
 - (16) **Variance.** An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter.
 - (17) **Wetlands.** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
 - (18) **Wetland Alteration.** Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Title 13 ► Chapter 4

Comprehensive Plan

13-4-1 Comprehensive Plan Adoption

Sec. 13-4-1 Comprehensive Plan Adoption.

- (a) **Authority.** Pursuant to Secs. 61.35 and 62.23(2) and (3), Wis. Stats., the Village of Cadott is authorized to prepare and adopt a comprehensive plan as defined in Secs. 66.1001(1)(a) and 66.1001(2), Wis. Stats.
- (b) **Written Procedures.** The Village Board of the Village of Cadott, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by Sec. 66.1001(4)(a), Wis. Stats.
- (c) **Plan Commission Recommendation.** The Plan Commission of the Village of Cadott, Wisconsin, by majority vote of the entire Commission recorded in its official minutes, dated December 21, 2009, has adopted a resolution recommending to the Village Board the adoption of the document entitled "Village of Cadott 2010-2030 Comprehensive Plan", containing all of the elements specified in Sec. 66.1001(2), Wis. Stats.
- (d) **Public Hearing.** The Village has held at least one (1) public hearing on the Comprehensive Plan in compliance with the requirements of Sec. 66.1001(4)(d), Wis. Stats.
- (e) **Plan Adoption.** The Village Board of the Village of Cadott, Wisconsin, does, by the enactment of this Section, formally adopt the document entitled, "Village of Cadott 2010-2030 Comprehensive Plan" pursuant to Sec. 66.1001(4)(c), Wis. Stats.

State Law Reference: Sec. 66.1001, Wis. Stats.

