

ONTARIO CODE

- § 370-44. Yards.
- § 370-45. Additions.
- § 370-46. Average front yards.
- § 370-47. Noise.
- § 370-48. Screening.
- § 370-49. Area required for rubbish containers.
- § 370-50. Parking on lawns.
- § 370-51. Habitable area.

ARTICLE VI Signs

- § 370-52. Permit required.
- § 370-53. Permitted locations of signs.
- § 370-54. Types of signs.
- § 370-55. Prohibited characteristics of signs.
- § 370-56. Existing signs.
- § 370-57. Bond and insurance.
- § 370-58. Permit requests; expiration of permit.

ARTICLE VII Nonconforming Uses, Structures and Lots

- § 370-59. Existing nonconforming uses.
- § 370-60. Restoration of damaged use or structure.

- § 370-61. Existing nonconforming structures.
- § 370-62. Reversion not permitted.
- § 370-63. Substandard lots.
- § 370-64. Nonconforming signs.

ARTICLE VIII Performance Standards

- § 370-65. Purpose; compliance required.
- § 370-66. Sound.
- § 370-67. Vibration.
- § 370-68. Radioactivity and electrical disturbances.
- § 370-69. Odors.
- § 370-70. Toxic or noxious matter.
- § 370-71. Glare and heat.

ARTICLE IX Definitions

- § 370-72. Definitions and word usage.

ARTICLE X Administration and Enforcement

- § 370-73. Zoning Board of Appeals.
- § 370-74. Enforcement; temporary permits.
- § 370-75. Amendments.
- § 370-76. Annexations.

[HISTORY: Adopted by the Village Board of the Village of Ontario 11-7-1994 (Title 10, Ch. 6 of the 1986 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 135.
Junkyards — See Ch. 219.
Mobile homes — See Ch. 240.

Floodplain zoning — See Ch. 350.
Subdivision of land — See Ch. 364.

ARTICLE I
General Provisions

§ 370-1. Statutory authority.

These regulations are adopted under the authority granted by §§ 61.35, 62.23 and 87.30, Wis. Stats.

§ 370-2. Purpose.

The purpose of this chapter is to promote the health, safety, prosperity, aesthetics and general welfare of this community.

§ 370-3. Intent.

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

§ 370-4. Abrogation and greater restrictions.

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

§ 370-5. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. All reference to state statutes or administrative codes is intended to include any subsequent revisions or amendments.

§ 370-6. Title.

This chapter shall be known as, referred to or cited as the "Zoning Code, Village of Ontario, Wisconsin."

§ 370-7. When effective.

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

§ 370-8. Jurisdiction.

The jurisdiction of this chapter shall include all lands and waters which are located within the limits of the Village of Ontario.

§ 370-9. Permit required; administration; right of entry.

- A. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, and a building permit if applicable, and without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.
- B. The duty of the Zoning Committee or Village Board, with the aid of the Zoning Administrator, shall be to administer this chapter, investigate all complaints, give notice of violations, and enforce the provisions of this chapter. The Zoning Administrator and his/her duly appointed deputies may enter at any reasonable time onto any public or private land or waters to make a building or zoning inspection.¹

§ 370-10. Zoning and building permits.

- A. Applications for zoning and building permits shall be made in duplicate to the Village Clerk-Treasurer on forms furnished by the Village Zoning Administrator and shall include the following where applicable:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type and present use of structures currently on the site; present zoning district of the site; proposed operation or use of the structure or site; number of employees; and the zoning district or conditional use to which the subject site is desired to be transferred or used.
 - (3) Plat plan or survey showing the location, boundaries, dimensions, slope of terrain, uses and size of the following: subject site; existing and proposed structures;

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed front, side and rear yards. In addition, the plat of survey shall show the location, slope or terrain and use of any abutting lands and their structures within 40 feet of the subject site.

- (4) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall be approved by an appropriate competent authority who shall certify in writing that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state health regulations.
 - (5) Proposed water supply plan if municipal water service is not available. This plan shall be approved by an appropriate competent authority who shall certify in writing that an adequate and safe supply of water will be provided in accordance with applicable local, county and state health regulations.
 - (6) Additional information as may be required by the Village.
- B. If the proposed use of the site requires a zoning district change or a conditional use determination by the Zoning Committee or Village Board, the Zoning Administrator shall arrange for the necessary public hearing and presentation of the recommendation to the Village Board within 60 days. The Village Board shall act upon the matter in a timely fashion.²
- C. A building permit shall be granted or denied in writing by the Building Inspector within 60 days after application is made. The permit shall expire within six months after issuance of the permit unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.³

§ 370-11. Site restrictions.

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Village Board, in applying the provisions of the section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.

- A. All lots shall abut upon a public street, and each fan-shaped lot shall have a minimum street frontage of 60 feet.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. No building permit shall be issued for a lot which abuts a public street that has not been dedicated to its required width.
- C. Private sewer and water. In any district where a public water supply or public sewerage service is not available, the lot area and lot width shall be determined in accordance with Chs. COMM 83 and COMM 85, Wis. Adm. Code.⁴

§ 370-12. Use restrictions.

The following use restrictions and regulations shall apply:

- A. Only those principal uses specified for a district, their essential services and the following uses shall be permitted in that district.
- B. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
- C. Conditional uses and their accessory uses are considered as special uses requiring review and approval by the Village Board.
- D. Unclassified or unspecified uses may be permitted by the Zoning Board of Appeals after the Zoning Committee or Village Board has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.⁵
- E. Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Board of Appeals.
- F. Performance standards listed in Article VIII shall be complied with by all uses in all districts.

§ 370-13. Reduction or joint use.

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

§ 370-14. Unlawful acts; remedies.

- A. It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the Village President, the Village Clerk-Treasurer, the Zoning Committee or Village Board, the Zoning Administrator, or

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.⁶

- B. Violators of this chapter shall be issued a warning setting forth the alleged violation, the corrective action to be taken and the date by which the corrective action must be completed. If corrective action is not taken within the time period specified, the Village may institute action to impose the penalties set forth in this chapter. The Village may also institute action to obtain an injunction or other remedy where appropriate.

§ 370-15. Violations and penalties. ⁷

Any person, firm, or corporation who or which fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as provided in Chapter 1, § 1-3 of this Code. Each day a violation exists or continues shall constitute a separate offense.

§ 370-16. Fees. [Added 12-18-2000]

Fees for all permits/applications required to be filed under Chapter 135, Building Construction, Chapter 180, Fair Housing, Chapter 278, Public Buildings, Article I, Access by Handicapped Persons, Chapter 350, Floodplain Zoning, Chapter 364, Subdivision of Land, and this chapter and shall be established by resolution by the Village Board.⁸

**ARTICLE II
Zoning Districts**

§ 370-17. Districts established.

- A. Seven zoning districts are provided as follows:

- (1) Residential (R-1).
- (2) Residential (R-2).
- (3) Residential Mobile Home (RM).
- (4) Business (B).
- (5) Industrial (I).
- (6) Agriculture (A).
- (7) Conservancy (C).

- B. Boundaries of these districts are hereby established as shown on a map titled "Ontario Zoning District Map," dated November 7, 1994, which accompanies and is part of this

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

8. Editor's Note: See Ch. A390, Fees.

chapter. Such boundaries shall be construed to follow corporate limits; U.S. Public Land Survey Lines; lot or property lines; and center lines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended unless otherwise noted on the Zoning Map.

- C. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

§ 370-18. Zoning Map.

- A. A certified copy of the Zoning Map shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the President and Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk-Treasurer.
- B. Changes thereafter to the districts shall be entered and attested on the certified copy of the Zoning Map.

§ 370-19. Interpretation of district boundaries.

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

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipal boundaries shall be construed as following municipal boundaries.
- D. Boundaries indicated as following railroad right-of-way lines shall be construed as following railroad right-of-way lines.
- E. Boundaries indicated as parallel to, or extensions of, features indicated in the preceding shall be so construed.
- F. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

§ 370-20. Number of buildings in R-1 Zone. *

There shall be not more than one principal dwelling and two accessory structures, including a private garage, on a lot in an R-1 Zone, except as provided in § 370-24.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 370-21. General regulations.

- A. No person shall use land or a building or structure or erect, construct, reconstruct, move or structurally alter a building, structure or part thereof except in conformance with the following regulations.
- B. Permitted uses in each zone shall be mutually exclusive, that is, only those uses identified and listed for each zone are permitted except as otherwise indicated.

§ 370-22. Home occupations and professional home offices.¹⁰

Home occupations and professional home offices in dwellings, where permitted, shall be conducted within a single dwelling unit and only by the person or persons maintaining a dwelling therein, provided that no more than two nonresident persons shall be employed in the home occupation. One sign having an area of not more than four square feet shall be permitted.

§ 370-23. Families and households.

Attention is directed to Article IX, Definitions, in this chapter. For purposes of defining dwelling unit occupancy, "family" and "household" may be used interchangeably, except neither a family nor a household shall exceed more than four unrelated persons, except as noted in the conditional use provisions for foster homes.

§ 370-24. R-1 Residential District.

- A. **Purpose.** The R-1 Residential District is intended to provide a quiet, pleasant living area protected from traffic, congestion, and incompatible land uses. This district is designed to maintain compact residential development near existing residential areas presently served or readily serviceable by public sewer or in areas that comply with minimum lot sizes for private sewage systems as specified by Chs. COMM 83 and COMM 85, Wis. Adm. Code.
- B. **Principal permitted uses:**
 - (1) Single-family homes constructed on site or manufactured homes.
 - (2) Home occupations and professional home offices.
 - (3) Neighborhood park or playground.
- C. **Accessory uses:**
 - (1) One private garage.
 - (2) One accessory building not to exceed 144 square feet in floor area.
 - (3) Essential services.

¹⁰. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

D. Conditional uses:

- (1) Home occupations conducted in accessory buildings.
- (2) Churches; schools; libraries; hospitals; community centers; funeral homes; bed-and-breakfast inns; utility structures, provided that they are enclosed in an eight-foot or higher protection fence; cemeteries; day-care centers; group homes; and court-regulated foster-care homes for minor children or special care adults.
- (3) Municipal office buildings.
- (4) Two-family homes.
- (5) Accessory structures exceeding 144 square feet.
- (6) Structures built on twenty-percent or greater slopes.
- (7) Plant, crop, agriculture.

E. Prohibited uses: all uses not specifically permitted.**F. Minimum lot area: 7,200 square feet per dwelling unit in a single-family dwelling and 8,000 square feet for two-family dwellings.****G. Minimum lot width: 60 feet.****H. Minimum yards.**

- (1) Front: 50 feet from the center line of the street or 17 feet from the right-of-way, whichever is greater.
- (2) Rear: 20 feet for principal structures and five feet for accessory structures.
- (3) Side: eight feet for principal structures and five feet for accessory structures.
[Amended 9-20-2001]

I. Maximum building height: 35 feet.**J. Maximum lot coverage. No more than 50% of the lot may be covered by structures.****K. Percent slope. No structure shall be permitted on slopes 20% or greater, except as a conditional use.****L. Modifications. Requirements stipulated above may be modified in accordance with Article V, Modifications.****M. Parking and loading requirements. See §§ 370-41 and 370-42.****§ 370-25. R-2 Residential District.**

- A. Purpose.** The R-2 Residential District is intended to provide a quiet, pleasant living area, protected from traffic, congestion, and incompatible land uses. This district is located in areas presently served or readily serviceable by public sewer or in areas that comply with

minimum lot sizes for private sewage systems as specified in Chs. COMM 83 and COMM 85, Wis. Adm. Code.

- B. Principal permitted uses:
- (1) Three or more unit dwellings.
 - (2) Home occupations and professional home offices.
 - (3) Neighborhood park or playground.
 - (4) Parking and loading areas (see §§ 370-41 and 370-42).
- C. Accessory uses.
- (1) Private garage and accessory building.
 - (2) Essential services.
- D. Conditional uses.
- (1) Structures built on twenty-percent or greater slopes.
 - (2) Home occupations conducted in accessory buildings.
 - (3) Churches; schools; libraries; hospitals; community centers; public buildings; utility structures, provided that they are enclosed in an eight-foot or higher protection fence; cemeteries; day-care centers; nursing homes; group homes; and court-controlled foster-care homes for minor children or special care adults.
 - (4) Funeral homes. **[Added 4-12-2004]**
- E. Prohibited uses: all uses not specifically permitted.
- F. Minimum lot area: 3,500 square feet per dwelling unit is required for developments with three to nine dwelling units. For every dwelling unit over nine, the following shall apply with or without public sewer: 2,000 square feet of additional lot area for every additional one-bedroom dwelling unit; 2,500 square feet of additional lot area for every additional two-bedroom dwelling unit; and 2,800 square feet of additional lot area for every additional three-bedroom dwelling unit.
- G. Minimum lot width: 100 feet for three to nine dwelling units and 120 feet for 10 dwelling units or more.
- H. Minimum yards.
- (1) Front: 50 feet from the center line of the street, or 17 feet from the right-of-way line, whichever is greater.
 - (2) Rear: 25 feet.
 - (3) Side: 10 feet for principal structures, and five feet for accessory structures.
- I. Maximum building height: 35 feet.

- J. Maximum lot coverage. No more than 60% of the lot may be covered by structures.
- K. Percent slope. No structures shall be permitted on slopes of 20% or greater, except as a conditional use.
- L. Modifications. Requirements stipulated above may be modified in accordance with Article V, Modifications.
- M. Parking and loading requirements. See §§ 370-41 and 370-42.

§ 370-26. RM Residential Mobile Home District.

- A. Purpose. The RM Residential Mobile Home District is intended to provide areas where mobile homes can be located in the Village. Such areas shall be protected from traffic and congestion and well buffered from other land uses by use of landscaping techniques and spatial distances. All mobile homes shall be located in a mobile home park to maintain this type of development in a single area as opposed to allowing this less-compatible form of housing to be interspersed with other traditional forms of housing throughout the Village. This district is to be located in areas presently served or readily serviceable by public sewer and water or in areas where the mobile home development meets the specifications for Chs. COMM 83 and COMM 85, Wis. Adm. Code.
- B. Principal permitted uses. No uses are permitted as a right within this district.
- C. Accessory uses:
 - (1) Private garage and one accessory building.
 - (2) Essential services.
- D. Conditional uses:
 - (1) Mobile homes within a designated mobile home park.
 - (2) Park or playground.
 - (3) Office structure for the operator of the mobile home park.
 - (4) Laundries, washrooms, recreation rooms, and maintenance and equipment storage structures specifically serving the residents of the mobile home park.
 - (5) Public buildings.
 - (6) Utility structures, provided that they are enclosed in an eight-foot or higher protection fence.
- E. Prohibited uses: all uses not permitted.
- F. Mobile home development standards.

- (1) All mobile homes and mobile home parks shall comply with § 66.0435, Wis. Stats., and any applicable Wisconsin state administrative codes.
- (2) The minimum parcel size for a mobile home park shall be six acres.
- (3) The minimum size lot for a single mobile home shall be 40 feet wide by 120 feet in depth.
- (4) The minimum lot area for a single mobile home shall be 4,800 square feet if public sewer is available; otherwise, the lot area shall conform to Chs. COMM 83 and COMM 85, Wis. Adm. Code.
- (5) The minimum distance between mobile homes shall be 20 feet.
- (6) The minimum front yard setback distance for a mobile home from any service road shall be 15 feet from the road right-of-way.
- (7) There shall be two eight-foot by twenty-foot off-street gravel or paved auto parking spaces for each mobile home, located on each mobile home lot.
- (8) All service roads and driveways within the mobile home park shall be surfaced with blacktop, seal coat, concrete, or gravel.
- (9) All service roads in a mobile home park shall be at least 20 feet wide.
- (10) Mobile homes shall be set back a minimum of 10 feet at all front, side and rear lot lines of the mobile home park.
- (11) Each mobile home shall be placed upon a gravel or breaker run rock or hard-surfaced pad or foundation with six tie-down anchors. This will be provided by the mobile home court operator.
- (12) All mobile homes shall have tie-downs with provision for distributing the load of these tie-downs and provision for the attachment to ground anchors so as to resist wind overturning and sliding. Each tie-down shall be designed to resist an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a fifty-percent overload without failure. Unless the specific tie-down system is designed by a registered professional engineer or architect, tie-downs shall be designed, placed, and secured in accordance with the specifications set forth by the manufacturer of the specific mobile home model or in accordance with the specifications of American National Standards Institute (ANSI) A225.1. Not more than six feet open end spacing shall be permitted at the rear wall of the mobile home. Each mobile home will be skirted with an opaque surface nonflammable material. This tie-down and skirting shall be provided by the mobile home owner within 30 days of locating on the site.
- (13) The mobile home park developer shall set aside 5% of the total mobile home park area for recreation area, maintained by the mobile home park owner.
- (14) The maximum height of a mobile home (excluding the chimney) shall not be more than 16 feet from the ground.

- (15) Each mobile home park shall be well drained, properly graded, and free from stagnant pools of water; the drainage and grade of said parks shall be based upon reasonable regulations placed on the developer by the Village Board.
- (16) Each mobile home park shall have a well and sewage system connection for each mobile home, and said well and system shall conform to any applicable Wisconsin state statutes or administrative codes and Village ordinance.
- (17) Each mobile home park shall be completely enclosed, except for permitted entrances and exits, by a permanent evergreen planting, the individual trees to be of such number and so arranged that within 10 years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.
- (18) All developers of a mobile home park shall present to the Village for review and approval by the Village Board a site plan showing street design, lot layout, water and sewer system needs, and a timetable for developing the mobile home park.
- (19) The RM Residential Mobile Home District shall be considered a planned unit development (PUD), with the location of commercial/service uses within a mobile home park to be determined by conditional use standards.
- (20) No mobile home may be brought into the Village of Ontario or established as a residence or permitted unless such mobile home is less than 15 years of age at such time the mobile home is located within the Village of Ontario. No mobile home may be located in or established in the Village of Ontario unless the party moving said mobile home into the Village of Ontario first obtains a permit from the Village Clerk-Treasurer and certifies with such proof as may be necessary and appropriate that the mobile home is less than 15 years of age and pays such appropriate fees as may be established from time to time by the Village of Ontario.¹¹

§ 370-27. B Business District.

- A. Purpose. The Business District provides an area for commercial and business uses in the Central Business District and other areas of compact development served by public sewer or in areas that comply with the minimum lot sizes for private sewage systems as specified in Chs. COMM 83 and COMM 85, Wis. Adm. Code.
- B. Principal permitted uses:
 - (1) Business services such as appliance dealers; art, gift, jewelry and notions shops; bakeries; insurance and real estate offices; barbershops; beauty parlors; banks and financial institutions; clinics; clothing stores; drugstores and pharmacies; eating and drinking establishments; florists; food lockers; fruit, vegetable, meat, fish, grocery, supermarkets, and other retail food stores; furniture, department, and hardware stores; hotels, motels, motor lodges, and inns; laundries; liquor stores;

11. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

music, radio and television stores; newsstands; offices; optical stores; parking lots; places of entertainment; retail stores; sporting goods stores; clubs, fraternal organizations, and lodges operated for profit; vehicular sales and service; gasoline stations; funeral homes; and municipal buildings, the above by way of illustration, not exclusion.

- (2) Parking and loading areas (see §§ 370-41 and 370-42).
- C. Accessory uses: residential uses as part of a principal business structure and essential services.
- D. Conditional uses: drive-in establishments for eating and drinking; buildings on slopes 20% or greater; residential buildings as a principal use; churches; preschools; buildings over 35 feet in height; and utility structures, provided that they are in an eight-foot or higher protection fence.
- E. Prohibited uses: manufacturing operations.
- F. Minimum lot area: 5,000 square feet.
- G. Minimum lot width: no restrictions.
- H. Minimum yards.
 - (1) Front: 15 feet from Village right-of-way.
 - (2) Side: 15 feet where adjacent to a residential district; eight feet for nonfireproof construction; no restriction if in compliance with the State Fire Code.
 - (3) Rear: 20 feet where adjacent to a residential district; otherwise, no restrictions.
- I. Maximum building height: 35 feet.
- J. Percent slope. No building shall be permitted on slopes 20% or greater, except as a conditional use.
- K. Modifications. Requirements stipulated above may be modified in accordance with Article V, Modifications.
- L. Parking and loading requirements. See §§ 370-41 and 370-42.

§ 370-28. I Industrial District.

- A. Purpose. This district is intended to provide an area for manufacturing and industrial activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas; which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions; or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.
- B. Principal permitted uses. No uses are permitted as a matter of right within this district.

- C. Accessory uses: essential services.
- D. Conditional uses. The following are permitted as conditional uses within this district. Such use shall be subject to the consideration of the Zoning Committee or Village Board with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors.¹²
- (1) Manufacturing establishments, usually described as factories, mills, or plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.
 - (2) Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.
 - (3) The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage is enclosed by a suitable fence or other manner of screening.
 - (4) Railroads, including rights-of-way, railroad yards, and structures normally incident to the operation of railroads, including station houses, platforms, and signal towers but not including warehouses owned by companies other than railroad companies or railroad terminal companies.
 - (5) Uses customarily incident to, or similar to, the above uses.
 - (6) A dwelling unit provided for a caretaker or superintendent, in the case of an industrial use which requires constant supervision.
- E. Minimum lot area: 10,000 square feet when sewered; if unsewered, the lot size shall comply with Chs. COMM 83 and COMM 85, Wis. Adm. Code.
- F. Minimum lot width: 100 feet.
- G. Minimum yards.
- (1) Front: 25 feet from the street right-of-way (75 feet if parking is permitted in the front yard).
 - (2) Rear: 40 feet.
 - (3) Side: 20 feet.
- H. Maximum building height: 35 feet.
- I. Site planning. When an application for a building and zoning permit is submitted, the owner or developer shall also submit a site plan of the proposed development showing the location of the building, required setback lines, internal streets and parking areas,

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

landscaping, screening, adequate streetlighting, and other information as may be required by the Village Zoning Committee or Village Board.¹³

- J. Modifications. Requirements stipulated above may be modified in accordance with Article V, Modifications.
- K. Parking and loading requirements. See §§ 370-41 and 370-42.
- L. Sanitary criteria. No more than 75% of the minimum lot area shall be on a slope greater (when no public sewer) than 12% or of soil conditions unsuitable for septic tanks. (At least 25% of the lot area shall be under 12% and with soil suitable for septic tanks.)
- M. Percent slope. No building shall be permitted on slopes 20% or greater, except as a conditional use.

§ 370-29. A Agriculture District.

- A. Purpose. The A Agriculture District is intended to preserve productive farmlands and to protect farming operations from conflicting land uses. Further, this district is designed to prevent the inefficient spread of urban development into agricultural areas that are inadequately served by public facilities. Finally, this district is designed to comply with the provisions of the Wisconsin Farmland Preservation Law so that eligible farmers will qualify to receive tax credits under the provisions of Ch. 91, Wis. Stats.
- B. Principal permitted uses:
 - (1) Clean farming operations which do not cause noxious odors, noise, or other health and sanitation hazards.
 - (2) Forestry, nurseries, orchards, specialty cropping, cranberry bogs, and similar agricultural production operations.
 - (3) In season, removable roadside stands for the sale of farm products produced on the premises and up to two signs not larger than 10 square feet each for advertising the permitted roadside stand.
 - (4) Farm dwellings which serve as the principal residence for the owner, operators, and employees of the agricultural enterprise.
 - (5) Home occupations and professional home offices.
- C. Permitted accessory uses:
 - (1) Essential services.
 - (2) Private garages.
 - (3) Accessory structures customarily incidental to the operations of the agricultural enterprise.

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

D. Conditional uses:

- (1) Single-family dwellings occupied by the parents or children of the principal farm operator.
- (2) Enterprises engaged in the sale and service of machinery used in agricultural production.
- (3) Facilities for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.
- (4) The storage and sale of seeds, feeds, and similar products essential to agricultural production.
- (5) Churches, schools, cemeteries, parks, recreational areas, campgrounds, public buildings, and utility buildings and structures.
- (6) Other uses essential for the support of agricultural production, provided that such uses do not conflict with the purposes of the A Agriculture Zoning District.
- (7) Raising and caring for livestock.
- (8) Structures built on slopes of 20% or greater.
- (9) Structures exceeding 35 feet in height.

E. Prohibited uses: all uses not specifically permitted.**F. Minimum lot area: five acres for agricultural operations. All residential lot sizes shall comply with Chs. COMM 83 and COMM 85, Wis. Adm. Code.****G. Minimum yards: five acres for business enterprises supporting agricultural production.**

- (1) Front: 63 feet from the center line of the street or 30 feet from the street right-of-way line, whichever is the greater.
- (2) Side and rear: 50 feet for all buildings.

H. Maximum building height: 35 feet, except as a conditional use.**I. Modifications. Requirements stipulated above may be modified in accordance with Article V, Modifications.****J. Sanitary criteria. All permitted uses requiring a septic system shall conform to the standards in the Wisconsin State Plumbing Code.****§ 370-30. C Conservancy District.****A. Purpose.**

- (1) The C Conservancy District delineates those areas where substantial development of the land in the form of buildings or structures is prohibited due to:

- (a) Special or unusual conditions of topography, drainage, shorelands, wetlands, floodplain, or other natural conditions and/or areas where considerable damage to buildings or structures and possible loss of life may occur due to the processes of nature.
 - (b) The lack of proper facilities or improvements resulting in the land not being suitable for improvement at the present time.
 - (c) Potential future public use and benefit as a recreational trail in the case of the abandonment of a railroad line.
 - (d) The need for a buffer or spatial distance between the wastewater treatment plant and developing areas.
- (2) This district also provides for the preservation and protection of scenic, historic, scientific and biologically important areas, abandoned railroad rights-of-way, and the protection of groundwater sources.
- B. Principal permitted uses: erosion control practices involving planting vegetative cover; forestry under professional guidance; woodlands; floodplain areas; wildlife habitat; orchards; wild crop harvesting; Village open parkland; and conversion of an abandoned railroad to a hiking or biking trail.
- C. Accessory uses: essential services.¹⁴
- D. Conditional uses: recreation uses, dumping, filling, cultivation, mineral extraction, soil or peat removal, buildings, utility structures, drainage areas, water measurement and control facilities, and grazing under professional guidance.
- E. Prohibited uses: all uses not specifically permitted. No structures are permitted, except those housing essential services accessory to the principal permitted uses or conditional uses.¹⁵
- F. Minimum lot area: none.
- G. Minimum lot width: none.
- H. Minimum yards.
- (1) Front: none.
 - (2) Rear: none.
 - (3) Side: none.
- I. Building height: 35 feet maximum, except as a conditional use.
- J. Minimum lot depths: not applicable.

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE III
Conditional Uses

§ 370-31. Application for permit.

Application for conditional use permits shall be submitted to the Village Clerk-Treasurer or Zoning Administrator on forms provided and shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures and the existing and proposed use of each structure and lot. The cost of conditional use permits shall be established by the Village Board.¹⁶

§ 370-32. Review.

In all cases of proposed establishment of a conditional use specified in this chapter, the Village Board or its designee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and other aspects of the proposed use.

§ 370-33. Standards.

No permit for a conditional use shall be granted unless the Village Board shall find that the following conditions are present:

- A. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- B. The use, value and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- C. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. Adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
- E. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public streets.

§ 370-34. Conditions and guarantees.

Prior to granting a permit for a conditional use, the Village Board may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary to promote the public health, safety and general welfare of the community and to secure compliance with the standards specified in § 370-33

16. Editor's Note: See Ch. A390, Fees.

above. Establishment, maintenance and operation shall be construed to include, but shall not be limited to, such factors as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, and yard and parking requirements, insofar as the Village Board shall find that conditions applying to these factors are necessary or desirable to fulfill the purpose and intent of this chapter. In all cases in which a permit for conditional use is granted, the Village 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.

§ 370-35. Applicability of other provisions.

Conditional uses shall comply with all other provisions of this chapter, such as lot width and area, yards, height, parking and loading.

§ 370-36. Issuance of permit.

The Board may authorize the Village Clerk-Treasurer or Zoning Administrator (as referred to in the enforcement and penalties sections of this chapter) to issue a conditional use permit for conditional uses specified in this chapter after review and a public hearing, provided that such uses are in accordance with the purpose and intent of this chapter.

§ 370-37. Resubmission of denied application.

No application for a conditional use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.

**ARTICLE IV
Traffic, Parking and Access**

§ 370-38. Traffic visibility.

A vision triangle shall be required at the intersection of any two existing or proposed highways, streets or alleys. Within such vision triangle, no obstructions such as structures, fences, parking or vegetation shall be permitted in any district between the heights of two feet and 10 feet above the plane through the mean pavement grade. The triangle area required shall consist of the area from the corner of the street intersection then 15 feet along the lot lines, then diagonally along a line connecting the endpoints of these lines.

§ 370-39. Access to public street required; driveways.

Adequate access to a public street shall be provided for each lot or parcel. Driveways shall be at least 10 feet wide for one- and two-family dwellings, except where such driveways enter onto a state system highway, in which case they shall be a minimum of 16 feet wide. In all

other districts or to serve all other uses, driveways shall have a minimum width of 16 feet. In no case will driveways be wider than 24 feet. Driveway openings shall be separated by islands with a minimum of 10 feet between all driveway openings (edge to adjacent edge) and a minimum of five feet from the edge of the driveway to lot lines. No more than 1/2 the frontage of any lot shall be occupied by a driveway or access openings. Vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, vehicular sales and service, garages, auto washing and public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, church, college, university, hospital, park, playground, library or other place of public assembly.

§ 370-40. Highway access and setback requirements.

- A. No direct private access shall be permitted to the existing or proposed rights-of-way of any street, highway or road without permission of the highway agency that controls that right-of-way. Prior to the development of the access, verification of access approval by the highway agency shall be provided to the Village.
- B. No direct public or private access shall be permitted within 130 feet of the intersection of the center line of intersecting arterial highways or within 80 feet of the intersection of the center line of any intersecting collector or local road with an arterial road.

§ 370-41. Loading areas.

- A. Requirements. In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
- B. Size and location. Each loading space shall be not less than 12 feet in width and 35 feet in length, shall have a minimum vertical clearance of 14 feet and may occupy all or any part of any required yard.

Use	Square Feet	Required Number of Off-Street Loading Spaces
School	—	1
Hospital	Under 10,000	None
	From 10,000 to 30,000	1
	For each additional 30,000 or major fraction thereof	1 additional
Funeral home	—	1
Office, hotel, retail, service, wholesale, warehouse, manufacturing, processing and repairing uses and other	Under 10,000	None
	From 10,000 to 25,000	1

Use	Square Feet	Required Number of Off-Street Loading Spaces
	From 25,001 to 40,000	2
	From 40,001 to 60,000	3
	From 60,001 to 100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

§ 370-42. Parking requirements.

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

- A. Adequate access to a public street shall be provided for each parking space, and driveways shall conform to § 350-39 of this article.¹⁷
- B. The size of each parking space shall be not less than 160 square feet exclusive of the space required for ingress and egress. A single stall in a garage may replace any single required parking space.
- C. The location is to be on the same lot as the principal use or not over 200 feet from the principal use.
- D. Screening. All off-street parking areas containing spaces for five or more vehicles which are located in the residential areas, or in other areas within 25 feet of a residential area, shall be screened along the sides bordering the residential districts. Such screening, to be provided by the parking lot owner, may be an opaque fence six feet high or a visual screen of evergreen-type hedges or shrubs, spaced at intervals to provide an effective screen within five years of establishment and reaching a height of at least six feet. Fences or shrubs erected as screening in accordance with this subsection will conform to § 370-48 of this chapter.
- E. Lighting. If parking lots are lighted, the lights shall be shielded to prevent undesirable glare or illumination of adjoining residential property.
- F. Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- G. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- H. Parking stalls. The number of parking stalls required are shown in the following table:¹⁸

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Use	Minimum Parking Required
Single-family dwellings	2 stalls for each dwelling unit
Multifamily dwellings	1.5 stalls for each dwelling unit
Motels, lodging houses and boardinghouses	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges and dormitories	1 stall for each 3 beds plus 1 stall for each 3 employees
Group homes, institutions, rest homes and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Theaters, auditoriums, churches, community centers and vocational and night schools	1 stall for each 5 seats
Colleges and 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, places of entertainment, repair shops and retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall for each 3 employees
Financial institutions and business, government and professional services	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 5 seats
Bowling alleys	3 stalls for each alley

- I. Uses not listed. In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply.
- J. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

ARTICLE V Modifications

§ 370-43. Height.

- A. Communication structures such as radio and television transmission and relay towers, aerials and observation towers shall not exceed in height three times their distance from the nearest lot line.
- B. Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

§ 370-44. Yards.

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- A. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six feet and not closer than three feet to any lot line.
- B. Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed two feet.
- C. Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of seven feet, shall not exceed a height of four feet in the front yard and shall not be closer than two feet to any public right-of-way. The post side will face the fence owner's property.¹⁹
- D. Security fences are permitted on the property line in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- E. Accessory uses and detached accessory structures are permitted in the rear yard only. They shall not be closer than 10 feet to the principal structure, shall not exceed 15 feet in height, shall not occupy more than 20% of the rear yard area and shall not be closer than five feet to any lot line or to an alley line.
- F. Off-street parking is permitted in all yards of the B Business and I Industrial Districts but shall not be closer than 15 feet to any public right-of-way.
- G. Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

§ 370-45. Additions. ²⁰

Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.

§ 370-46. Average front yards. ²¹

The required front yards may be decreased in any residential or business district to the average of the existing front yards of the abutting structures on each side but in no case less than a fifteen-foot setback in any business district.

§ 370-47. Noise.

Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound-level standards of this chapter.

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 370-48. Screening.

Any use required by this chapter to be screened in accordance with this section shall be confined within an opaque fence or wall eight feet high or a visual screen consisting of evergreen or evergreen-type hedges or shrubs, spaced at intervals of not more than six feet, to provide an effective visual screen within five years of establishment and reaching a height of eight feet, located and maintained in good condition or in any way out of view of the public. In case of a conflict between the screening requirements of this section and the specific screening requirements of other sections of this chapter, the least restrictive applicable screening requirements shall apply.

§ 370-49. Area required for rubbish containers.

On all premises on which there is constructed after the effective date of this chapter a new building which will house six or more dwelling units, on premises where any existing building is converted to six or more dwelling units after such date, and on premises where any rooming house, fraternity or sorority house having six or more occupants is established after such date, there shall be provided a sufficient area as determined by the Village Board for rubbish collection containers. Such area shall not be located in the front or street side yard and shall be accessible by motorized vehicles or other motorized equipment. Such area shall not be a required off-street parking area and shall be shown on the plot plan submitted at the time of application for a building permit. Such area shall be screened as provided elsewhere herein.

§ 370-50. Parking on lawns.

It shall be unlawful to park any automobile, truck, or motorcycle on the front lawn for any one period exceeding 72 hours.

§ 370-51. Habitable area. ²²

- A. All rooms normally used for sleeping must contain at least 70 square feet of floor space for one person sleeping in the room. For sleeping use by more than one person, the room must contain 50 square feet for each person, that is, a room intended for sleeping occupancy by two people must be at least 100 square feet, by three people, at least 150 square feet, etc.
- B. The square footage of the total habitable area of a dwelling unit must be at least 150 square feet for a single occupant and 100 square feet for each additional occupant. For example, a dwelling unit with two occupants would require at least 250 square feet. If it contains at least two rooms, the room(s) normally used for sleeping purposes must also meet the previously described minimum floor space for sleeping rooms.
- C. Habitable area excludes floor space in the toilet room but otherwise includes all rooms which have a window or skylight emitting natural light, with an area equal to at least 8% of that room's floor area, and at least 50% of the window/skylight area must be openable, by the occupant, to emit outside air if desired. For example, a

22. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

one-hundred-fifty-square-foot habitable area would require 12 square feet of window, of which six square feet would have to be openable. Rooms in the dwelling unit which do not meet the natural light and ventilation requirement are not included as part of the habitable area calculation.

ARTICLE VI

Signs

[Amended 9-11-2000]

§ 370-52. Permit required.

Except as hereinafter set forth, no sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit and without being in conformity with the provisions of this article.

§ 370-53. Permitted locations of signs. [Amended 5-12-2003]

Type of Development	Types of Signs Permitted
Residential	2, 3, 6
Business	1, 2, 3, 4, 5, 6, 7
Industrial	1, 2, 3, 4, 5, 6, 7
Agricultural	1, 2, 3, 4, 5, 6, 7
Conservancy	1, 3, 5, 6, 7

§ 370-54. Types of signs.

- A. Type 1. Directory signs advertising a business or activity conducted, an area of interest or a service available at a specific location. Such signs shall be not more than 18 square feet in gross area. There shall be not more than two such signs relating to any one such use in the approaching direction along any one street. No such sign shall be more than eight miles away from the location to which it relates. Such signs may be placed at the right-of-way line of the street. A larger number of signs may be permitted by the Zoning Board of Appeals if the Board shall find it necessary for directing the traveling public. Permit required.
- B. Type 2. Signs advertising a customary home occupation or professional office. Such signs shall not exceed four square feet in gross area, shall be attached to the building and, if illuminated, shall be indirectly lighted. No permit required.
- C. Type 3. Signs advertising the sale, rent or lease of the property on which the sign is placed. [Temporary signs such as rummage, garage sale, and political election signs (sixty-day limit).] Such sign shall not exceed six square feet in gross area and may be placed at the right-of-way line of the street. No permit required.
- D. Type 4. Signs located off premises advertising a general brand or product, an area of interest, a business conducted or a service available. Such signs shall not be more than

100 square feet per side in area and erected outside a line parallel to and 25 feet from the street right-of-way line. Permit required.

- E. Type 5. Signs on the premises of commercial, industrial and agricultural buildings advertising a business conducted or a service available on the premises. No sign shall exceed 200 square feet in gross area, be higher than 10 feet above the top of the roofline, extend more than six inches outside of the building's wall surface, or exceed 20 feet in height above the main center line of the street. Permit required.
- F. Type 6. On-premises signs advertising a public or semipublic use. Post-mounted and ground signs shall not exceed 70 square feet on one side nor 140 square feet on all sides. There shall be no more than one sign per business for each street upon which the property faces. Permit required.
- G. Type 7. Recreational directory signs indicating the direction to a cottage, resort residence or similar use. Such signs shall not be more than one square foot in gross area. Where a common posting standard is provided, all such signs shall be attached to the standard recreational directory. Permit required.

§ 370-55. Prohibited characteristics of signs.

- A. No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at any access point or intersection.
- B. No sign will be permitted that resembles the size, shape, form or color of official traffic control signs, signals or devices.
- C. No sign shall contain or be illuminated by a flashing light.
- D. No sign in a conspicuous state of disrepair shall be permitted to exist. The Village Clerk-Treasurer may order removal on a twenty-day public notice or immediately if public danger exists.

§ 370-56. Existing signs.

Any sign which becomes a nonconforming sign at the effective date of this article or which becomes a nonconforming sign at any future date may be continued provided that no increase in size, illumination or flashing of such sign shall be made, and further provided that any sign, including structures and all supporting members, shall be discontinued and removed not more than five years after the date that such sign becomes a nonconforming sign unless such nonconforming sign shall be made to conform to all of the regulations of the district in which it is located.

§ 370-57. Bond and insurance. ²³

23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions; Art. II).

VILLAGE OF ONTARIO

205 State Street, Ontario WI 54651
villageofontario@centurytel.net

ZONING

608/337-4381
FAX 608/337-4328

SIGN PERMIT APPLICATION**SITE LOCATION & DESCRIPTION**

Site Address _____

Site Size _____ sq. ft. Dimensions of Site: _____

Sign District: (check one)

☐ Residential ☐ Commercial/Industrial ☐ Business ☐ Agricultural ☐ Conservancy

PROJECT INFORMATION

Business/Project Name: _____

Type (s) of sign (s): (check all that apply)

☐ Wall ☐ Projecting ☐ Freestanding ☐ Bulletin Board ☐ Billboard ☐ Roof ☐ Other _____

☐ Awning ☐ Balloon ☐ Electronic Message ☐ Electric ☐ Illuminated ☐ Non-Illuminated

Size of Sign: _____ sq. ft. Dimensions of sign: _____

Valuation of sign: \$ _____ (Sketch of the site, with illustration of the proposed sign shown attached)

Does the proposed sign require a building permit? ☐ Yes ☐ No

OWNERSHIP AND APPLICANT INFORMATION

Property Owner

Name(s) _____

Mailing Address/State/Zip _____

Phone # _____ Fax # _____ Email Address _____

Property Owner Signature _____ Date: _____

Applicant Name _____

Mailing Address/State/Zip _____

Phone # _____ Fax # _____ Email Address _____

Applicant's Interest in property _____

Contractors Board Registration Number: _____ State: _____

Applicant's Signature _____ Date: _____

FOR OFFICE USE ONLY

Date Submitted: _____ Zoning Committee Approval By: _____ Date: _____

Fees Paid: _____

Every applicant for a permit for a Type 4 sign may, before the permit is granted, be required by the Building Inspector, Zoning Administrator, Village Board, Zoning Committee, or Zoning Board of Appeals to execute a surety bond or show evidence of liability insurance coverage in an amount to be set by the above-mentioned individual or agency. Removal of any sign shall be the financial obligation of the sign and/or property owner.

§ 370-58. Permit requests; expiration of permit.

When so required by this article, either the owner of the real estate or owner of the sign shall, prior to installation of the sign, complete and file with the Clerk-Treasurer a request for a sign permit on a form provided by the Clerk-Treasurer.

- A. Once completed, all permit requests shall be submitted to the Zoning Committee. The Committee shall, within 30 days of receipt, unless extended by written agreement with the applicant, either approve or deny the permit. The applicant shall thereafter be notified in writing of the Committee's decision.
- B. An approved sign permit shall become null and void if the work authorized under the permit has not been completed within six months of the date of issuance.

ARTICLE VII

Nonconforming Uses, Structures and Lots

§ 370-59. Existing nonconforming uses.²⁴

The nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued by the existing owner and any subsequent owner as long as the nonconforming use is not terminated at any time for a period over 12 months.

§ 370-60. Restoration of damaged use or structure.

When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity, it may be replaced or restored by the aggrieved property owner only.

§ 370-61. Existing nonconforming structures. [Amended 1-9-1995]

A 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 to the lot width, lot area, yard, height, parking, loading and access provisions of this chapter. Residential nonconforming structures may be extended, enlarged, reconstructed, moved or structurally altered as long as such activities do not increase the extent to which the structure fails to conform to the standard of this chapter. A mobile home located in any district other than RM is nonconforming. Removal of any mobile home from its location in a nonconforming district will be allowed one time to upgrade with an improved mobile home and must be an improvement. After the one-time removal and replacement of a mobile home, the further

24. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

removal ends the "use by previous right"; a different mobile home cannot be relocated on the property.

§ 370-62. Reversion not permitted.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

§ 370-63. Substandard lots.

In any residential development, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this chapter.

§ 370-64. Nonconforming signs.

This article shall not apply to nonconforming signs, such signs being governed by § 370-56.

**ARTICLE VIII
Performance Standards**

§ 370-65. Purpose; compliance required.

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 districts. No structure, land or water shall hereafter be used except in compliance with its district regulations and with the following performance standards.

§ 370-66. Sound.

The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.

§ 370-67. Vibration.

An operation which creates vibrations that can be measured or readily detected without instruments, for example, heavy drop forges and heavy hydraulic surges, shall be set back:

- A. In the Business (B) District and the Industrial (I) District Zone a distance of not less than 500 feet from all lot lines.
- B. In an industrial district with open storage, a distance of not less than 500 feet from the district boundaries.

§ 370-68. Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

§ 370-69. Odors.

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises.

§ 370-70. Toxic or noxious matter.

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

§ 370-71. Glare and heat.

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

**ARTICLE IX
Definitions****§ 370-72. Definitions and word usage.**

For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory and not optional.

ACCESSORY USE OR STRUCTURE — A use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

ALLEY — A special public right-of-way affording only secondary access to abutting properties.

ARTERIAL STREET — A street that directly connects the Village with surrounding communities.

BASEMENT — That portion of any structure located partly below the average adjoining lot grade.

BED-AND-BREAKFAST INN — A commercial establishment in a preexisting building offering overnight lodging and meals to registered overnight guests. Meals or beverages shall

not be provided to nonovernight guests. The building and use are subject to all state building and health codes governing such purposes.

BOARDINGHOUSE — A building other than a hotel or restaurant where meals or lodging is regularly furnished by prearrangement for compensation for four or more persons, not members of a family, but not exceeding 12 persons and not open to transient customers.

BUILDING — Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

BUILDING AREA — The total living area bounded by the exterior walls of a building at the floor levels but not including the basement, utility rooms, garages, porches, breezeways and unfinished attics.

BUILDING HEIGHT — The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deckline of mansard roofs.²⁵

CENTER LINE — A line equidistant from the edges of the median separating the main traveled ways of an existing or planned divided road or highway or the center line of the main traveled way of a nondivided road or highway.

COLLECTOR STREET — A road that collects traffic from local streets and channels traffic out to the arterial roads.

CONDITIONAL USES — Uses of a special nature as to make impractical their predetermination as a principal use in a district.

CORNER LOT — A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135° or less measured on the lot side.

DWELLING — A detached building designed or used exclusively as a residence or sleeping place for human habitation but does not include boarding- or lodging houses, motels, hotels, tents, cabins, camping trailers, or motor homes.

DWELLING UNIT — One or more rooms designed as a unit for occupancy by not more than one family for living and sleeping purposes. Multiple-family buildings may have several dwelling units within one building.

END OF TAPER — The point of intersection between the outer edges of the ramp pavement and the main line pavement.

ESSENTIAL SERVICES — Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, and 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, catch basins, water

25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

EXPRESSWAY — A divided principal or primary arterial highway with full or partial control of access and with or without grade-separated intersections.

FAMILY — Any number of persons, related by blood, marriage, or adoption, living together in one dwelling as a single housekeeping entity. Up to two unrelated persons may live with a family as part of the household. Court-controlled foster-care homes for minor children or disabled adults which exceed four such persons will be treated as a conditional use. See "household."

FLOODPLAIN — Land adjacent to a body of water which has been or may be hereafter covered by floodway, including but not limited to the regional flood.

FLOODWAY — The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream, including but not limited to flood flows associated with the regional flood.

FREEWAY — An expressway with full control of access and with fully grade-separated intersections.

FRONTAGE — The smallest dimensions of a lot abutting a public street measured along the street line.

FRONT YARD — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and the line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

GROUP HOME (DEVELOPMENTAL CARE) — A residential facility, licensed by the state, to provide a family residential living environment for persons who have developmental disabilities and/or are being treated for chemical addiction or other problems. A counselor or house parent(s) shall be resident in the structure during those times residents are living in the structure. A group home provides overnight lodging for the residents. Variations of the traditional group home are day-care facilities described below. A foster home is the placement of children in a traditional family setting, which may include biological children of the adult family, and is not considered a group home.

- A. **FAMILY DAY-CARE HOME** — A dwelling also licensed as a day-care center by the State Department of Health and Family Services where, for compensation or consideration, a resident of the dwelling provides group care for at least four but not more than eight children between the ages of infancy and seven years of age at a location other than the child's own home or the home of relatives or guardians. Overnight lodging is not to be provided at a day-care center.
- B. **ELDERLY DAY-CARE HOME** — Locations which provide day-care and food service for adults who are unable to be left alone while other family members are at work or otherwise not at home during the day. Overnight lodging is not to be provided at a day-care center.

HOME OCCUPATION — Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises.

HOUSEHOLD — One person, or two or more unrelated persons, living in the same dwelling unit. Occupancy of a dwelling unit by more than four unrelated persons, other than described as conditional uses, shall not be permitted.

INTERCHANGE — A grade-separated intersection on a state trunk highway with one or more turning roadways for travel between intersection legs.

INTERSECTING HIGHWAY — A highway of any political jurisdiction which forms one or more legs of an interchange and to which access is not fully controlled.

JUNKYARD — An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, structural steel materials and equipment yards but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

LIVING ROOMS — All rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

LOADING AREA — A complete off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

LOCAL STREETS — Roads which are intended to move vehicles from individual parcels to the higher-order road systems and should not carry through traffic. Local roads carry low traffic volumes.

LOT — A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

LOT LINES AND AREA — The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

LOT WIDTH — The width of a parcel of land measured at the rear of the specified front yard.²⁶

MANUFACTURED HOME — A dwelling unit that is primarily assembled at some off-site location, with interior electrical wiring, plumbing, and interior finishing substantially installed before location on the final site, but which is still not ready for occupancy without substantial preparation and construction at the site. Such homes are trucked to the site but are not intended for frequent transport by highway, and the wheels are for initial transport only and are removed from the structure upon its placement at the site. Such homes are to be placed on a permanent footing foundation with either a poured slab or dug basement and foundation walls meeting the house walls beneath the entire house. The structure must have a minimum width of 18 feet.

26. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

MOBILE HOME — Any structure originally designed to be capable of transportation by motor vehicle upon a public highway which does not require substantial on-site fabrication and which is intended for occupancy as a year-round residence.

MOBILE HOME PARK — Any plot of ground upon which mobile homes are to be located in accordance with the regulations of this chapter.

MOTEL — A series of attached, semiattached or detached sleeping units with or without cooking facilities for the accommodation of transient guests.

NONCONFORMING USE OR STRUCTURE — Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yards, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

PARKING LOT — A structure or premises containing 10 or more parking spaces open to the public.

PARKING SPACE OR STALL — A graded and surfaced area of not less than 160 square feet in an area either enclosed or open for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.²⁷

PARTIES IN INTEREST — Includes all abutting property owners, all property owners within 100 feet and all property owners of opposite frontages.

PROFESSIONAL HOME OFFICES — Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other similar professions conducted within buildings by resident occupants which are customarily incidental to the principal use of the premises.

REAR YARD — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.

SIDE YARD — A yard extending from the front 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.²⁸

SIGNS — Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which are visible from any public street or highway.

27. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

28. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

STREET — A street or highway not otherwise defined lying within a recorded subdivision with a right-of-way not less than 50 feet wide providing primary access to abutting properties.

STRUCTURAL ALTERATION — Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

STRUCTURE — Any erection or construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

TRAILER — A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.

TURNING LANE — An existing or proposed connecting roadway between two arterial highways or between an arterial highway and any other highway. Turning lanes include grade-separated interchange ramps.

UTILITIES — Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

VARIANCE — An exception to the requirements of this chapter where strict application of this chapter would result in a practical difficulty or undue hardship. Such an exception may be granted by the Village Board following review and recommendation by the Zoning Board of Appeals and public hearing.

VILLAGE BOARD — The Village of Ontario Village Board and any committee, commission, or person designated by the Village Board to administer and enforce this chapter.

YARD — An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation. The front and rear yards extend the full width of the lot.

ARTICLE X

Administration and Enforcement

§ 370-73. Zoning Board of Appeals. ²⁹

A Zoning Board of Appeals shall be appointed as specified in §§ 61.35 and 62.23, Wis. Stats. The members shall serve without compensation and shall be removable by the Village Board for cause upon written charges and after public hearing. In addition to the procedures specified in §§ 61.35 and 62.23, Wis. Stats., the Zoning Board of Appeals may make and file in the office of the Village Clerk-Treasurer its own rules of procedure consistent with the statutes.

29. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

A. The Zoning Board of Appeals shall have the power to:

- (1) Hear and decide appeals where it is alleged that the Zoning Administrator or Building Inspector has made an erroneous finding or order.
- (2) Hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass.
- (3) Recommend action on specific variances from the terms of this chapter where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under this chapter and that the variance still will be in fundamental harmony with surrounding uses.

B. The Board may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the Zoning Administrator or Building Inspector. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect a variance. The ground of every such determination shall be stated and recorded. A public hearing is required.

C. No action of the Zoning Board of Appeals shall have the effect of permitting in any district uses prohibited in such district by this chapter. The minutes of proceedings and hearings before the Board and all variances and special exceptions granted by it shall be filed promptly at the office of the Village Clerk-Treasurer and shall be open for public inspection during office hours.

§ 370-74. Enforcement; temporary permits. ³⁰

- A. The Village of Ontario designates the Zoning Administrator and Building Inspector to enforce this chapter by means of zoning and building permits issued in accordance with this chapter.
- B. Under rules established by the Village, the Zoning Administrator and Building Inspector may issue temporary permits of up to one year's duration.

§ 370-75. Amendments.

The Village of Ontario may amend this chapter following the procedures prescribed by § 62.23, Wis. Stats.

³⁰. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

§ 370-76. Annexations.

All territory annexed by the Village of Ontario shall be assigned a zoning district within 90 days of its annexation. During the period between annexation and the assignment of a permanent district, the territory will be zoned as an interim district based on its predominant use at the time of annexation.