

**VILLAGE OF MELROSE  
ZONING REGULATIONS – CHAPTER 16**

The Village Board of the Village of Melrose, Jackson County, Wisconsin do ordain as follows:

**SECTION 1:** Chapter 16 of the Code of Ordinances of the Village of Melrose is hereby created to read as follows:

**ARTICLE I. - IN GENERAL**

**Sec. 16-1-1. - Authority.**

This chapter is adopted under the authority granted by Wis. Stats. §§ 62.23(7) and 87.30 and amendments thereto.

**Sec. 16-1-2. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

**Abutting** means have a common property line or district line.

**Accessory use or structure** means a use or detached structure subordinate to the principal use of a structure, parcel of land or water and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure, including, but not limited to, garage, prefabricated metal buildings for storage, carport, greenhouses, screened enclosures, swimming pool, bathhouse and filter equipment shed, playhouse and gazebo.

**Acre, net**, means the actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.

**Alley** means a public way not more than 21 feet wide which affords only a secondary means of access to abutting property.

**Apartment** means a room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

**Arterial street** means 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.

**A Zones** means 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.

**Basement** means that portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for yearround living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.

**Block** means a tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

**Boarding house** means a building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

**Buildable lot area** means the portion of a lot remaining after required yards have been provided.

**Building** means 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.

**Building, detached,** means a building surrounded by open space on the same lot.

**Building, height of,** means 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.

**Building, principal,** means a building in which the principal use of the lot on which it is located is conducted.

**Building setback line** means a line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.

**Business** means an occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

**Campground** means a privately or municipally owned parcel or tract of land, maintained, intended or used for the purposes of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles, or sleeping bags, and may include structures to provide services to the patrons, such as restrooms, bathing and laundry facilities.

**Channel** means those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

**Community living arrangement** means the following facilities licensed or operated or permitted under the authority of state law: Child welfare agencies under Wis. Stats. § 48.60, group foster homes for children under Wis. Stats. § 48.02(7) and community-based residential facilities under Wis. Stats. § 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable sections of state law, including Wis. Stats. §§ 46.03(22), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.

**Conditional uses** means uses of a special nature as to make impractical their predetermination as a principal use in a district.

**Conservation standards** means guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for Monroe 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.

**Controlled access arterial street** means 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.

**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 75 percent 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 30 feet. Said corner lots shall consist of a parcel of property abutting on two or more streets at their intersection, providing that the interior angle of such intersection is less than 135 degrees.

**Development** means any manmade change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.

**District, basic**, means 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.

**District, overlay**, also referred to herein as "regulatory area," means that district which provides 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.

**Dwelling** means a building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodgings, motels, hotels, tents, cabins or mobile homes.

**Dwelling, efficiency**, means a dwelling unit consisting of one principal room with no separate sleeping rooms.

**Dwelling, multiple-family**, means a residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

**Dwelling, single-family**, means a detached building designed for or occupied by one family.

**Dwelling, two-family**, means a detached building containing two separate dwelling (or living) units, designed for occupancy by not more than two families.

**Dwelling unit** means 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 family.

**Equal degree of hydraulic encroachment** means 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 ensures that the property owners up, down or across the river or stream will have the same rights of hydraulic encroachment.

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

**Family** means one or more persons immediately related by blood, marriage or adoption and living as a single housekeeping unit in one dwelling unit. A family may include in addition thereto two but not more than two 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. Nothing in this definition shall prohibit, priests, laybrothers, nurses or such other collective body of persons living together in one 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.

**Farmstead** means a single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.

**Flood** means a temporary rise in streamflow or stage in lake level that results in water overtopping the banks and inundating the areas adjacent to the stream channel or lake bed.

**Flood insurance study** means 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.

**Flood profile** means 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 manmade features along a stream.

**Flood protection elevation** means a point two 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.

**Flood stage** means 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.

**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.

**Floodplain fringe** means 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.

**Floodproofing** means 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 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.

**Floodway** means 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.

**Floor area, business and manufacturing buildings**, means, 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.

**Foster family home** means the primary domicile of a foster parent with four or fewer foster children and which is licensed under Wis. Stats. § 48.62.

**Frontage** means all the property butting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

**Garage, private**, means a detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.

**Garage, public**, means 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.

**Group foster home** means any facility operated by a person required to be licensed by the state under Wis. Stats. § 48.62 for the care and maintenance of five to eight foster children.

**Home occupation** means a gainful occupation conducted by members of the family only, within their place of residence; provided that the area used does not exceed 25 percent of the total floor area, excluding attached garage, and that no article or service is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, and that no sign other than one unlighted name plate not more than one square foot is installed. The use is to be clearly incidental to the use of the dwelling unit for residential purposes and shall not endanger the public health or safety. No articles shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use. Persons operating a home occupation shall employ no more than one nonresident employee. No material or equipment shall be stored outside the confines of the home. No mechanical equipment may be used which creates a disturbance such as noise, dust, odor or electrical disturbance. The home may not be altered to attract business. No motors shall be utilized which exceed one horse power each and not exceeding five horsepower in total, such activity being deemed a public nuisance. Repairing of motor vehicles, motorcycles and motor driven cycles, other than those licensed and owned by the occupants of a home in a residential area is strictly prohibited. For the purpose of this subsection, the definitions of the above-mentioned vehicles shall be as set forth in Wis. Stats. ch. 340. Such repairing is deemed a public nuisance. It is immaterial for the purpose of this subsection whether or not such repairing is done in return for remuneration.

**Hotel** means a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

**Kennel** means an area or structure for breeding, rearing, boarding or training of three or more dogs over the age of five months.

**Loading area** means 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.

**Lodginghouse** means a building where lodging only is provided for compensation for not more than three persons not members of the family.

**Lot** means 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.

**Lot, corner**, means a lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

**Lot coverage** (except residential) means 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.

**Lot coverage** (residential) means the area of a lot occupied by the principal building or buildings and accessory building.

**Lot, interior**, means a lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.

**Lot line** means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

**Lot lines and area** means the peripheral boundaries of a parcel of land and the total area lying within such boundaries.

**Lot, substandard**, means a parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Code as pertaining to the district wherein located.

**Lot, through**, means a lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

**Lot width** means the horizontal distance between the side lot lines measured at the building setback line.

**Minor structures** means any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four feet in height.

**Mobile home** means a manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974, 24 CFR part 3280. A mobile home is a transportable structure, being eight 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.

**Mobile home lot** means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

**Mobile home park** means a parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.

**Mobile home subdivision** means a land subdivision, as defined by Wis. Stats. ch. 236 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.

**Modular unit** means a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

**Nonconforming uses** means any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this Code or amendments thereto and which is not in conformance with this Code. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.

**Official letter of map amendment** means an official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

**Parking lot** means a structure or premises containing five or more parking spaces open to the public.

**Parking space** means a graded and surfaced area of not less than 180 square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

**Parties in interest** means and includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

**Professional office** means the office of a doctor, practitioner, dentist, minister, architect, landscape architect, engineer, lawyer, author, musician or other recognized trade. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25 percent of the floor area of one story of a dwelling unit shall be occupied by such office and only one unlighted nameplate, not exceeding one square foot in area, containing the name and profession of the occupant of the premises shall be exhibited.

**Public airport** means any airport which complies with the definition contained in Wis. Stats. § 114.002 or any airport which serves or offers to serve common carriers engaged in air transport.

**Public and semi-public uses** means governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums. Public, private and parochial preschool, elementary and secondary schools, and churches. Cemeteries, private clubs and lodges and storage garages.

**Rear yard** means 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 of the street yards on a corner lot.

**Regional flood** means 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 100 years; this means that in any given year, there is a one percent chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence.

**Retail** means the sale of goods or merchandise in small quantities to the consumer.

**Salvage yard** means a site used for the storage or sale of salvageable materials or for the purposes of salvage, wrecking, dismantling, or demolition of salvageable materials. This includes the collection and/or dismantling of automobiles or other objects of transportation, re-use or resale.

**Setback** means 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 24 inches. Any overhang of the cornice in excess of 24 inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over 24 inches. Uncovered steps shall not be included in measuring the setback.

**Side yard** means a yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

**Sign** means 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.

**Story** means 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 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof. A basement having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.

**Story, half**, means that portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4½ feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multifamily dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purposes of this Code.

**Street** means property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is 21 feet or more in width.

**Street yard** means a yard extending across the full width of the lot, the depth 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 street yards.

**Structural alterations** means any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

**Structure** means anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

**Temporary structure** means a movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.

**Use** means the purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.

**Use, accessory**, means 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.

**Use, principal**, means the main use of land or building as distinguished from subordinate or accessory use.

**Utilities** means 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.

***Vision clearance*** means an unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

***Yard*** means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.

***Zero lot line*** means the concept whereby two 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.

***Zoning permit*** means 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.

### **Sec. 16-1-3. - 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.

### **Sec. 16-1-4. - Intent and purposes.**

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:

- (1) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (2) 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;
- (3) 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;
- (4) 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;
- (5) 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;
- (6) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (7) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (8) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the village;
- (9) Preserve and protect the beauty of the village;
- (10) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (11) 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;

- (12) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (13) Further the maintenance of safe and healthful water conditions;
- (14) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (15) Provide for and protect a variety of suitable commercial and industrial sites;
- (16) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (17) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the village;
- (18) Provide for the administration and enforcement of this chapter; and to provide penalties for the violation of this chapter.

**Sec. 16-1-5. - 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. 16-1-6. - 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.

**Sec. 16-1-10. - 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.
- (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 main building on one 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 districts which abut the district boundary line.

**Sec. 16-1-11. - Permitted uses.**

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

- (1) Permitted uses. Permitted uses, being the principal uses, specified for a district.
- (2) Accessory uses. Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (3) Conditional uses.
  - a. Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the village board, upon the recommendation of the plan commission, in accordance with article III of this chapter, excepting those existent at time of adoption of the zoning code.
  - b. Those existing uses which are classified as conditional uses for the districts in which they are located at the time of adoption of this Code require no action by the village board, upon the recommendation of the plan commission, for them to continue as valid conditional uses, and the same shall be deemed to be regular conditional uses.
  - c. 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 III of this chapter.
  - d. Conditional uses, when replaced by permitted uses, shall terminate. In such cases, the reestablishment of any previous conditional uses, or establishment of new conditional uses shall require review, public hearing and approval by the village board in accordance with article III of this chapter.
  - e. 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.
- (4) Uses not specified in Code.
  - a. 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 the zoning administrator.
  - b. 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 III of this chapter.

**Sec. 16-1-12. - 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 66 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 principal structure shall be located, erected or moved onto a lot. The village board may permit as a conditional use more than one principal structure per lot in any district where more than

one 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 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 this 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 1½ horizontal to one vertical, within a distance of 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. 16-1-13. - Heights 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:

- (1) Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor five 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 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.
- (2) 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.

- (3) 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 shall be complied with.
- (4) 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 36 inches.
- (5) Open or enclosed fire escapes and fire towers may project into a required yard not more than five feet and into a required court not more than 3½ feet, provided it is so located as not to obstruct light and ventilation.

**Sec. 16-1-14. - 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. 16-1-20. - Zoning districts and map.**

- (a) Districts. Seven zoning districts are provided as follows:
  - (1) R - Residential District.
  - (2) C - General Commercial District.
  - (3) I - General Industrial District.
  - (4) A - Agriculture District.
  - (5) P - Parks District.
  - (7) R-MH - Mobile Home Park District.
- (b) Zoning map. The official zoning map is an integral part of this chapter. The single official copy of this map entitled "Village of Melrose Official Zoning Map," together with a copy of this chapter, shall be available for public inspection during office hours. The map shall be certified by the village president and attested by the village clerk-treasurer. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.
- (c) Determination of district boundaries.
  - (1) The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.
  - (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.
  - (3) In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

**Sec. 16-1-21. - R - Residential District.**

- (a) Permitted uses. The R District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and intrusion of incompatible land uses. The following uses of land are permitted:
- (1) One- and two-family dwellings.
  - (2) Churches and all affiliated uses, all graded schools, libraries and hospitals, water storage facilities, related structures and cemeteries.
  - (3) Municipal buildings: except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
  - (4) Public parks, playgrounds, recreational and community center buildings and grounds.
  - (5) Telephone buildings, exchanges and lines and transformer stations, excepting service garages and storage yards and excepting microwave radio relay structures unless their location is approved by the village board.
  - (6) Unlighted signs and bulletin boards of up to four square feet for advertisement for a lease or sale of the premises, and eight square feet for public or religious announcements; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest sidewalk or street.
  - (7) One private garage
  - (8) Up to three (3) accessory buildings, but not to exceed a density of more than one (1) accessory building per acre.
  - (9) Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- (b) Conditional uses.
- (1) Dwellings for more than two families.
- (c) Applicable standards.

<i>Applicable Standards, One-Family</i>	
Maximum building height	35 feet
Minimum side yard	
Principal buildings	8 feet minimum—total 20 feet
Accessory buildings	3 feet on each side
Minimum front yard setback	25 feet
Minimum rear yard setback	25 feet
Minimum lot area per family	8,500 square feet

Minimum lot width (measured at rear of front yard)	75 feet
Minimum floor area per family	900 square feet
<i>Applicable Standards, Two-Family</i>	
Maximum building height	35 feet
Minimum side yard	
Principal buildings	8 feet minimum—total 20 feet
Accessory buildings	3 feet on each side
Minimum front yard setback	25 feet
Minimum rear yard setback	25 feet
Minimum lot area per family	5,000 square feet
Minimum lot width (measured at rear of front yard)	75 feet
Minimum floor area per family	600 square feet
<i>Applicable Standards, Multifamily</i>	
Maximum building height	45 feet
Minimum side yard	
Principal buildings	15 feet on each side
Accessory buildings	3 feet on each side
Minimum front yard setback	25 feet
Minimum rear yard setback	25 feet
Minimum lot area per family	3,600 square feet

Minimum lot width (measured at rear of front yard)	70 feet
Minimum floor area per family	500 square feet
Parking, off-street residential	1.5 spaces per family
Parking, off-street public gathering	1 space per 5 seats

**Sec. 16-1-22. - C - General Commercial District.**

(a) Permitted uses. The C District is intended to provide an area for the business and commercial needs of the village. The following uses are permitted:

- (1) Appliance dealers.
- (2) Art, gift, jewelry and notion shops.
- (3) Bakeries (retail) and candy, confectionery and ice cream stores.
- (4) Barber shops, beauty parlors and other personal business or repair services (non-automotive).
- (5) Banks and other financial institutions.
- (6) Offices including clinics (medical) and other professional offices, real estate, insurance, utilities, telephone and telegraph offices and post offices.
- (7) Clothing and dry goods stores.
- (8) Drug stores and pharmacies.
- (9) Florist shops.
- (10) Retail fruit, vegetable, meat and fish markets, grocery stores, delicatessens and supermarkets.
- (11) Furniture, hardware and department stores.
- (12) Lunchrooms and cafes.
- (13) Liquor stores.
- (14) Music, radio and television stores.
- (15) Newsstands and soda fountains.
- (16) Parking lots.
- (17) Photography studios.
- (18) Sport shops.
- (19) Temporary structures.
- (20) Variety stores.
- (21) Clubs, fraternal organizations and lodges operated for a profit.
- (22) New residences and additions to existing residences shall comply with all the provisions of the R District.
- (23) Other uses similar to or customarily incident to any of the above uses.

(b) Conditional uses.

- (1) Drive-in establishments serving food or beverages for consumption on the premises.
- (2) Motels, motor lodges and inns.
- (3) Vehicle sales, service, washing and repair stations and garages. All gasoline pumps are to be at least 30 feet from any existing or proposed street line.



- (4) Recreational establishments including drive-in theaters, golf or baseball driving ranges, archery fields, miniature golf courses and similar uses.
  - (5) Automotive and farm implement sales and service and seed, feed and farm supply sales, lumber yards and warehousing.
  - (6) Uses clearly similar in character or customarily incident to any of the above uses.
- (c) Applicable standards.
- (1) General Commercial District (C); applicable standards:

Maximum building height	45 feet
Minimum side yard	
Fireproof construction	None
Non-fireproof construction	9 feet
Minimum front yard setback	None
Minimum rear yard setback	25 feet
Minimum lot width	
Fireproof construction	25 feet
Non-fireproof construction	45 feet

(2) General Commercial District (C); applicable standards for highway-oriented uses:

Maximum building height	45 feet
Minimum side yard	
Principal buildings	10 feet on each side
Accessory buildings	3 feet on each side
Minimum front yard setback	50 feet (75 feet if parking is permitted in the front yard)
Minimum rear yard setback	50 feet

Minimum lot width (measured at rear of front yard)	75 feet
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**Sec. 16-1-23. - I - General Industrial District.**

- (a) Conditional uses. The I District is intended to provide for industrial and manufacturing uses (and those conditional uses permitted in the C District) in areas separated from other sections of the village. Uses may be permitted as conditional uses except those that are dangerous or generate a high level of noise, smoke, traffic or air or water pollution that would create a public or private nuisance. All other uses are prohibited except necessary municipal functions. All uses proposed for this district are subject to the provisions of article III of this chapter.
- (b) Applicable standards.

Maximum building height	100 feet
Minimum side yard	
Fireproof construction	None
Non-fireproof construction	9 feet
Minimum front yard setback	None
Minimum rear yard setback	25 feet
Minimum lot width (measured at rear of front yard)	100 feet

- (c) Additional industrial park requirements. In addition to other applicable requirements, businesses locating in the Industrial Park shall also comply with the following requirements (which are also contained in the restrictive covenants of the industrial park):
- (1) Industrial park land shall not be purchased for speculation. All plant construction shall be continued within 12 months from the date of purchase. The village and the purchaser shall agree in writing at the time of sale upon the date for completion of construction. In the event a purchaser fails to begin construction within 12 months of the date of sale, or in the alternative fails to complete construction pursuant to the written agreement between the village and the purchaser, the village shall have the option to repurchase the land minus a reasonable cost to restore the land to its original condition.
  - (2) The business shall submit a business and building plan for the site. Before construction or placement of the foregoing shall begin on any site, all plans and specifications therefor shall be submitted to and approved by the industrial park review board. The review board shall use as criteria the requirements set by the village board of trustees, which are:

- a. Establish \$30,000.00 of taxable improvement within the first year of acquisition and construction.
  - b. House all equipment inside a building. No outdoor storage of materials shall be permitted unless such stored material is visually screened from all sides with a suitable fence of at least six feet in height. Said screening shall form a complete opaque screen up to that point.
  - c. Provide adequate parking facilities off street to accommodate all parking needs for the site. The intent of this requirement is to eliminate the need for any on-street parking for customers and employees.
  - d. In the event a purchaser desires to sell any portion of the purchaser's land which is not being used in connection with the business of the purchaser or which the purchaser desires to sell separate and distinct from any sale of business, such real estate shall be offered for sale to the village and the village shall have the option of repurchasing such land at its original sales price less any unpaid real estate taxes and less the proration for the then current year's real estate taxes.
  - e. If the village chooses not to exercise its option as set forth herein, then the purchaser may sell such lands to any person, firm or corporation; provided however, that any such purchaser shall comply with all the provisions relating to the sale of the industrial park land and as are set forth herein.
  - f. Purchasers should attempt to create jobs and have employees retain said jobs.
  - g. Sound, vibration and the emission of smoke or particulate matter shall be in accordance with applicable federal, state and local laws and regulations.
- (3) The purpose of the review board shall be to determine project worthiness and compliance with guidelines; the review board shall have the option to waive any or all of the requirements as set forth herein if, in its discretion, it determines that waiver of any of the requirements as contained herein are in the best interests of the village. All recommendations by the review board are subject to final approval by the village board of trustees.
- (4) In the event grantee violates any of the terms or conditions thereof and fails to cure same within 30 days after written notice from the village to do so, then the village reserves the right to take action to cure such violation and all reasonable costs thereof shall be at the expense of the violator. The failure to enforce any of the said restrictions at the time of its violation shall in no way affect any of the other restrictions nor be deemed a waiver of the right to enforce the same thereafter.

**Sec. 16-1-24. – A - Agriculture District.**

- (a) Permitted uses. The A District provides exclusively for agricultural uses. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services (such as sewer and water lines). The following uses are permitted:
- (1) Farming and dairying provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest residential or commercial district.
  - (2) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables and truck farming.

- (3) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.
- (4) Fur farms, kennels, insect breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards are permitted but only with written permission of the village board.
- (5) Farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
- (6) Uses customarily incidental to any of the uses in subsections (a)(1) through (5) of this section, including residential use incident to any of said uses.
- (b) Conditional uses.
  - (1) Churches, schools, cemeteries, community parks and recreation areas, public and semi-public buildings, water storage and sewage disposal facilities and power stations, provided they are enclosed by an eight-foot or more protective, screened fence.
  - (2) Single family residences, provided they are located on five acres or more tracts and that soils analysis indicates a suitability for private sewer and water systems.
- (c) Applicable standards.

Maximum building height	35 feet residential structures No maximum on other structures
Minimum side yard	
Principal buildings	20 feet on each side
Accessory buildings	5 feet on each side
Minimum front yard setback	50 feet
Minimum rear yard setback	50 feet
Minimum lot area per family (residential)	5 acres

(Code 2020, § 16-1-24)

**Sec. 16-1-25. – P – Parks District.**

- (a) Permitted uses. This District is intended to preserve the natural state of scenic areas in the village and to prevent uncontrolled, uneconomical spread of residential development, and to help discourage intensive development of marginal lands so as to prevent potential hazards to public and private property. The following uses are permitted:
  - (1) Management of forestry, wildlife and fish.
  - (2) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
  - (3) Hunting, fishing and trapping.
  - (4) Dams, power stations and transmission lines and water storage facilities.

- (5) Gravel or sand pits and quarries, including the washing and grading of products.
- (6) Parks and general recreational areas.
- (7) Uses similar and customarily incident to any of the uses in subsections (a)(1) through (6) of this section.

(b) Conditional uses.

- (1) Sewage disposal plants.
- (2) Water storage and pumping facilities.
- (3) Golf courses.
- (4) Seasonal, public camping grounds.
- (c) Applicable standards. There are no setback, lot size or other dimensional requirements applicable to this district.

**Sec. 16-1-26. - R-MH Mobile Home Park District.**

Uses and applicable standards for the R-MH District shall be as prescribed in article XIII of this chapter.

**ARTICLE III. - CONDITIONAL USES**

**Sec. 16-1-60. - Statement of purpose.**

The development and execution of this article is based upon the division of the village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use 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. 16-1-61. - 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 title 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 reasons 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 500 feet of the existing or proposed rights-of-way of freeways, expressways and within one-half 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 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.
- (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. 16-1-62. - 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 or more of the conditional uses provided for in this article in the zoning district in which such land is located.

**Sec. 16-1-63. - 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 lots 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 16-1-66](#) 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; high-water 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. 16-1-64. - Hearing on application.**

- (a) Upon receipt of the application and statement referred to in [section 16-1-63](#), the village board may 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. If the village board deems it necessary or advisable, the board may forward the application to the planning commission for further action.
- (b) Prior to village board action on the application, the plan commission shall make an advisory recommendation to the board on the matter. The commission shall consider the standards of sections [16-1-66](#) and [16-1-68](#) in making its recommendation.

**Sec. 16-1-65. - 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 state law 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 100 feet of the boundaries of the properties affected, said notice to be sent at least ten days prior to the date of such public hearing.

**Sec. 16-1-66. - Standards; conditional use.**

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:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (5) 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.
- (6) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (7) That the proposed use does not violate flood plain regulations governing the site.
- (8) 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.
- (9) That, in addition to passing upon a conditional use permit, the board shall also evaluate the effect of the proposed use upon:
  - a. The maintenance of safe and healthful conditions.
  - b. The prevention and control of water pollution including sedimentation.
  - c. Existing topographic and drainage features and vegetative cover on the site.
  - d. The location of the site with respect to floodplains and floodways of rivers and streams.
  - e. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  - f. The location of the site with respect to existing or future access roads.
  - g. The need of the proposed use for a shoreland location.
  - h. Its compatibility with uses on adjacent land.
  - i. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

**Sec. 16-1-67. - 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. 16-1-68. - Conditions and guarantees.**

The following conditions shall apply to all conditional uses:

- (1) *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 16-1-66](#) 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:
  - a. Landscaping;
  - b. Type of construction;
  - c. Construction commencement and completion dates;
  - d. Sureties;
  - e. Lighting;
  - f. Fencing;
  - g. Operational control;
  - h. Hours of operation;
  - i. Traffic circulation;
  - j. Deed restrictions;
  - k. Access restrictions;
  - l. Setbacks and yards;
  - m. Type of shore cover;
  - n. Specified sewage disposal and water supply systems;
  - o. Planting screens;
  - p. Piers and docks;
  - q. Increased parking; or
  - r. Any other requirements necessary to fulfill the purpose and intent of this chapter.
- (2) *Site review.* The department of public works shall evaluate each application and may request assistance from any source which can provide technical assistance.
- (3) *Alteration of conditional use.* No alteration of a conditional use shall be permitted unless approved by the village board.
- (4) *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.
- (5) *Sloped sites; unsuitable soils.* Where slopes exceed six percent 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.



- (6) *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. 16-1-69. - 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 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 months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately 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 90 days for justifiable cause, if application is made to the village board at least 30 days before the expiration of said permit.

**Sec. 16-1-70. - 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 or more of the standards set forth in [section 16-1-66](#), 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 16-1-65](#). 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 16-1-66](#) 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 ensure that standards (1) and (2) in [section 16-1-66](#) 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. 16-1-71. - 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.* The term "bed and breakfast establishment" means any place of lodging that provides four or fewer rooms for rent for more than ten nights in a 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 Wis. Admin. Code ch. DHS 197.

**Sec. 16-1-72. - 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 permitted uses; home occupations exceeding the requirements below are conditional uses in all residential districts and are subject to the requirements of the district in which the use is located, in addition to the following:
  - (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 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 village board may determine the percentage of the property that may be devoted to the occupation, which may not exceed 30 percent.
  - (8) The home occupation shall 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.
  - (12) One non-resident employee may be employed by the home occupation.

**ARTICLE IV. - NONCONFORMING USES, STRUCTURES AND LOTS**

**Sec. 16-1-80. - Existing nonconforming uses and structures.**

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- (b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this chapter; provided when a use district is changed, any existing,

nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.

- (c) Substitution of new equipment may be permitted by the board of zoning appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

**Sec. 16-1-81. - Abolishment or replacement.**

- (a) *Termination.* If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure or land shall conform to the provisions of this chapter.
- (b) *Building destroyed by fire.* Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than 50 percent of its assessed value, the same may be rebuilt; but where such a building is destroyed to the extent of more than 50 percent of its assessed value, a permit may be granted for its reconstruction within 12 months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands.

**Sec. 16-1-82. - Existing nonconforming structures.**

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

**Sec. 16-1-83. - Changes and substitutions.**

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

**ARTICLE V. - TRAFFIC VISIBILITY, LOADING, PARKING AND ACCESS**

**Sec. 16-1-90. - 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 2½ feet and ten 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 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 50 feet.

**Sec. 16-1-91. - 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, warehouse, manufacturing, and industrial establishments wholesale service, and	2,000-10,000	1
	10,000-20,000	2
	20,000-40,000	3
	40,000-60,000	4
	Each additional 50,000	1
Hotels, offices, hospitals, places of public assembly	5,000-10,000	1
	10,000-50,000	2
	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 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.
- (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 30 feet of the nearest point of intersection of two 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 12 feet, a length of at least 45 feet, and a vertical clearance of at least 14 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten feet in width, 25 feet in length, and eight 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 inches thick, surfaced with not less than two 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 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 feet in width and have a clearance of not less than seven feet.

**Sec. 16-1-92. - 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:

- (1) *Access.* Adequate access to a public street shall be provided for each parking space.
- (2) *Location.*
  - a. Location is to be on the same lot as the principal use or not over 400 feet from the principal use.
  - b. 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 feet to a side lot line, right-of-way line or rear lot line.
  - c. 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 feet to a side lot line providing the driveway conforms to the requirements in [section 16-1-93](#)
- (3) *Use restrictions.*
  - a. *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.
  - b. *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 footcandles measured at the lot line.
  - c. *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.
- (4) *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: Multifamily	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 1 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

(5) *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.

(6) *Disabled parking requirements.* In addition to any other requirements relating to parking spaces contained in this article, the provisions contained in Wis. Stats. § 101.13, 346.503, 346.56 and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

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

(8) *Off-lot parking.*

a. 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.

b. Off-lot parking spaces for residential uses shall be within 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 300 feet of the entrance of the establishment.

c. 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.

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

**Sec. 16-1-93. - Driveways.**

All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements and must be approved as to location by the zoning administrator:

- (1) Island between driveway openings shall be provided with a minimum of six feet between all driveways.
- (2) The maximum number of driveway openings for vehicular ingress and egress permitted for lots with a width less than 100 feet shall be one and for lots with a width greater than 100 feet shall be two.
- (3) Vehicular entrances and exits to drive-in theaters, banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library, public emergency shelter or other place of public assembly.
- (4) Openings for vehicular ingress and egress shall not exceed 30 feet at the property line and 35 feet at the roadway for all uses except the maximum curb opening for all residential districts shall be 25 feet at the roadway.
- (5) Driveways shall be at least ten feet wide for one- and two-family dwellings, at least 18 feet for farmsteads, and a maximum of 35 feet at the roadway for all other uses except the maximum curb opening for all residential districts shall be 25 feet.

**Sec. 16-1-94. - Highway access.**

- (a) No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. 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 100 feet of the intersection of an arterial street right-of-way line.
- (b) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the streets or highways specified in subsection (a) of this section.
- (c) Temporary access to the specified 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 12 months.

**Sec. 16-1-95. – Storage and Parking of Recreational Vehicles.**

(a) Definitions – Recreational Vehicles. For purposes of this Section, the following definitions shall apply:

(1) Recreational Vehicles. Recreational Vehicle means any of the following:

a. Travel Trailer. A vehicular, portable structure built on a chassis and on wheels; that is between ten (10) and thirty-six (36) feet long, including the hitch, and eight and one-half (8.5) feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel unites.



- b. Pick-up Coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
  - c. Motor Home. A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
  - d. Camping Trailer. A canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
  - e. Chassis Mounts, Motor Homes and Mini-Motor Homes. Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom.
  - f. Converted and Chopped Van. Recreational structures which are created by altering or changing an existing van to make it a recreational vehicle.
- (2) Boat or Snowmobile Trailer. A vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an unmounted boat or snowmobile.
  - (3) Boat. Every description of watercraft used or capable of being used as a means of transportation on water.
  - (4) Yard, Front. That part of a lot between the front lot line and the front(s) of the principal building on the lot, and extended to both side lot lines.
  - (5) Yard, Rear. That part of a lot between the rear lot line and the back(s) of the principal building on the lot, and extended to both side lot lines.
  - (6) Yard, Side. That part of a lot not surrounded by building and not in the front or rear yard.
- (b) Permitted Parking or Storage of Recreational Vehicles. In all residential and commercial districts provided for in this Zoning Code, it is permissible to park and store a recreational vehicle or boat and boat trailer on private property in the following manner:
    - (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
    - (2) Parking is permitted outside in the side yard provided it is not nearer than five (5) feet to the lot line.
    - (3) Parking is permitted outside on a hard-surfaced or well-drained gravel driveway, provided:
      - a. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard.
      - b. A corner lot is always deemed to have reasonable access to the rear yard.
      - c. A fence is not necessarily deemed to prevent reasonable access.
      - d. Inside parking is not possible.
      - e. The unit is parked perpendicular to the front curb.
    - (4) The body of the recreational vehicle or boat must be at least fifteen (15) feet from the face of any curb.
    - (5) No part of the unit may extend over the public sidewalk or public right-of-way.
    - (6) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
      - a. Used for dwelling purposes, except for overnight sleeping for a maximum of ten (10) days in any one calendar year. Cooking is not permitted at any time.
      - b. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
      - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.

(7) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

(8) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

**Sec. 16-1-96. – Storage of Tractors and Road Machinery.**

No person, firm, or corporation shall park, keep or maintain on properties zoned as residential or multiple residential dwellings, the following types of vehicles: Semi-tractors and/or trailers, landscaping equipment, dump trucks, auto wreckers and road machinery. Said vehicles may not be kept or parked on said premises whether or not they are in enclosed buildings, except for the purposes of unloading or servicing the premises.

**ARTICLE VI. - SIGNS, CANOPIES, AWNINGS AND BILLBOARDS**

**Sec. 16-1-100. - Purpose of sign, canopy and awning regulations.**

(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, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the village.

(b) Painting, posting and general maintenance are excepted.

**Sec. 16-1-101. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Area of sign** means the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign.

If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight straight lines.

**Awning** means a temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.

**Billboard** means a sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

**Blanketing** means the unreasonable obstruction of view of a sign caused by the placement of another sign.

**Canopy** means a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.

**Day** means a period of time in terms of calendar days.

**Directly illuminated sign** means any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

**Directory sign** means any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.

**Electronic message unit sign** means any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.

**Flashing sign** means any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

**Freestanding (ground and/or pole sign)** means any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

**Identification sign** means any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.

**Indirectly illuminated sign** means a sign that is illuminated from a source outside of the actual sign.

**Marquee sign** means any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.

**Nonconforming sign** means any sign which does not conform to the regulations of this article.

**Off-premises sign** means any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.

**Political sign** means any sign displaying a candidate for an election, or a current election's subject matter.

**Portable sign/message boards** means any sign not permanently attached to the ground which is designed to be easily moved from one location to another.

**Projecting sign** means any sign extending more than 18 inches, but less than four feet from the face of a wall or building; such sign may not extend more than three feet into the right-of-way.

**Real estate sign** means any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

**Roof sign** means any sign erected upon or over the roof or parapet of any building.

**Sign** means and includes anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.

**Temporary sign** means any sign which is erected or displayed for a limited period of time not to exceed 28 consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this chapter, a portable sign is not a temporary sign.

**Wall sign** means any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than 16 inches from such wall.

**Window sign** means any sign located completely within an enclosed building and visible from a public way.

## **Sec. 16-1-102. - Required permits for signs, canopies, awnings and billboards.**

- (a) *Application.* Except those specified in [section 16-1-103](#), no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the village. Signs shall not be erected or altered until a permit has been issued by the building inspector. The term "altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.
- (b) *Required information.* Application for a sign permit shall be made in writing upon forms furnished by the building inspector which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change.
- (c) *Permit fees.* A permit fee of \$5.00 shall be paid to the building inspector for each sign permit issued under this article, provided, however, that a fee shall not be charged for putting an existing sign in conformity with this article, or for a copy change when no change in business name is involved.
- (d) *Insurance.* Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of \$100,000.00 for bodily injury and \$200,000.00 aggregate and \$100,000.00 property damage. Proof of insurance shall be presented to the building inspector before the sign permit is granted.
- (e) *Inspection.* The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the building inspector who will assure the sign complies with the regulations of this article. Every sign shall be inspected and approved by the building inspector within 30 days after it is erected or altered.
- (f) *Appeals.* The building inspector may, at any time for a violation of this article, revoke a permit or require changes so the sign conforms with this article. The holder of a revoked permit shall be entitled to an appeal before the zoning board of appeals. Any person, firm or corporation aggrieved by any permit denial or decision by the building inspector relative to the provisions of these sign regulations may appeal and seek review of such decision to the zoning board of appeals.

**Sec. 16-1-103. - Signs not requiring a permit.**

The following signs do not require a sign permit, provided that they are not located over a public road right-of-way or in, on or over public water:

- (1) *Commercial, industrial and planned unit development (commercial/industrial) districts.*
  - a. Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
  - b. Name, occupation and warning signs not to exceed four square feet located on the premises.
  - c. Bulletin boards for public, charitable or religious institutions not to exceed 35 square feet in area located on the premises.
  - d. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.
  - e. Official signs, such as traffic control, parking restriction, information and notices.

- f. Rummage or garage sale signs not to exceed eight square feet in area, but use of this type of sign shall be limited to 72 hours per sale.
  - g. Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
  - h. Signs not exceeding two square feet in area and bearing only property numbers, post box numbers or names of occupants of premises.
  - i. Flags and insignia of any government, except when displayed in connection with commercial promotion.
  - j. Legal notices, identification information or directional signs erected by governmental bodies.
  - k. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
  - l. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
  - m. Political signs may be posted 60 days before an election and must be removed within ten days after said election. Said sign shall be a maximum of 32 square feet.
  - n. Window signs are allowed with no permits.
  - o. Bills, posters and banners shall be allowed with no permits.
- (2) *Residential, conservancy and agricultural districts.*
- a. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed four square feet.
  - b. Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
  - c. Nameplate signs not to exceed three square feet located on the premises.
  - d. Bulletin boards for public, charitable or religious institutions not to exceed eight square feet in area located on the premises.
  - e. Memorial signs, tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
  - f. Official signs, such as traffic control, parking restrictions, information and notices.
  - g. Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.
  - h. House numbers or signs identifying parks or country clubs or official bulletin boards.
  - i. An approved professional sign shall be a sign not exceeding three square feet in area, stating only the name and business or profession of the home occupant or the character or the use of the premises on which the sign is maintained. It shall not be illuminated and shall not move.
  - j. Political signs may be posted 60 days before an election and must be removed within ten days after said election. Said sign shall be a maximum of eight square feet.
  - k. Rummage or garage sale signs not to exceed eight square feet in area, but use of this type of sign shall be limited to 72 hours per sale.

**Sec. 16-1-104. - Permitted commercial and industrial signs.**

- (a) *Permitted signs.* The following signs shall require a permit to be issued by the village. Signs may be permitted in all commercial, planned unit development (commercial/industrial) and industrial districts, subject to the following restrictions:
- (1) Wall signs placed against the exterior walls of buildings shall not extend more than six inches out from a building's wall surface, shall not exceed 300 square feet in area or 40 percent of the wall surface (whichever is smaller) per wall for any one premises, and shall not exceed the height of the wall for which it is displayed, depending upon the height of the wall. Said wall signs shall not exceed 45 feet in height in districts fronting Federal Aid Primary (FAP) Highways, and shall not exceed 30 feet in height in other commercial and industrial districts if the walls in question are greater than the 45 feet and 30 feet respectively. Wall signs shall exclusively advertise on-premises businesses, or public service organizations or causes.
  - (2) Projecting signs fastened to, suspended from or supported by structures shall not exceed 50 square feet in area for any one business, shall not extend more than six feet into any required yard, shall not extend beyond the curb line, shall not be less than ten feet from all side lot lines, shall not exceed a height of 20 feet above the mean centerline street grade and shall not be more than 15 feet above a driveway or an alley and not less than ten feet above a driveway or alley.
  - (3) Freestanding signs in commercial and industrial districts shall not exceed 24 feet in height above the centerline of the grade of the street from which access to the premises is obtained, and shall not exceed 120 square feet on one side, or 240 square feet on all sides for any one premises.
  - (4) Roof signs are prohibited in the village.
  - (5) Off-premises signs, displays and devices on or within the "adjacent areas" of all state, freeway and Federal Aid Primary systems, as defined in Wis. Stats. § 84.30 shall be regulated pursuant to Wis. Stats. § 84.30 and Wis. Admin. Code ch. Trans 201. Off-premise signs shall not be permitted within 100 feet of an occupied residential dwelling unit.
  - (6) Directory signs for shopping centers or industrial parks are permitted as an alternative to ground signs or projecting signs for individual stores in the shopping center or business in the industrial park. The top of a directory sign shall not exceed 32 feet in height above the mean centerline street grade and the bottom of the sign shall not be less than ten feet above the sidewalk and not more than 16 feet above a driveway or alley. The double supporting pylons shall not be greater than ten feet apart. That portion of the directory sign which advertises the shopping center or industrial park name shall not exceed 100 square feet for one side and a total of 200 square feet for all sides. That portion of the directory sign which advertises the individual store/business name shall not exceed 16 square feet for one side and a total of 32 square feet for all sides. Directory signs shall meet all yard requirements for the zoning district in which they are located.
  - (7) Other signs. Any sign qualifying as more than one of the types listed in subsections (a)(1) through (6) of this section shall meet the requirements for each type.
- (b) *Permit requirement.* Signs for on-site businesses in residential or agricultural districts greater than three square feet shall require a permit. Said signs shall not exceed 12 square feet per side and shall meet any other restrictions in subsection (a) of this section.
- (c) *Lighting.* Permitted signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having

moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices, are prohibited.

**Sec. 16-1-105. - Permitted residential, agricultural and conservancy signs.**

In addition to those permitted signs not requiring a permit pursuant to [section 16-1-103\(2\)](#), the following nonflashing, nonilluminated signs are permitted under the conditions specified in all residential, planned unit development (residential), agricultural and conservancy districts established by this chapter:

- (1) Nameplate and identification signs, subject to the following:
  - a. *Area and content, residential.* There shall be not more than one nameplate, not exceeding three square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted home occupation. On a corner lot, two such nameplates for each dwelling unit (one facing each street) shall be permitted.
  - b. *Area and content, nonresidential.* For agricultural or conservancy buildings, a single identification sign, not exceeding 16 square feet in area and indicating only the name and address of the building, may be displayed. On a corner lot, two such signs (one facing each street) shall be permitted.
  - c. *Height.* No sign shall project higher than one story or 15 feet above curb level, whichever is lower.
- (2) "For sale" and "to rent" signs, subject to the following:
  - a. *Area and number.* There shall be not more than one sign per zoning lot, except that on a corner zoning lot two signs (one facing each street) shall be permitted. No sign shall exceed eight square feet in area nor be closer than eight feet to any other zoning lot.
  - b. *Height.* No sign shall project higher than one story or 15 feet above curb level, whichever is lower, when attached to a building; detached or free-standing signs shall not be more than seven feet in height, measured from the soil grade to the top of the sign post.
- (3) Signs accessory to parking areas, subject to the following:
  - a. *Area and number.* Signs designating parking area entrances or exits are limited to one sign for each such exit or entrance, and to a maximum size of two square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet, shall be permitted. On a corner lot, two such signs (one facing each street) shall be permitted.
  - b. *Projection.* No sign shall project beyond the property line into the public way.
  - c. *Height.* No sign shall project higher than seven feet above curb level.
- (4) Signs accessory to roadside stands, subject to the following:
  - a. *Content.* The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.
  - b. *Area and number.* The signs shall be on the same zoning lot (either zoned agricultural or with a conditional use permit) as the roadside stand, and there shall be not more than two signs per lot. No sign shall exceed 12 square feet in area nor be closer than 50 feet from any other zoning lot.
  - c. *Projection.* No sign shall project beyond the property line into the public way.
  - d. *Height.* No sign shall project higher than 15 feet above curb level.
  - e. *Permit.* A sign permit is required for this type of sign.
- (5) Temporary signs accessory to subdivision developments or other permitted improvements in residential districts, subject to the following:

- a. *Content.* The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, or for the identification of other nonresidential uses under construction.
  - b. *Area, number and setback.* Such signs shall not exceed two in number for each subdivision nor 50 square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least 50 feet from all other boundaries of the site.
  - c. *Height.* No sign shall project higher than eight feet above curb level.
  - d. *Time limitations.* The sign or signs shall be removed by the applicant or property owner within two years of the date of the issuance of a sign permit.
  - e. *Permit.* A sign permit is required for this type of sign.
- (6) Subdivision identification signs, subject to the following:
- a. *Content.* The signs shall bear only the name of the subdivision or development.
  - b. *Area and number.* There shall be not more than one sign located at each entrance to a subdivision. No sign shall exceed 32 square feet in area.
  - c. *Height.* No sign shall project higher than 12 feet above curb level; the plan commission may, however, temporarily authorize a larger sign for a period not to exceed two years.
  - d. *Permit.* A sign permit is required for this type of sign. Drawings showing the specific design, appearance and location of the sign shall be submitted to the building inspector for approval. The location of any such sign shall be at the discretion of the building inspector based upon the character of the area, the type and purpose of the sign and the length of time permitted.
- (7) Nonflashing, illuminated church bulletins, subject to the following:
- a. *Area and number.* There shall be not more than one sign per lot, except that on a corner lot, two signs (one facing each street) shall be permitted. No sign shall exceed 32 square feet in area nor be closer than eight feet from any other zoning lot.
  - b. *Projection.* No sign shall project beyond the property line into the public way.
  - c. *Height.* No sign shall project higher than one story or 15 feet above the curb level, whichever is lower.
  - d. *Permit.* A sign permit is required for this type of sign. Drawings showing the specific design, appearance and location of the sign shall be submitted to the building inspector for approval. The location of any such sign shall be at the discretion of the building inspector based upon the character of the area, the type and purpose of the sign and the length of time permitted.

**Sec. 16-1-106. - Landscape features.**

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged and shall not be counted as allowable sign area.

**Sec. 16-1-107. - Prohibited signs.**

- (a) *Traffic interference.* Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or



egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.

- (b) *Moving or flashing signs.* No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (c) *Number of signs permitted.*
  - (1) No more than two signs of any type shall be located at any business, except that premises occupied by a shopping center may, as an alternative, have one detached sign plus one flat sign illuminated or otherwise for each place of business located in said shopping center provided that the aggregate total area of all signs located on any premises so occupied shall not exceed the total area permitted for one detached sign and one flat sign as set forth in this article.
  - (2) Businesses with streets fronting both sides shall be allowed two types of signs for each street frontage; no street frontage buildings shall be allowed two of the same type of sign for that particular business.
- (d) *Signs on public rights-of-way.* Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this chapter, or be located within five feet of a property line.
- (e) *Distance between freestanding signs.* The distance between freestanding signs shall be a minimum of 75 feet between freestanding signs throughout the street frontage in order to prevent congestion and maintain traffic visibility.

**Sec. 16-1-108. - Dangerous and abandoned signs.**

- (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 one year or when, in the judgment of the building inspector, 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 building inspector or village board, or a designee, may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the building inspector, village board or designee to the board of appeals.
- (b) *Violations.* All signs constructed or maintained in violation of any of the provisions of this article after the date of adoption are hereby declared public nuisances within the meaning of this Code. In addition to the penalty provisions for violations of this article, the building inspector, village board or designee may bring an action to abate the nuisance in the manner set forth in state law.

**Sec. 16-1-109. - Variances or exceptions.**

Variances or exceptions to these sign regulations may be granted by the board of appeals, following a recommendation from the building inspector, pursuant to the standards of this title.

**Sec. 16-1-110. - Construction and maintenance regulations 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 building inspector.

(b) *General requirements.*

- (1) *Construction standards.* All signs, except flat signs and those signs weighing less than ten pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.
- (2) *Illuminated signs.* Any illuminated signs shall not interfere with surrounding properties or traffic.
- (3) *Prohibited mounting.* No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
- (4) *Blanketing.* Blanketing of signs on buildings shall not be allowed.
- (5) *Maintenance.* All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times, and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
- (6) *Annexed areas.* All signs in newly annexed areas shall comply with this article within five years of annexation.

**Sec. 16-1-111. - Special sign requirements.**

(a) *Electronic message unit signs.*

- (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
- (2) Segmented messages must be displayed for not less than one-half second and more than ten seconds.
- (3) Traveling messages may travel no slower than 16 light columns per second and no faster than 32 columns per second.

(b) *Portable signs/message boards.* Such signs shall be limited in use to 30 days at a time following approval by the building inspector, provided, however, that the building inspector shall not give approval for placement of a portable sign/message board if it presents a vision obstruction and shall not be displayed more frequently than three times per year at any one location.

**Sec. 16-1-112. - Nonconforming signs.**

(a) *Signs eligible for characterization as legal nonconforming.* Any sign located within the village limits of the date of adoption of this article 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 or more of the following occurs:

- (1) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or Act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three months after such

calamity, unless the damage to the sign is 50 percent or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this article.

- (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 with a new permit secured therefor 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. 16-1-113. - Awnings and canopies.**

- (a) *Permitted awnings.* No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) *Support.* Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
  - (2) *Height.* All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight feet above the level of the public sidewalk or public thoroughfare.
  - (3) *Setback from curb line.* No awning shall extend within one foot of the curb line.
- (b) *Permitted canopies.* No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) *Support.* The structural support of all canopies shall be approved by the building inspector as in compliance with the building code of the village and shall meet state building codes. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in [section 16-1-110](#). All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
  - (2) *Height above sidewalk.* All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight feet above the level of the sidewalk or public thoroughfare.
  - (3) *Setback from curb.* No canopy shall extend beyond a point two feet from the curblines.

**Sec. 16-1-114. - Violations of sign code.**

- (a) *Construction without permit.* Any person, firm or corporation who begins, erects or completes the erection or construction of any sign, awning or canopy controlled by this article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.
- (b) *Compliance notice.*
- (1) If the building inspector finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
  - (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five days after such notice, the

building inspector may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this article.

(c) *Violations; penalties.* Any person who shall violate any of the provisions of this article shall be subject to a penalty which shall be as follows:

(1) Any person found guilty of violating any part of this article shall be subject to a penalty in the amount of \$50 per day until the violation is remedied.

(2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of this article.

## **ARTICLE VII. - PERFORMANCE STANDARDS**

### **Sec. 16-1-120. - Intent.**

It is the intent of this article to use performance standards for the regulation of uses to facilitate a more objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects. 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 the district regulations and with the following environmental performance standards.

### **Sec. 16-1-121. - Noise.**

No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 11:00 p.m. and 70 dBA from 11:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:

(1) Noises not directly under the control of the property owner.

(2) Noises from temporary construction or maintenance activities during daylight hours.

(3) Noises from emergency, safety or warning devices.

### **Sec. 16-1-122. - Vibration.**

(a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

(b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

### **Sec. 16-1-123. - Glare and heat.**

No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial district which may emit direct or sky-reflected glare which shall not be visible outside the district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

**Sec. 16-1-124. - Odor.**

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Wis. Admin. Code § NR 417.06.

**Sec. 16-1-125. - Fire and explosive hazards.**

All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive material shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

**Sec. 16-1-126. - Air pollution.**

- (a) No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Wis. Admin. Code ch. NR 431.03.
- (b) No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mines Information Circular 7718 in any industrial district.

**Sec. 16-1-127. - Hazardous pollutants.**

- (a) *Pollutants.* No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Wis. Admin. Code ch. NR 445.03 et seq.
- (b) *Liquid or solid wastes.* No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

**ARTICLE VIII. - SIGNAL RECEIVING ANTENNAS; WIND ENERGY SYSTEMS**

**Sec. 16-1-130. - Signal receiving antennas.**

- (a) *Purpose.* This section regulating the placement of signal receiving antennas is adopted to:
  - (1) Provide uniform regulation 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) Protect the public from injury from 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 antenna; and
  - (4) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.

- (b) *Permit required.* No owner shall, within the village, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the zoning administrator.
- (c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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

*Signal receiving antenna* means 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, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, harm and short-wave radio antennas, regardless of the method of mounting.

- (d) *Application.* Application for a signal receiving antenna permit shall be made in writing to the zoning administrator. With such application, there shall be submitted a fee of \$10.00 and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings. If such application meets all requirements of this section, the application shall be approved.
- (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 three feet from any property line. The purpose of setback regulations is to protect the aesthetics of the area and to preserve adequate access for emergency equipment and personnel.
    - b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.
    - c. If side yard, front yard or roof mounting is requested, the zoning administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
  - (2) *Mounting.* Signal receiving antennas attached to the wall or 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 12 feet in diameter, except for systems used to provide community antenna television services.
  - (4) *Height.*
    - a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed 15 feet in height, as measured from the ground to the highest point of the dish.
    - b. A roof-mounted antenna may not exceed eight feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
  - (5) *Wind pressure.* All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 mph.
  - (6) *Electrical installations.* Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, the 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 installation. If a signal receiving antenna is to be used by two or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
  - (7) *Temporary placement.* No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five days. However, such trial placement shall be in accordance with all provisions of this section. Failure to comply shall result in a citation being issued for violation of this section. Any person making such temporary placement shall first give written notice to the zoning administrator of the date when such placement shall begin and end. There shall be no permit fee for temporary placement.
  - (8) *Advertising.* No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
  - (9) *Interference with broadcasting.* Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electro-magnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
  - (10) *Compliance with federal regulations.* The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
  - (11) *Aesthetic considerations.* Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (f) *Enforcement.*
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this section. In the event of any violation, the village board

or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this section.

- (2) Any person, firm or corporation who fails to comply with the provisions of this section shall, upon conviction, be subject to the general penalty found in Section 1.70 of the Melrose Ordinances.

**Sec. 16-1-131. - Wind energy systems—Conditional use permits required.**

- (a) *Approval required.* No owner shall, within the village, 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 this title.
- (d) *Definition.* The term "wind energy systems" means windmills which are used to produce electrical or mechanical power.

**Sec. 16-1-132. - Same—Permit procedure.**

- (a) *Application.* The permit application for a wind energy system shall be made to the zoning administrator on forms provided by the village. The application shall include the following information:
  - (1) The name and address of the applicant.
  - (2) The address of the property on which the 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 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 III of this title.
- (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 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. 16-1-133. - Same—Specific requirements.**

- (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 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 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 50 decibels, as measured on a dBA 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 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 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.

## **ARTICLE IX. - ACCESSORY USES AND STRUCTURES; FENCES**

### **Sec. 16-1-140. - Accessory uses or structures.**

- (a) *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.
- (b) *Placement restrictions.* Residential accessory buildings which are not a part of the main building shall not be more than 12 feet high and shall not be nearer than three feet to each other or to the side lot line in the rear yard or to the rear lot line. They are not permitted in the front yard. Accessory buildings and structures such as storage buildings, garages, swimming pools, heating-air conditioning equipment and wind and solar energy conversion equipment, provided such buildings, structures or equipment are permitted as follows:
  - (1) In the aggregate, shall not occupy more than 35 percent of any required rear yard areas, or be larger than 1,200 square feet, whichever is more restrictive.
  - (2) Shall be located no closer than three feet from any part of any other building or structure.
  - (3) Shall comply with all applicable village setback requirements for principal structures.
- (c) *Use restrictions, residential districts.* Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit.
- (d) *Placement restrictions, nonresidential districts.* An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three feet to any side or rear lot line.
- (e) *Reversed corner lots.* When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three feet to the side line of the adjacent structure.
- (f) *Landscaping and decorative uses.* Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation

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

- (g) *Temporary uses.* Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the zoning administrator.
- (h) *Garages in embankments in front yards.* Where the mean natural grade of a front yard is more than eight 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 feet from the front lot line;
  - (2) That the floor level of such private garage shall be not more than one foot above the curb level; and
  - (3) That at least one-half the height of such private garage shall be below the mean grade of the front yard.
- (i) *Outdoor lighting.* Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) *Lawn accessories.* Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas, but not closer than three feet to an abutting property line other than a street line.
- (k) *Retaining walls.* Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed three feet in height, and a terrace of at least three feet in width shall be provided between any series of such walls, and provided further, that along a street frontage, no such wall shall be closer than three feet to the property line.
- (l) *Agricultural structures.* Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

**Sec. 16-1-141. - Outside storage of heating fuel.**

- (a) No person shall store firewood, wood pellets, coal, fuel oil, lp, propane, or other fuel sources in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 15 days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two feet to any lot line and not higher than six 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 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.
- (e) Not more than 30 percent of the side and rear yard may be used for storage of firewood at any one time.

**Sec. 16-1-142. - Fences.**

- (a) *Fences defined.* For the purpose of this section, the term "fence" means an enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (b) *Fences categorized.* Fences shall be categorized into four classifications:
- (1) *Boundary fence.* A fence placed on or within three feet of the property lines of adjacent properties.
  - (2) *Protective fence.* A fence constructed to enclose a hazard to the public health, safety and welfare.
  - (3) *Architectural or aesthetic fence.* A fence constructed to enhance the appearance of the structure or the landscape.
  - (4) *Picket fence.* A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (c) *Height of fences regulated.*
- (1) A fence or wall may be erected, placed or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six feet above the ground level and be no closer than three feet to a public right-of-way or thirty-six feet from the centerline of any arterial street, and no closer than 5 feet from the improved surface of any alley or 5 feet from the right of way of any alley, except that no such fence or wall which is located in a required front or corner side yard shall exceed a height of four feet. Where such lot line is adjacent to a nonresidentially zoned property, there shall be an eight-foot limit on the height of a fence or wall along such lot line.
  - (2) 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 feet.
  - (3) No woven, twisted, welded or interlaced wire fence shall be located in the residential district, unless such fencing is ornamental in character.
  - (4) No wood-slat snow fence shall be permitted in the residential district.
- (d) *Setback for residential fences.* Fences in or adjacent to a residential property are permitted on lot lines. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
- (e) *Security fences.* Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (f) *Prohibited fences.* No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten feet above the ground or height and project toward the fenced property and away from any public area.
- (g) *Fences to be repaired.* All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (h) *Temporary fences.* Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-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 45 days.

- (i) *Nonconforming fences.* Any fence existing on the effective date of this Code and not in conformance with this section may be maintained, but no alteration, modification or improvement of said fence shall not comply with this section.

**Sec. 16-1-143. - Swimming pools.**

- (a) *Intent.* It is the intent of this section to provide property owners, renters and occupants with an orderly set of guidelines, and firm rules and requirements to assure the citizens of a reasonable amount of safety and protection for anything pertaining to swimming pools within the village.

- (b) *Definition.*

- (1) The term "swimming pool," as used in this section, is defined as an outdoor structure containing a body of water in a receptacle or other container located either above ground, or partially or fully in ground, of sufficient size, depth, or height to enclose water at any point of greater than 1½ feet in depth. No such pool shall be allowed with the village unless it complies with all of the conditions and requirements of this section.
- (2) A swimming pool is further defined as being a body of water that is used, or intended to be used, solely by the owner, occupant, lessee thereof, and his family, and by others 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.

- (c) *Permit required.*

- (1) Before work is commenced on the construction or erection of a swimming pool or any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the building inspector using the prescribed application form for such a permit.
- (2) No work or any part of the work shall be commenced until a written permit for such work has been issued.
- (3) The minimum building permit fee pursuant to the village building codes shall accompany such application.

- (d) *Construction requirements.* In addition to such other requirements as may be reasonably imposed by the building inspector, the building inspector shall not issue a permit for construction unless the following construction requirements are observed:

- (1) All materials and methods for initial construction, alteration, addition, remodeling or other improvements shall be in accordance with all state regulations and codes and with any and all ordinances of the village now in effect or hereafter enacted.
- (2) All electrical installations which are provided for, installed and used in conjunction with a swimming pool shall be in conformance with the state laws and codes, and village ordinances regulating electrical installations.

- (e) *Setbacks.*

- (1) Swimming pools shall be erected or constructed on rear or side lots only, and only on a lot occupied by a principal building, except that a vacant lot may be used if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (2) No swimming pool shall be located, constructed, or maintained closer than ten feet to any side or rear lot line, subject to the exception listed below.
- (3) A swimming pool may be located closer than ten feet to any side or rear lot line, but not less than five feet, if the owner of the contiguous side or rear lot signs an approval for a waiver of the ten-foot set-back requirements.

- (f) *Filter system required.* All swimming pools must have, in connection therewith, some filtration system to ensure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (g) *Water quality to be maintained.* The water quality of all swimming pools shall be maintained at an acceptable level for such pools, and shall not be allowed to deteriorate to an unsafe state with regard to bacteria, algae, foreign matter and other characteristics usually associated to pool water quality.
- (h) *Dirt and sand bottoms prohibited.* All swimming pools shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
- (i) *Draining.* No pool shall be allowed to drain any of its contents into the sanitary sewer system, or onto the lands of another.
- (j) *Unsafe pools not allowed.* Unsafe pools shall not be allowed. An unsafe pool, by definition, is any pool that is in poor condition due to age or excessive use or misuse, in a poor or unstable condition due to the materials used in its construction, or is not level within tolerance for such pools.
- (k) *Fences required.*
  - (1) Subject to the exceptions noted below, swimming pools shall be completely enclosed by a fence of sufficient strength to prevent unwanted access to the pool by children.
  - (2) Such fence shall not be less than four feet nor greater than six feet in height and so constructed as not to have voids, holes, or openings, (except for gates), larger than four inches in one dimension.
  - (3) Gates or doors shall be kept locked while the pool is not in actual use.
  - (4) A self-closing gate shall be required for all in-ground pools.
  - (5) Fences shall be kept attractive and in good repair, and shall not have barbed wire, electric wire, hazardous edges or other unsafe materials.
  - (6) Fences shall be located on the owner's property and shall not be required to meet the ten-foot set-back limitation for pools, but shall be in compliance with any other village ordinances in effect regarding locations relative to lot lines.
  - (7) Swimming pools will not be required to be fenced if:
    - a. The pool has extended walls to 72 inches and the ladder or other access to the pool is removed or rendered unusable when the pool is not in use and the opening is closed off by a locked gate when the pool is not in use; or,
    - b. The pool is covered when not in use by a fastened cover of sufficient strength to support a 250-pound person; or
    - c. The pool is completely enclosed by a 360-degree raised deck with a 36-inch railing around the deck and a self-closing, self-latching gate is used at the pool access point. A raised deck, as used in this section, shall be defined as a deck whose floor is level or nearly level with the water line of the pool.

## **ARTICLE X. - ADMINISTRATION**

### **Sec. 16-1-150. - 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 title require review and action by

the village board. A zoning board of appeals is provided to ensure proper administration of the chapter and to avoid arbitrariness.

**Sec. 16-1-151. - 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 ensure 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 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. 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. 16-1-152. - 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 maps and to amend the text of this chapter.
- (b) *Plan commission.* The plan commission shall make advisory recommendations to the village board where called for in this chapter.
- (c) *Zoning board of appeals.* A zoning board of appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this chapter. See article XII of this chapter for detail provisions.

**Sec. 16-1-153. - 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 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 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) The fee for a zoning permit shall be in the amount provided in the village fee schedule.

(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 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 months unless substantial work has commenced or within 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. 16-1-154. - Site plan.**

(a) *Approval.* All applications for zoning permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in Residential Districts, shall require site plan approval by the village board in accordance with the requirements of this section.

(b) *Application.* The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the village board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter.

(c) *Administration.* The zoning administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the village board within ten 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 30 days of its receipt of the application, the village board shall authorize the zoning administrator to issue or refuse a zoning permit.

(d) *Requirements.* In acting on any site plan, the village board shall consider the following:



- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
  - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
  - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
  - (4) The landscaping and appearance of the completed site. The village board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.
- (e) *Effect on municipal services.* Before granting any site approval, the village board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the village engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the village board shall not issue final approval until the village board has entered into an agreement with the applicant regarding the development of such facilities.

**Sec. 16-1-155. - 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 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 1.70 of the Melrose Ordinances.

**ARTICLE XI. - CHANGES AND AMENDMENTS TO THIS TITLE**

**Sec. 16-1-160. - 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. 16-1-161. - Changes or amendments—Initiation.**

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 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. 16-1-162. - Same—Procedure.**

(a) *Application.* Petitions for any change to the district boundaries and maps or amendments to the text regulations shall be addressed to the village board and shall be filed with the zoning administrator, 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 inch equals 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 300 feet of the area proposed to be rezoned.
- (2) Owners' names and addresses of all properties lying within 100 feet of the area proposed to be rezoned.
- (3) Together with additional information as may be required by the village board.

(b) *Hearings.*

- (1) 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 Wis. Stats. ch. 985. At least ten days' prior, written notice shall also be given to the clerk of any municipality within 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. 16-1-163. - Protest.**

- (a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of 20 percent or more, either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 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 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 20 percent of the number of persons casting ballots in the last general election, it shall cause a three-fourths vote of the full village board membership to adopt such amendment.

**ARTICLE XII. - APPEALS**

**Sec. 16-1-170. - Appeals to the zoning board of appeals.**

- (a) *Scope of appeals.* Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the village affected by any decision of the administrative officer. Such appeal shall be taken within reasonable 30 days of the alleged grievance or judgment in question by filing with the officers 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 officers 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, 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. Use variances shall not be granted.
  - (3) *Interpretations.* To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the village board has made 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 and the village board has made a review and recommendation. Whenever the board 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 and the village board has made a review and recommendation.
  - (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 and the village board has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the board of Zoning Appeals and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
  - (7) *Permits.* The board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

**Sec. 16-1-171. - 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 days prior thereto, cause notice to be given

to the appellant or applicant and the administrative officers appealed from by regular mail or by personal service not less than five days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five days prior to the hearing of the fee owners of records of all land within 100 feet of any part of the subject building or premises involved in the appeal.

**Sec. 16-1-172. - Decisions of board of appeals.**

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

**Sec. 16-1-173. - Variations.**

- (a) *Purpose.*
  - (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this title would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
  - (2) The village board may authorize upon appeal, in specific cases, such variance from the terms of this title as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this title will result in unnecessary hardship and so that the spirit of this title 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 variation.* 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 village engineer, village board, zoning board of appeals or zoning administrator.
  - (6) Fee receipt in the amount of \$25.00.

- (c) *Public hearing of application.* The village board shall conduct at least one public hearing on the proposed variation. Notice of such hearing shall be given not more than 30 days and not less than ten days before the hearing in one 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 shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.
- (d) *Action of the board.* For the board to grant a variance, it must find that:
  - (1) Denial of variation may result in hardship to the property owner due to physiographical 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 provisions of this title 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 this title.
- (e) *Board of appeals action.* Parties may appeal decisions of the village board under this section to the board of appeals; the board of appeals shall follow the procedures applicable to the village board under this section.
- (f) *Conditions.* The village board or the board of appeals on appeal may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.

**Sec. 16-1-174. - 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 30 days after the filing of the decision in the offices of the board of appeals.

**ARTICLE XIII. - MOBILE HOMES**

**Sec. 16-1-175. - APPLICATION:**

This chapter shall apply to any mobile home park zoning district.

**Sec. 16-1-176. - DEFINITIONS:** For the purposes of this chapter, the following definitions shall apply:

- (a) “Manufactured home” shall mean that structure which is, or was, originally constructed or designed to be transported by any motor vehicle upon a public highway and was

designed, equipped, and used primarily for sleeping, eating and living quarters, or is intended to be so used and which has a Certification Label, otherwise known as a “HUD Tag” as prescribed by 24 USC §3280.11(a) affixed to the structure. Camping trailers are specifically EXCLUDED from this definition. ALSO EXCLUDED are residences which have been transported by motor vehicle upon a public highway in parts or segments, and are not inhabitable residences until assembled and located upon a permanent building site. Other such structures as may be defined as a manufactured home under State Statutes or the Wisconsin Administrative Code are intended to be included, if not excluded as provided above. ALSO EXCLUDED are those structures which would otherwise meet the requirements of this definition, but were manufactured prior to 1974.

- (b) “Unit” shall mean a manufactured home.
- (c) “Nondependent unit” shall mean a manufactured home that has a bath or shower and toilet facilities.
- (d) “Dependent unit” shall mean a manufactured home which does not have a bath or shower and toilet facilities.
- (e) “Manufactured Home Park (MHP)” shall mean any plot or plots of land upon which two or more units, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.
- (f) “Space” shall mean a plot of land within a manufactured home park of not less than 1000 square feet, designed for the accommodation of a manufactured home.
- (g) “Person” shall mean any individual, partnership, firm, company or corporation, whether acting as a tenant, owner, lessee, licensee or an agent, heir or assign thereof.
- (h) “Licensee” shall mean any person licensed to operate and maintain an MHP under the provisions of this chapter.

**Sec. 16-1-177. - OCCUPANCY:**

- (a) USE PROHIBITED. Manufactured homes shall not be used as a place of abode, business, dwelling, storage or any other purpose, except as provided by this chapter.
- (b) WHEEL REMOVAL. Any action to remove the wheels of any manufactured home, except for temporary purposes of repair, or any other action to attach any manufactured home to a foundation shall subject the manufactured home to the requirements of this chapter, as well as Chapter 7 of this Code.

**Sec. 16-1-178. - LOCATION RESTRICTED:**

Manufactured homes located outside a licensed MHP shall be subject to the following restrictions:

- (a) No person shall park or occupy any manufactured home, except pre-existing manufactured homes lawfully parked or occupied prior to the passage of this chapter, on any premises which are situated outside an approved MHP. The parking of one unoccupied manufactured home in any accessory private garage, building or in a rear yard, for a period not to exceed thirty (30) days is permitted providing that no living quarters shall be maintained or any business practiced in the manufactured home while it is so parked or stored.
- (b) It shall be unlawful, except as otherwise provided in this chapter, for any person to park any manufactured home on any street, alley or highway or other public place, or on any tract of land owned by any person, within the Village of Melrose.

- (c) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour, subject to any other prohibitions or regulations, if imposed by the traffic and parking regulations of the Wisconsin Statutes or this Code for that street, alley or highway.

**Sec. 16-1-179. - PRE-EXISTING MANUFACTURED HOMES OUTSIDE OF MANUFACTURED HOME PARKS:**

The following regulations shall apply to all manufactured homes located in the Village of Melrose and not located in a licensed MHP.

- (a) Manufactured homes which, at the time of passage of this chapter, are located within the Village limits of the Village of Melrose and are outside a licensed MHP shall be deemed non-conforming structures. Such manufactured homes may remain in their present location. However, if at any time, such manufactured home is destroyed by fire, wind or other causes to an extent of 50% or more, if its appraised value, said manufactured home may not be repaired and a new manufactured home may be placed upon the premises only if the value of the same equals the assessed value of the former manufactured home and only if the Village Board grants approval for the placing of the new manufactured home upon said lands and premises.
- (b) The owner of a manufactured home which is a non-conforming structure may replace an old one with one of comparable value. Furthermore, he may transfer his interests in said manufactured home to a prospective purchaser.
- (c) The owner of a non-conforming structure may also remove his manufactured home and sell the properties to a purchaser who may, with approval of the Village Board, place a new manufactured home of at least comparable value to that removed, upon said lands and premises.
- (d) If a manufactured home which is a non-conforming use remains vacant for more than one year, the manufactured home must be immediately removed from the premises.
  - (e) In order to comply with the provisions of this section, any pre-existing manufactured home must be a nondependent unit and, where available, must be properly connected with public water and sanitary sewer systems and must further comply with the provisions of this Code relating to building, plumbing, health, sanitation, electrical and zoning requirements.

**Sec. 16-1-180. - 15.50 MANUFACTURED HOME PARKS:**

All manufactured homes located in an MHP shall be nondependent units, and shall be properly connected with the public water supply and sanitary sewer systems and shall be constructed and located in compliance with all provisions of the Code relating to building, plumbing, health, sanitation, electrical and zoning requirements.

**Sec. 16-1-181. - MANUFACTURED HOME PARKS/LICENSE:**

- (a) LICENSE REQUIRED. It shall be unlawful for any person to establish, operate, or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him, an MHP within the Village of Melrose without having first secured a license for such park from the Village Board as provided by this section.
- (b) APPLICATION AND LICENSING. An application to operate an MHP within the Village of Melrose must be filed with the Village Clerk and signed by the applicant prior to July 1

of each calendar year. The license shall be issued for the period beginning July 1 and ending June 30. The application shall include:

- (1) The address and telephone number(s) of the Applicant during both daytime and evening hours.
  - (2) The location and legal description of the MHP.
  - (3) A plan of the park drawn roughly to scale which shall include:
    - (i) The lots of the park clearly drawn out and numbered;
    - (ii) The location of each trailer upon the lot;
    - (iii) All roadways, driveways and parking areas within the park;
    - (iv) All trailers that are occupied.
  - (4) The licensee shall include with the application a list of the total number of occupants residing in each trailer by lot number, and the number and ages of all children under the age of 14 to assist the fire department and rescue personnel in the event of an emergency.
- (c) FEE: The fee for operating an MHP in the Village of Melrose shall be \$100.00, plus the cost of any required inspections under this Chapter, paid annually at the time the application is filed.
- (d) TRANSFER OF LICENSE: Any transfer of license before December 31 of any calendar year shall require a \$100 license fee to be paid along with proof of insurance and the name, address and telephone numbers of the new licensee. If the transfer takes place after December 31, the transfer of license fee shall be \$50.00. At the normal renewal time of July 1, the new licensee shall be charged the full fee for renewal of the license for the next year of operation.
- (e) INSPECTION: No MHP license shall be issued until the MHP has been inspected and approved by any person or agency authorized by the Village of Melrose for such inspection. Furthermore, the MHP application shall in every even numbered year commencing in 2006, require a statement of inspection by the appropriate building inspector, demonstrating that the park and the exteriors of the homes within that park, whether occupied or not, meet the appropriate codes for water, sanitation, structural integrity and health. Manufactured homes that are considered by the inspector not to meet code provisions shall need to provide a certificate of inspection, paid for at the owner's expense, demonstrating that it meets the appropriate codes for water, sanitation, plumbing, electrical, structural and health.

**Sec. 16-1-182 MANUFACTURED HOME PARKS/SITE PLANNING/AND REGULATION:**

The following guidelines, standards and requirements shall apply to a Manufactured Home Park (hereinafter referred to as MHP).

- (a) STREET LAYOUT: Streets within any MHP shall have a minimum width of 14 feet. No parking shall be allowed on any portion of any street within an MHP. If streets in any current MHP are not presently connected by through streets, as soon as units of said MHP are removed and vacated, and before another manufactured home is placed on any lot, the existing streets shall be lengthened and connected together to provide a circular flow of traffic through the MHP.



- (b) **EMERGENCY VEHICLES:** It is imperative that emergency vehicles have unimpeded access to every lot in any MHP. All streets within any MHP shall be designated as fire lanes. Vehicles parked on any streets within a MHP shall be subject to fine or removal.
- (c) **PARKING:** A parking area shall be designated for each unit or lot in any MHP, subject to the following:
  - (1) The parking area shall consist of gravel, concrete, bituminous, or similar approved material. The parking area shall be maintained in good condition with proper grading and drainage to prevent accumulation of storm or other water.
  - (2) The MHP owner or manager shall specify the maximum number of vehicles allowed to be parked in each unit's or lot's designated parking. The maximum number of vehicles for any unit or lot in the MHP shall be two. Units or lots that do not have appropriate designated space for two vehicles will be allowed 1 vehicle. All vehicles owned or used by the residents of the MHP must be parked in the designated area for that unit or lot.
  - (3) The location and size of the parking area for each unit or lot must be indicated on the MHP Plan that is submitted to the Village Clerk.
  - (4) The MHP shall create a designated parking area for visitors within the boundaries of the MHP. This visitor's parking area shall be clearly indicated on the MHP Plan. The parking area will be properly graded and drained and must consist of gravel, concrete, bituminous, or similar approved material.
  - (5) All parking area shall be sufficient size to allow the parking of the authorized vehicle(s) without any vehicle extending beyond the boundary of said parking area.
  - (6) The visitor's parking area shall be located so as to allow access to the parking area from all streets in the park when those streets are connected to allow for through traffic.
- (d) **SITE BOUNDARIES:**
  - (1) All unit or lot boundaries shall be delineated on MHP Plans submitted to the Village for approval for license or renewal. Whenever an existing manufactured home is determined to be uninhabitable or is removed for any purpose, and before any other manufactured home can be placed on that vacated site, the following lot boundaries must be established and maintained:
    - (i) 10 foot side yard clearance from other basic units.
    - (ii) 10 foot back or rear yard clearance from other basic units.
    - (iii) 10 foot clearance from all structures except a storage shed or similar accessory structure belonging to the site or occupant.
    - (iv) 10 foot property line clearance.
    - (v) 10 foot from the nearest edge of any street within the park.
- (d) **EMERGENCY EXIT:** If any existing MHP has only one street providing access for egress and ingress to each unit or lot, the park manager shall keep open a path for emergency vehicles across the grounds of the park allowing for a second route for egress or ingress in case of emergency.
- (e) **EXPOSED AREAS:** Exposed areas of the MHP shall be seeded or covered with stone screening to maintain a safe, healthy, and attractive surrounding. A green area shall be maintained in the MHP designated as a play area, if there is limited space within the units or lots themselves.

- (f) **MANAGEMENT:** The owner or operator of a MHP or his agent or designee shall be available to residents of the MHP either in person, by phone, or by email during reasonable hours. An owner, operator of a MHP or an agent thereof, shall respond to any phone call and/or email from a resident within as soon as possible, but at all times a response shall be provided within 24 hours. The owner or operator of a MHP shall also provide to the Village Clerk, an emergency phone number wherein the owner, operator, or an agent thereof can be reached at any time and the owner, operator, or agent shall respond within 2 hours. The purpose shall be to be available to residents to address concerns of the resident during reasonable hours.
- (g) **GARBAGE:** Garbage management for each unit or lot shall be as follows:
- (1) Each unit or lot shall have two leakproof, non-absorbent garbage containers with tight-fitting lids, to be provided by the owner or operator. Such containers shall be made of rubberized material, plastic or galvanized metal.
  - (2) The owner, operator or his agent shall be responsible for preventing decomposition or overflow from garbage containers as often as is necessary to maintain a healthy environment.
  - (3) No wood or paper containers are allowed.
  - (4) Separation of recyclables and their proper disposal is the responsibility of the residents of each unit.
  - (5) The park shall provide for the safe and sanitary pickup, removal and disposal of all garbage at least once a week.
  - (6) Removal and disposal of garbage shall be in accordance with the laws of the State and all local ordinances and regulations of the Village.
  - (7) No garbage or hazardous materials may be left outside except immediately prior to garbage or recyclable material pick-up.
- (h) **BUILDING PERMITS:** No person shall construct, alter, add or replace any manufactured home structure, attachment, or building located on the grounds of an MHP without a permit. It is the responsibility of the park owner or his agent to acquire all necessary building permits for any construction that occurs in the park, whether by the owner or any of the park's residents. Construction shall be of approved materials and types of construction. This shall apply to decks, storage sheds, and carports. Skirting, awnings and antennas or satellite dishes are not included. Building permits for replacement structures will be approved and issued only after inspection by a certified building inspector.
- (i) **UTILITIES AND HOOKUPS:** All units within the park must meet state codes as well as all village ordinances relating to water and sewer hookups. Each unit must have a separate water service connected to the public water supply, as well as a sanitary sewer hookup with at least a three inch sewer connection. Electrical hookups must meet all state and local codes and must be at least 100 amperes for 220 volt services that include weather proofing, electrical over-current protection, and an outside shutoff. Receptacles shall be of four pole four wire grounding type and have a four prong attachment for 110-120 volts.
- (j) **WATER SERVICES:** Individually valved water service connections shall be provided for direct use of each lot or unit constructed and installed so that it will not be damaged by frost or use of parking space. No manufactured home site shall be located more than 500 feet from a fire hydrant.

- (k) **SKIRTING:** All manufactured homes shall be skirted completely, closing the space below the home from view and from entry by rodents and vermin. Storage under manufactured homes is prohibited.
- (l) **REMOVAL OF HITCH:** The hitch on all manufactured homes shall be removed once the home is placed on the site. The only exception is manufactured homes already existing on sites in the park which do not have a removable hitch. Such non-removable hitches shall be covered or boxed with wood or fabricated metal to prevent possible injury.
- (m) **DELAPIDATED MANUFACTURED HOMES:** Wrecked, damaged or dilapidated manufactured homes shall not be kept or stored in an MHP. The building inspector or other appropriate person designed by the Village shall determine if a manufactured home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such manufactured homes are hereby declared to be a public nuisance. Whether the building inspector or the Village Board so determines, the Village shall notify the licensee and owner of the manufactured home giving him the findings upon which such determination is based and the Village shall further order the home removed from the park or site, or repaired to a safe, sanitary and wholesome condition for occupancy within a reasonable time, but not less than 30 days. The licensee or owner may appeal the findings upon which such determination is based within 30 days of the time in which the order to remove or repair is delivered. Village ordinances pertaining to the regulation of a public nuisance shall apply to manufactured homes in the park. A failure to comply with the 30-day notice under this subsection, shall result in a fine of One-Hundred Dollars (\$100) per day which shall be assessed against the owner of the MHP.
- (n) **NUMBERING:** All manufactured homes shall be numbered in the same manner as the lots are designated on the MHP Plan submitted to the Village Clerk. Numbers shall be consecutive, and must be displayed on the manufactured home in conspicuous fashion in numerals which are at least 3 inches high, and placed in a manner to be visible from the adjacent street.
- (o) **FIRE PROTECTION:** An MHP shall be maintained free of litter, rubbish, and other flammable materials. It is the responsibility of the licensee to require every manufactured home in the park to have two smoke detectors and an operable fire extinguisher of minimum size of 5 lb, ABC rating. Such extinguishers shall be maintained in good operating condition, and may be inspected by the Fire Chief or his agent on an annual basis. More frequent inspections shall occur if an occupant's unit is not in compliance. Streets within a park shall be designated as fire lanes by the Fire Chief and shall be kept free and clear of obstructions. Parking on these streets (fire lanes) is strictly prohibited. Interior wood stoves, and corn or pellet stoves may be inspected by the Fire Chief at his discretion to ensure compliance with NFPA regulations.
- (p) **REGISTER OF PARK OCCUPANTS:** The licensee shall maintain a register of park occupants which shall be made available for inspection by Federal, State or local officers which shall show:
  - (1) Names and addresses of all owners and occupants.
  - (2) Number of children of school age.
  - (3) State of legal residence of each occupant.
  - (4) Date of entrance and departure of each manufactured home.

- (5) Make, model, year, serial number or license number, and manufacture of each manufactured home. The register shall be updated monthly and submitted to the Village Clerk by mail, fax or telephone.
- (q) Park occupants shall be responsible for proper placement of all manufactured homes on the lots or sites, as well as the installation of all utility connections in accordance with the instructions of the park management and this Code. Home occupants shall allow the park licensee, or management or his or her agent or employee, access to any part of such park or manufactured home to insure compliance with this Code or with any State or City regulations. The number of persons living in a manufactured home shall be limited for reasons of health and public welfare. The limitations shall be those specified in Sec. 66.0435(3) and Sec. 660435(8) (h), Stats.
- (r) **REPLACEMENT OF EXISTING MANUFACTURED HOME:** If an existing manufactured home is removed from the park for any reason, any replacement manufactured home shall meet the following requirements: a) The lot shall conform to all specifications in subsection (4) of this Code. In addition, no manufactured home may be moved in the park if that manufactured home does not have a pitched roof and vinyl siding. All manufactured homes moved into the park shall be inspected to insure that the home meets all State and local codes.
- (s) **MHP RULES PROMULGATED BY OPERATOR:** Any operator of an MHP shall have prepared in printed form the rules of the MHP, which shall be provided to all of the lot or unit occupants. A copy of said rules shall be promptly provided to the Village Clerk after each such promulgation or revision.
- (t) **GROUND CLEARANCE.** All manufactured homes shall have a minimum of 24 inches of clearance between the ground and the bottom floor joists.

**SECTION 2: SEVERABILITY:** If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

**SECTION 3: CONFLICTING ORDINANCES:** All other ordinances or parts of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

**SECTION 4: EFFECTIVE DATE:** Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

Signed by: \_\_\_\_\_  
 Brant Young, President  
 Village of Melrose

Attest signed by: \_\_\_\_\_  
 Casie Renning, Clerk  
 Village of Melrose

Dated: 05/05/2021  
 Passed: 05/05/2021  
 Published: 05/19/2021