

CHAPTER 12
ZONING
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SECTION 1 INTRODUCTION

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12.1.1 AUTHORITY

These regulations are adopted under the authority granted by Sections 61.35 and 62.23 of the Wisconsin Statutes.

12.1.2 PURPOSE

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

12.1.3 INTENT

It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from lire, 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 properly values; further the appropriate use of the land and conservation of natural resources; reserve and promote the beauty of the community. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

12.1.4 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law except as provided under section 1.7. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

12.1.5 INTERPRETATION

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

12.1.6 SEVERABILITY

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

12.1.7 REPEAL

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of the Village inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

12.1.8 TITLE

This chapter shall be known as, referred to, or cited as the "ZONING CODE, VILLAGE OF MONTFORT, WISCONSIN.

SECTION 2 GENERAL PROVISIONS

12.2.1 JURISDICTION

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12.2.1 JURISDICTION

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Montfort.

12.2.2 COMPLIANCE

(1) No structure 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 without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.

(2) THE DUTIES OF THE ZONING ADMINISTRATOR shall be to interpret and administer this ordinance and to issue, after on-site inspection, all approvals required by the ordinance. The Zoning Administrator shall investigate all complaints, give notice of violations issue orders to comply with the zoning ordinance and to enforce the provisions of this chapter. The zoning Administrator may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

12.2.3 ZONING PERMIT

(1) Zoning permits shall be required for all new structures, exterior renovation, interior alterations, demolition, placement of sign, and changes in land use unless specifically accepted by this ordinance. Applications for a zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall follow the zoning guidelines. In case of simple extensions, alterations, repairs or restorations, the Zoning Administrator may waive any or all of the requirements hereunder and accept in lieu thereof a simple sketch by the applicant with sufficient explanatory data found sufficient by the Zoning Administrator to adequately identify and explain the proposed construction and use.

Names and Addresses of the applicant, owner of the site, architect, professional engineer or contractor

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 lies.

Plat or Survey showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site, existing and proposed structures; existing and proposed easements; streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the site plan shall show the location election, and any abutting lands and their structures within 40 feet of the subject site.

Sewage Disposal. All new residential structures shall be served by the public sewer system.

Wisconsin Administrative Agency Approval. When required, the application for zoning permit shall also contain copies of approval plans by any appropriate state agency.

Water Supply. All new residential structures shall be served by the public water supply system.

Additional Information as may be required by the Village Plan Commission, Village Board, or the Zoning Administrator.

Fee Receipt from the Village Treasurer, the fee shall be computed by the Zoning Administrator using the official fee schedule on file at the Village office.

(2) Zoning Permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days. The permit shall expire within six (6) months unless substantial work has commenced. The construction shall be completed within 1 year. No basement shall be used by itself as a livable home. The residence shall be constructed in its entirety within one year. Any permit issued in conflict with the provisions of this chapter shall be null and void. Any construction underway at the time of passage of the chapter shall be completed within one year of the date of the chapter adoption.

12.2.4 SITE RESTRICTIONS

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the reasons of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low 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 Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he or she bases his or her conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to appeal a finding of such unsuitability to the Zoning Board of Appeals if the applicant so desires. Thereafter, the Zoning Administrator may affirm, modify or withdraw his determination of unsuitability.

All Lots shall abut upon a street and each lot shall have a minimum frontage of thirty feet.

All Principal Structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.

No Zoning Permit shall be issued for a lot which abuts a public street dedicated only to a portion of its proposed width and located on that side thereof from which the required dedication had not been secured.

12.2.5 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

Principal Uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; private swimming pools; and private emergency shelters. There shall be no more than two accessory uses per lot unless an applicant has

received permission from the Village Plan Commission to have more than two accessory uses.

Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, recommendation by the Plan Commission, and approval by the Village Board in accordance with Section 4.0.

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 Village Board approval.

12.2.6 COMMUNITY AND OTHER LIVING ARRANGEMENTS

For purposes of this chapter, the location of a community living arrangement, a foster family home or an adult family home shall be subject to the following criteria:

(1) No community living arrangement may be established within 2,500 feet of any other such facility. Agents of a facility may apply for an exception to this requirement in the same manner as if applying for a conditional use permit, and such an exception may be granted at the discretion of the Village Board. Two community living arrangements may be adjacent if the Village Board authorizes that arrangement and if both facilities comprise essential components of a single program.

(2) Community living arrangements are permitted in the Village of Montfort without restriction as to the number of facilities, so long as the total capacity of the community living arrangements does not exceed 25 or one percent (1%) of the Village's population, whichever is greater. If the capacity of the community living arrangements in the Village reaches such total, additional community living arrangements are prohibited from locating in the Village except that agents of a facility may apply for an exception to this requirement in the same manner as if applying for a conditional use permit, and such an exception may be granted at the discretion of the Village Board.

(3) A foster family home which is the primary domicile of a foster parent or treatment foster parent or otherwise allowed by law, and which is licensed under Wisconsin law, or an adult family borne certified under Wisconsin law, shall be a permitted use in all residential areas and is not subject to subsections (1) and (2) except that foster homes and treatment foster homes operated by corporations, child welfare agencies, churches, associations or public agencies shall be subject to subsections (1) and (2) unless such requirements are expressly prohibited by state law.

(4) If the community living arrangement has capacity for 8 or fewer persons being served by the program, meets the criteria listed in subsections (1) and (2), and is licensed, operated or permitted under the authority of the department of regulation and licensing or other state agency charged with the issuance of licenses for such facilities, the community living arrangement is entitled to locate in any residential zone, without being required to obtain special zoning permission except as provided under subsection (7).

(5) If the community living arrangement has capacity for 9 or more persons, meets the criteria listed in subsections (1) and (2), and is licensed, operated or permitted under the authority of the department of regulation and licensing or other state agency charged with the issuance of licenses for such facilities, that facility is entitled to apply for special zoning permission in areas zoned for residential use. The Village Board may grant such special zoning permission at its discretion.

(6) Whenever any person applies for special zoning permission under this section, he or she shall apply in the same manner as if applying for a conditional use permit.

(7) No less than 11 months nor more than 13 months after the first licensure of a community living arrangement and every year thereafter, the Village Board may make a determination as to the effect of the community living arrangement on the health, safety or welfare of the residents of the Village. The determination shall be made according to the procedures under subsection (8). If the Village Board determines that a community living arrangement's existence in the village poses a threat to the health, safety or welfare of the residents of the Village, the Village Board may order the community living arrangement to cease operation unless special zoning permission is obtained. The order is subject to review under Wis. Stat. Sec. 68.13, except that a free copy of the transcript may not be provided to the community living arrangement. The community living arrangement must cease operation within 90 days of the date of the order, or the date of final judicial review of the order, or the date of the denial of special zoning permission, whichever is latest.

(8) A determination made under subsection (7) shall be made after a hearing before the Village Board. The Village Board shall provide at least 30 days' notice to the community living arrangement that such a hearing will be held. At the hearing, the community living arrangement may be represented by counsel and may present evidence and call and examine witnesses and cross-examine other witnesses called. The Village Board may call witnesses and may issue subpoenas. All witnesses shall be sworn by the Village Board. The Village Board shall take notes of the testimony and shall mark and preserve all exhibits. The Village Board may, and upon request of the community living arrangement shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Village. Within 20 days after the hearing, the Village Board shall deliver to the community living arrangement its written determination stating the reasons therefor. The determination shall be a final determination.

12.2.7 MOBILE HOMES

No mobile homes (other than presently existing mobile homes and their manufactured home replacements) shall be permitted to be used as permanent residences within the village unless they are located in a mobile home court.

12.2.8 REDUCTION OR JOINT UES

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.

12.2.9 COMBINATION OF PLATTED LOTS

Any person owning two or more adjoining platted lots may file an application with the Zoning Administrator to combine such lots. Upon the filing of the application and payment of a filing fee set forth in the official fee schedule on file at the Village office, the application will be referred to the Plan Commission for a recommendation to the Village Board as to whether or not the application should be granted. If each lot is in the same zoning district classification and no change in such classification is sought, no public hearing is required. If any of the lots sought to be joined are of different zoning classifications, the applicant shall, at the time of filing the application to combine lots, also file a request to rezone one or more of the lots so that the entire parcel to be created by the combination is placed in a single zoning classification and shall pay the appropriate filing fee. Both applications shall be referred to the Plan Commission for recommendation to the Village Board which shall then hold a public hearing on both applications upon notice as required by law. When the lot combination is approved, either a completed CSM will be returned to the applicant for recording with the Register of Deeds Iowa County or the completed application will be filed with the Grant County Tax Lister. No building permits will be issued for the lot until the recorded application is returned to the Village Clerk.

12.2.10 VIOLATIONS

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter or to violate conditions placed on conditional uses. In case of any violation, the Village Board, the Zoning Administrator, or any property owner who would be specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this chapter.

12.2.11 PENALTIES

Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200 and costs of prosecution for each violation and in default of payment of such forfeiture and costs, shall be subject to license suspension as provided by law. Each day a violation exists or continues shall constitute a separate offense.

SECTION 3 ZONING DISTRICTS

12.3.1 ESTABLISHMENT

12.3.2 ZONING MAP

12.3.3 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

12.3.4 MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)

12.3.5 MOBILE HOME RESIDENTIAL DISTRICT (R-3)

12.3.6 GENERAL COMMERCIAL DISTRICT (C-1)

12.3.7 INDUSTRIAL DISTRICT (M-1)

12.3.8 AGRICULTURAL DISTRICT (A-1)

12.3.9 MODIFIED AGRICULTURAL DISTRICT (A-2)

12.3.10 CONSERVANCY DISTRICT (CON)

12.3.1 ESTABLISHMENT

For the purposes of this chapter, the Village of Montfort is hereby divided into the following zoning districts:

- R-1 Single-Family Residential District
- R-2 Multi-Family Residential District
- R-3 Mobile Home Residential District
- C-1 General Commercial District
- M-1 Industrial District
- A-1 Agricultural District
- A-2 Modified Agricultural District
- CON Conservancy District

Boundaries of these Districts are hereby established as shown on a map entitled "Zoning Map, Village of Montfort, Wisconsin" dated 6-17-2021, and amended thereafter from time to time, which accompanies and is part of this chapter. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey Lines; lot or property lines; centerlines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.

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.

Annexations to the Village subsequent to the effective date of this chapter shall be placed in the A-1 Agricultural District, unless the annexation ordinance temporarily places the land in another district. Within one (1) year, the Village Board shall evaluate and approve a permanent district classification.

12.3.2 ZONING MAP

A certified copy of the Zoning map shall bear upon its face and attestation of the Village President and Village Clerk and shall be available to the public in the office of the Village Clerk. Changes to the districts shall not be effective until entered and attested to on the Zoning Map.

12.3.3 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

The R-1 Single-Family Residential District is intended to provide a quiet, pleasant, and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

The following uses are permitted in this district:

- (1) Single-family dwellings.
- (2) Horticulture and gardening but not including commercial green houses.
- (3) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, equipment housing and other necessary appurtenant equipment and structures (excludes service garages and storage yards).
- (4) Water-storage facilities and their accessory structures.
- (5) Signs advertising a permitted home occupation or professional office shall be permitted. Such signs shall not exceed six (6) square feet in gross area, shall be attached to the building, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.
- (6) Private garages, carports and paved parking areas when located on the same lot and not involving the conduct of a business, except as a permitted household occupation or conditional use, provided that no such garages shall be erected prior to the erection of the principal building to which it is accessory.
- (7) Utility service structures and appurtenances.

The following uses are permitted as conditional uses within this district:

- (1) Two-family dwellings.
- (2) Farm buildings on an existing farm provided that the buildings in which farm animals are kept shall be at least 100 feet from the nearest residence on a non-farm lot.
- (3) Permitted home occupations and professional offices when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the following conditions:
 - (a) Such use shall not occupy more than 20 percent of the floor area of the principal building in which it is located.
 - (b) Such use shall not employ more than one person not a resident on the premises.
 - (c) Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

(d) Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone topsoil, or peat moss for commercial purposes.

(e) Such use shall not include the operation of any machinery, tools, or other appliances, or the outside storage of materials or other operational activity any of which would create a nuisance or be otherwise incompatible to the surrounding residential area.

(4) Public park and recreation areas, churches, schools, historic sites, public museums, and municipal buildings.

(5) Existing mobile homes and their manufactured home replacements.

WITHIN THE R-1 DISTRICT, THE FOLLOWING STANDARDS SHALL APPLY:	
Maximum Building Height	35 feet
Minimum Front Yard Setback	25 feet from the edge of the street R.O.W. Line Corner lots have two front yards. (Note: More restrictive standards may be imposed by state and county regulations in certain circumstances where lots abut on state or county highways.)
Minimum Rear Yard Setback	Principal Buildings: 25 feet Accessory Buildings: 3 feet (allowed in rear yard only)
Minimum Side Yard Setback	Principal Buildings: 8 feet on each side 20 feet total Detached Garage: 8 feet Accessory Building Detached accessory structures, except garages, are permitted in the rear yard only; they shall not be closer than ten (10) feet to the principal structure, shall not exceed fifteen (15) feet in height, shall not occupy more than twenty (20) percent of the rear yard area and shall not be closer than (3) feet to any lot line, and five (5) feet to any alley line.
Minimum Lot Width	65 feet
Minimum Lot Area for Single Family	8,500 square feet
Minimum Lot Area for Two-Family	12,500 square feet
Percent of Lot Coverage	Maximum 30%
Minimum Floor Area	960 square feet
Minimum Dwelling Width	18 feet

Restricted in Residential	No Shouse shall be built in a residential area

Dwelling Foundations: Enclosed foundations installed in accordance with subchapters III (Excavations), IV (Footings) and V (Foundations) of Chapter SPS 321, as the same may be amended from time to time, are required. Footings shall be placed below the frost penetration level but not less than 48 inches below ground unless an exception contained in section SPS 321.16(2) of the Wis. Admin. Code, as the same may be amended from time to time, applies.

Off-Street Parking, Residential

1 space per family

12.3.4 MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)

The R-2 Multi-Family Residential District is intended to provide a living area that is pleasant but not so spacious as the R-1 District.

The following uses are permitted in this district:

- (1) Single and two-family dwellings.
- (2) Public park and recreation areas, churches, schools, historic sites, and public museums.
- (3) Horticulture and gardening, but not including commercial greenhouses.
- (4) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, equipment housings and other necessary appurtenant equipment and structures (excludes service garages and storage yards).
- (5) Water storage facilities and their accessory structures.
- (6) Signs-advertising a permitted home occupation or professional office shall be permitted. Such signs shall not exceed six (6) square feet in gross area, and if illuminated, shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.
- (7) Private garages, carports and paved parking areas when located on the same lot and not involving the conduct of a business, except as a permitted household occupation or conditional use, provided that no such garages shall be erected prior to the erection of the principal building to which it is accessory.
- (8) Utility service structures and appurtenances.

The following uses are permitted as conditional uses within the R-2 District:

- (1) Multiple-family residential units.
- (2) Rooming and boarding houses.
- (3) Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
- (4) Cemeteries.
- (5) Libraries, museums and art galleries.
- (6) Hospitals and clinics.
- (7) Funeral homes
- (8) Uses customarily incidental to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.
- (9) Permitted home occupations and professional offices when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the conditions set forth under Sec. 12.3.3(3)
- (10) Existing mobile homes and their manufactured home replacements.

WITHIN THE R-2 DISTRICT, THE FOLLOWING STANDARDS SHALL APPLY:	
Maximum Building Height	45 feet
Minimum Front Yard Setback	20 feet from the edge of the street R.O.W. Line Corner lots have two front yards. (Note: More restrictive standards may be imposed by state and county regulations in certain circumstances where lots abut on state or county highways.)
Minimum Rear Yard Setback	Principal Buildings: 25 feet Accessory Buildings: 3 feet (allowed in rear yard only)
Minimum Side Yard Setback	Single or Two-Family Buildings: 8 feet on each side Multi-Family Buildings: 15 feet on each side Detached Garage: 8 feet Accessory Buildings: Detached accessory structures, except garages, are permitted in the rear yard only; they shall not be closer than ten (10) feet to the principal structure, shall not exceed fifteen (15) feet in height, shall not occupy more than twenty (20) percent of the rear yard area and shall not be closer than (3) feet to any lot line, and five (5) feet to any alley line.
Minimum Lot Width	65 feet

Minimum Lot Area for One-Family Unit	7,500 square feet
Minimum Lot Area for Two-Family Unit	10,000 square feet/unit
Minimum Lot Area for Multi-Family Unit	Minimum of 15,000 square feet with 2,000 square feet per efficiency, 2,5000 square feet per one and 3,000 square feet per two-bedroom unit
Minimum Floor Area for Single Family Home	850 square feet
Minimum Floor Area per Family for Multi-Family Unit	600 square feet
Minimum Dwelling Width:	18 feet
Restricted in Residential	No Shouse shall be built in a residential area

Dwelling Foundations: Enclosed foundations installed in accordance with subchapters III (Excavations), IV (Footings) and V (Foundations) of Chapter SPS 321, as the same may be amended from time to time, are required. Footings shall be placed below the frost penetration level but not less than 48 inches below ground unless an exception contained in section 321.16(2), , of the Wis. Admin. Code, as the same may be amended from time to time, applies.

Minimum Off-Street Parking, Residential: 1 space per residential unit.

12.3.5 MOBILE AND MANUFACTURED HOME RESIDENTIAL DISTRICT (R-3)

The R-3 mobile and manufactured home residential district is intended to provide a living area for mobile and manufactured homes in the Village of Montfort.

The following uses are permitted in this district:

- (a) Mobile and manufactured home communities

Refer to Section 6.0 for regulations regarding mobile and manufactured home communities. Also refer to Section 2.6 for regulations regarding location of mobile homes.

12.3.6 GENERAL COMMERCIAL DISTRICT (C-1)

The C-1 General Commercial District is intended to provide for the orderly and attractive grouping, at convenient locations, of retail stores, shops, offices and establishments serving the daily needs of the area.

The following commercial facilities are permitted in this District:

- (1) Department stores, variety stores general merchandising stores.
- (2) Hardware stores.
- (3) Electrical supply stores.
- (4) Paint, glass, and wallpaper stores.
- (5) Grocery stores, supermarkets, fruit and vegetable stores, meat and fish stores, and miscellaneous food stores.
- (6) Dairy products stores.
- (7) Bakeries.
- (8) Retail stores and shops offering convenience goods and services
- (9) Business and professional offices and studios.
- (10) Financial institutions.
- (11) Commercial entertainment facilities
- (12) Restaurants and other eating places.
- (13) Dental and medical clinics.
- (14) Rooming and boarding houses.
- (15) Public and semi-public institutions.
- (16) Clothing and shoe stores.
- (17) Taverns, bars and liquor stores.
- (18) Drug stores and gift shops.
- (19) Barbershops, beauty shops, and hairdressers.
- (20) Hotels and motels.
- (21) Telephone buildings, power transmission towers, poles and lines, including other necessary appurtenant equipment and structures.
- (22) New car sales.
- (23) Auto service stations and maintenance facilities.
- (24) Lumber yards.
- (25) Existing residences and their replacements, alterations, and extensions provided that the residences meet the setback requirements of the R-2 district.

The following uses are permitted as conditional uses within the C-1 District, provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances. These uses shall be subject to the consideration of the Village Board with regard to such matters.

(1) The sale, service, repair, testing, demonstration or other use of piston type engines or motors, or any type of device, appliance, or equipment operated by such engines or motors; but not including passenger automobiles, trucks, or other motor vehicles.

(2) The sale, service, repair, testing, demonstration or other use of radios, television sets, high-fidelity sound equipment, electronic, amplifiers, stereophonic sound systems, musical instruments, or other such devices.

(3) Establishments engaged in the sale, service, repair, testing, demonstration or other use of motor driven bicycles, commonly called motor bikes; with the provision that such activity, when carried out in an establishment which also engages in the sale, repair or other operations with nonmotor driven bicycles, shall constitute a separate and distinct use insofar as the intention of this chapter is concerned.

(4) Establishments engaged in the sale, servicing, repairing, testing, demonstration, or other use of electrical household appliances, including washing machines, vacuum cleaners, dishwashers, irons, toasters, or similar household appliances, but not including refrigeration or air conditioning appliances or equipment; provided further, specifically, that areas and facilities for loading, unloading, and storage of such appliances shall be provided in a manner which affords no nuisance of obstruction or of unsightly conditions to the public.

(5) Establishments engaged in the sale, servicing, repair, testing, demonstration, or other use of household electrical refrigerators, freezers, air conditioners, other self-contained refrigeration units, or other similar appliances or equipment; provided further, specifically, that areas and facilities for operating, repairing, loading, unloading and storage of such appliances or equipment shall be provided in a manner which affords no nuisance of obstruction or of the discharge of unpleasant or harmful vapors or liquids or of unsightly conditions, to the public.

(6) Multiple-family residential units as in R-2.

(7) Existing mobile homes may not be replaced.

Permitted Accessory Uses:

(1) Garages for storage of vehicles used in conjunction with the operation of a business, or used by a resident of a permitted one family residence.

(2) Off-street parking and loading areas.

(3) Residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker, provided that the quarters are located in the same building as the business and on the second floor or above.

WITHIN THE C-1 DISTRICT, THE FOLLOWING STANDARDS SHALL APPLY:	
Maximum Building Height	45 feet
Minimum Front Yard Setback	None
Minimum Side Yard Setback	
Fireproof Construction	None
Non-Fireproof Construction	11 feet
Minimum Rear Yard Setback	25 feet

Minimum Lot Width	
Fireproof Construction	25 feet
Non-Fireproof Construction	45 feet
Truck Unloading Area	Sufficient space so that no streets or alleys need be blocked.

12.3.7 INDUSTRIAL DISTRICT (M-1)

This district is intended to provide for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of noise, dirt, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably insure compatibility in this respect.

The following are permitted uses in this district:

- (1) Any use permitted in the General Commercial District, except residences or rooming or boarding houses.
- (2) The following types of uses are in keeping with the standards stated in the preamble to the section.
 - (a) Manufacture, assembly, fabrication, and processing plants and similar type industrial operations.
 - (b) General warehousing.

The following uses are only authorized with a conditional use permit:

- (1) Junk or salvage yards.
- (2) Quarrying, mining, and processing of products from these activities.
- (3) Stuck yards or slaughter houses.
- (4) Storage and mixing of cement, asphalt, or road oils.

WITHIN THE M-1 DISTRICT, THE FOLLOWING STANDARDS SHALL APPLY:	
Maximum Building Height	45 feet
Minimum Front Yard Setback	30 feet from the street R.O.W. line

Minimum Rear Yard Setback	40 feet
Minimum Side Yard Setback	20 feet
Minimum Lot Width	100 feet
Minimum Parking Provided	1 space per 2 employees
Truck Unloading Area	Sufficient space so that no streets or alleys need be blocked.

12.3.8 AGRICULTURAL DISTRICT (A-1)

This district provides for the continuation of general agriculture and related uses in those areas not contiguous to existing urban development. The intent is to conserve areas with adequate soil types, drainage, and topography for farming and to prevent uneconomical scattering of residential, commercial and industrial development in such areas.

The following uses are permitted in this district:

- (1) General 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, 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) Farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
- (5) Uses customarily incidental to any of the above uses, including residential uses incidental to any of the above uses.
- (6) Telephone buildings, (provided there is no service garage or storage yard), telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures.
- (7) Public park and recreation areas.
- (8) Essential services and facilities.

The following uses are authorized by a Conditional Use Permit:

- (1) Single-family residences on parcels not less than 20,000 square feet in area provided it is determined that this smaller lot is to provide a site for housing accommodations for a member of the family of the property owner.
- (2) Mineral extraction.
- (3) Cheese factories and other food processing plants.
- (4) Residential uses existing at the time of the creation of this district.

WITHIN THE A-1 DISTRICT, THE FOLLOWING STANDARDS SHALL APPLY:	
Maximum Building Height	35 feet
Minimum Front Yard Setback	50 feet from the edge of the street R.O.W. Line
Minimum Rear Yard Setback	50 feet
Minimum Side Yard Setback	Principal Buildings: 20 feet Accessory Buildings: 10 feet
Minimum Lot Width	500 feet
Minimum Lot Area	10 acres
Minimum Lot Area, Residences	900 square feet
Minimum Dwelling Width:	18 feet

Dwelling Foundations: Enclosed foundations installed in accordance with subchapters III (Excavations), IV (Footings) and V (Foundations) of Chapter SPS 321, as the same may be amended from time to time, are required. Footings shall be placed below the frost penetration level but not less than 48 inches below ground unless an exception contained in section 321.16(2), , of the Wis. Admin. Code, as the same may be amended from time to time, applies.

12.3.9 MODIFIED AGRICULTURAL DISTRICT (A-2)

The A-2 Modified Agricultural District is intended to provide for limited agricultural use of land in semi-urban areas.

The following uses are permitted in this district:

- (1) Single-family dwellings.
- (2) Horticulture and gardening but not including commercial greenhouses.
- (3) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, equipment housings and other necessary appurtenant equipment and structures (excludes service garages and storage yards).
- (4) Water-storage facilities and their accessory structures.
- (5) Signs advertising a permitted home occupation or professional office shall be permitted. Such signs shall not exceed six (6) square feet in gross area, and if illuminated, shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.
- (6) Private garages, carports and paved parking areas when located on the same lot and not involving the conduct of a business, except as a permitted household occupation or conditional use, provided that no such garages shall be erected prior to the erection of the principal building to which it is accessory.
- (7) Permitting of bovine animals (excluding uncastrated animals over one year) and horses as follows: Grazing season to be the six months of May through October during which the number of head of stock shall not exceed one head per one acre for yearlings or younger, or one head per one- and one-half acres for stock older than yearlings. The non-grazing season to be the six months of November through April during which the number of head of stock shall not exceed one head per two acres for yearlings or younger, or one head per three acres for stock older than yearlings.
- (8) Tillage for crops, forestry, orchards, stables and truck fanning; but not hauling in of manure.
- (9) Use of existing farm buildings, but no new farm structures shall be constructed, including small structures such as calf hutches, unless such structures meet the conditional use requirements of this section.

The following uses are permitted as conditional uses within this district:

- (1) Two-family dwellings.
- (2) Farm buildings on an existing farm provided that the buildings in which farm animals are kept shall be at least 100 feet from the nearest residence on a non-farm lot.

(3) Permitted home occupations and professional offices when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the following conditions:

(a) Such use shall not occupy more than 20 percent of the classified floor area of the principal building in which it is located.

(b) Such use shall not employ more than one person not a resident on the premises.

(c) Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

(d) Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone topsoil, or peat moss for commercial purposes.

(e) Such use shall not include the operation of any machinery, tools, or other appliances, or the outside storage of materials or other operational activity any of which would create a nuisance or be otherwise incompatible to the surrounding residential area.

(4) Public park and recreation areas, churches, schools, historic sites, public museums and municipal buildings.

(5) Existing mobile homes and their replacements.

WITHIN THE A-2 DISTRICT, THE FOLLOWING STANDARDS SHALL APPLY:	
Maximum Building Height	35 feet
Minimum Front Yard Setback	25 feet from the edge of the street R.O.W. Line (Note: More restrictive standards may be imposed by state and county regulations in certain circumstances where lots abut on state or county highways.)
Minimum Rear Yard Setback	Principal Buildings: 25 feet Accessory Buildings: 3 feet
Minimum Side Yard Setback	Principal Buildings: 8 feet on each side 20 feet total Accessory Buildings: 8 feet
Minimum Lot Width	65 feet
Minimum Lot Area for Single-Family	8,500 square feet

Minimum Lot Area for Two-Family	12,500 square feet
Minimum Floor Area	900 square feet
Minimum Dwelling Width:	18 feet

Dwelling Foundations: Enclosed foundations installed in accordance with subchapters III (Excavations), IV (Footings) and V (Foundations) of Chapter SPS 321, as the same may be amended from time to time, are required. Footings shall be placed below the frost penetration level but not less than 48 inches below ground unless an exception contained in section 321.16(2), , of the Wis. Admin. Code, as the same may be amended from time to time, applies.

Off-Street Parking, Residential

1 space per family

12.3.10 CONSERVANCY DISTRICT (CON)

This district is intended to preserve the natural state of scenic areas in the Village and to prevent the uncontrolled, uneconomical spread or residential or other development, and to help to discourage intensive development of marginal lands so as to prevent hazards to public and private property.

The following uses of land are permitted in this district:

- (1) Forestry and the management of woodlands.
- (2) Wildlife preserves.
- (3) The management of wildlife, including waterfowl, fish and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
- (4) Hunting, fishing and trapping.
- (5) Park and recreation areas.
- (6) Biking trails and bridle paths.
- (7) Preservation of areas of scenic, historic or scientific value.
- (8) Utility facilities.
- (9) Uses similar and customarily incidental to any of the above uses.

There are no setback, lot size and other dimensional standards applicable in the Conservancy District.

SECTION 4 CONDITIONAL USES

12.4.1 STATEMENT OF PURPOSE

12.4.2 DEFINITIONS

12.4.3 PERMIT

12.4.4 APPLICATION

12.4.5 REVIEW AND APPROVAL

12.4.6 STANDARDS

12.4.7 ADDITIONAL REQUIREMENTS

12.4.8 RESUBMISSION OF DENIED APPLICATION

12.4.9 TIME LIMIT TO ESTABLISH CONDITIONAL USE

12.4.10 COMPLIANCE

12.4.11 APPEAL

12.4.1 STATEMENT OF PURPOSE

There are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. The following provisions are then established to regulate those conditional uses which require special consideration.

12.4.2 DEFINITIONS

(1) “Conditional use” is a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the Village, but does not include a variance.

(2) “Substantial evidence” is facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

12.4.3 PERMIT

The Village Board, after a public hearing, shall, within a reasonable time, grant or deny any application for conditional use. Prior to granting or denying a conditional use, Village Board shall make findings of fact based on evidence presented and issue a determination whether the prescribed standards are met. No permit shall be granted when the Village Board determines that the standards are not met, nor shall a permit be denied when the Village Board determines that the standards are met. Written findings of fact shall, at a minimum, address the standards enumerated in s. 12.4.6. All findings shall be based solely upon the evidence within the public record.

12.4.4 APPLICATION

Applications for Conditional Use Permits shall be made in duplicate to the Zoning Administrator on forms provided by the Zoning Administrator. Such applications shall be forwarded to the Village Board and Plan Commission on receipt by the Zoning Administrator. Such applications shall include the following:

(1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all owners of property located within 100 feet of the property for which the permit is sought.

(2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(3) Plat of survey prepared by a registered land surveyor showing all the information required under section 12.2.3 for a zoning permit and, in addition, the following: mean and historic high waterlines, on or within (40) feet of the subject premises, and existing and proposed landscaping.

(4) Additional information as may be required by the Village Board, Village Plan Commission, Village Engineer, Zoning Administrator, or Building Inspector.

(5) Fee receipt from the Village Treasurer in the amount set forth in the Official fee schedule on file at the Village office.

12.4.5 REVIEW AND APPROVAL

(1) In reviewing an application for a Conditional Use Permit, the Village Board shall refer the proposed use to the Village Plan Commission. The Village Plan Commission and Village Board shall review the site plan, existing proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water service information as required by this ordinance and the proposed operation in light of the standards specified under s. 12.4.6. Meetings of the Village Plan Commission shall be held on an as needed basis as determined by the Commission.

(2) After evaluation of the permit application, the Village Plan Commission shall make a recommendation to the Village Board. The Village Board shall then hold public hearing on the proposed conditional use. A Class 2 public notice of time and place of such hearing shall be published prior to said hearing. The Village Clerk shall notify all abutting or opposite property owners, as listed by the applicant in the original application of the time, date and subject matter of the hearing. Failure to comply with this provision shall not, however invalidate any previous or subsequent action on the application.

(3) Following the public hearing and review of the conditional use application, the Village Board shall approve, disapprove, or further conditionally approve the application. A simple majority approval by the Village Board constitutes final approval of the conditional use.

12.4.6 STANDARDS

(1) Except as provided under s. (2), no conditional use shall be granted by the Village Board unless the Village Board shall find that the applicant has provided substantial evidence that all the conditions specified in s. (a) through (e) are met. The Village Board may also impose conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate using substantial evidence that all requirements and conditions established by the Village Board related to the conditional use are or shall be satisfied. If the applicant meets or agrees to meet all of the requirements or conditions, then the Village Board must grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. Any condition imposed must be reasonable and, to the extent practicable, measurable. Conditions that must be met are:

(a) That the conditional use will not be detrimental or endanger the public health, safety, comfort or general welfare or the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

(b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use;

(c) That adequate utilities, access road, drainage and/or necessary facilities or site improvements have been or are being provided.

(d) 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.

(e) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

(2) In appropriate circumstances, the Village Board may determine that a conditional use is reasonable in order to accommodate disabled persons. In such a case, the Village Board may grant a conditional use permit based on a finding that the grant of the conditional use permit provides a reasonable accommodation to disabled persons irrespective of whether all of the conditions specified in s. (1) are met.

12.4.7 ADDITIONAL REQUIREMENTS

Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational 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 ordinance.

12.4.8 RESUBMISSION OF DENIED APPLICATION

No application for a conditional use that has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Building Inspector.

12.4.9 TIME LIMIT TO ESTABLISH CONDITIONAL USE

In any case where a conditional use has not been established within one (1) year after the date of granting the permit for such use, then, without further action by the Village Board, the conditional use or authorization shall be null and void.

12.4.10 COMPLIANCE

Any conditional use hereafter granted shall thereby remain a conditional use and is to be handled and governed thereafter as a conditional use. The failure of any person receiving a conditional use permit, or such person's successors in interest or assigns, to comply with the requirements of the permit may result, in addition to any other penalty provided by this ordinance, in revocation or modification of the permit by the Village Board after the permittee, or the permittee's successors or assigns, has been given notice of an opportunity to be heard on the alleged noncompliance. The Zoning Administrator shall maintain a record of all conditional use permits issued and applications for which conditional use permits have been denied.

12.4.11 APPEAL

Any person aggrieved by the grant or denial of a conditional use permit may appeal the decision of the Village Board to the Board of Zoning Appeals or may appeal to Circuit Court as provided under Wis. Stat. sec. 62.23(7)(de)5. Appeals to the Board of Zoning Appeals must specify the grounds thereof in respect to the findings of the Village Board the reason why the appellant is aggrieved and must be filed with the office of the Village Clerk within 20 days of the final action. The Village Clerk shall transmit such appeal to the Secretary of the Board of Zoning Appeals. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal and give public notice thereof as well as due notice to the applicant and the appellant(s) and decide the same within a reasonable time. The action of the Village Board shall be deemed just and equitable unless the Board of Zoning Appeals by a majority vote of Board members present and voting reverses or modifies the action appealed from. No other entity has jurisdiction to hear any such appeal and the avenue of appeal provided for herein is exclusive.

SECTION 5 TRAFFIC, PARKING AND ACCESS

12.5.1 TRAFFIC VISIBILITY

12.5.2 LOADING REQUIREMENTS

12.5.3 PARKING REQUIREMENTS

5.1 TRAFFIC VISIBILITY

No obstructions such as structures, fences, parking or vegetation, shall be permitted in any district between the heights of two and one-half (2 1/2) feet and ten (10) feet above the plane through mean curb-grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection.

In the Case of Arterial Streets intersecting with other arterial streets or railways, the corner cut-off distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

5.2 LOADING REQUIREMENTS

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

5.3 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:

Adequate Access to a public street shall be provided for each parking space and driveways shall be at least ten (10) feet wide for one- and two-family dwellings and a minimum of twenty-four (24) feet for all other uses.

Size of each parking space shall be not less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress. The design of parking spaces for disabled/handicapped persons shall be in accordance with the requirements of the Americans with Disabilities Act and new or remodeled parking lots and parking structures open to the public must also be designed according to such requirements.

Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveway except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.

Surfacing. All off-street parking areas shall be graded and surfaced so as to be properly drained. Any parking area for more than (5) vehicles shall have the aisles and spaces clearly marked except parking areas serving single family dwellings.

SECTION 6 MOBILE AND MANUFACTURED HOME COMMUNITIES

6.1 MOBILE AND MANUFACTURED HOME COMMUNITIES

(1) The Village Board shall approve all plans for proposed mobile home parks. Mobile home parks shall only be permitted in the R-3 Mobile Home Residential District. Mobile home parks shall meet the following requirements:

Minimum size of mobile and manufactured home communities shall be three (3) acres.

Minimum number of mobile/manufactured home sites shall be ten per acre.

Minimum dimensions of a mobile/manufactured home site shall be forty (40) feet wide by eighty-five (85) feet long.

Minimum distance between mobile/manufactured homes shall be fifteen (15) feet.

Minimum distance between each mobile/manufactured home and service road shall be ten (10) feet.

All drives, parking acres and walkways shall be hard surfaced. There shall be one parking space for each mobile/manufactured home.

No mobile/manufactured home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one office are permitted.

Minimum setback shall be forty (40) feet from all exterior lot lines and from adjacent highway or street.

Mobile and manufactured home communities shall be suitably landscaped.

All mobile/manufactured homes shall meet the construction standards of the Mobile homes Manufacturing Association (for mobile homes) and the requirements of the Uniform Dwelling Code (for manufactured homes).

Mobile and manufactured home communities shall be served by the public sewer and water systems.

No mobile/manufactured home site shall be rented for a period of less than thirty (30) days.

(2) All manufactured and mobile home communities shall comply with Wis. Stat. secs. 66.0435, 66.1019; Chapter 101 subchapter V of the Wisconsin Statutes, and the provisions of Wisconsin Administrative Code Chapter SPS 326, as amended from time to time. No mobile or manufactured home community required to be licensed by the Department of Safety and Professional Services may operate without such a license and no plans for mobile or manufactured home communities required to be licensed will be approved by the Village Board without proof of licensure.

SECTION 7 MODIFICATIONS

12.7.1 HEIGHT

12.7.2 YARDS

12.7.3 ADDITIONS

12.7.4 AVERAGE STREET YARDS

12.7.1 HEIGHT

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

Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.

Special Structures, such as radio and television receiving antennas are exempt from the height limitations of this chapter.

Essential Services, utilities, water towers, electric power and Communication transmission lines are exempt from the height limitations of this chapter.

Communications Structures, such as radio and television transmission and relay towers, aerials, cell towers and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line unless otherwise required by law.

Agricultural Structures, such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.

Public or Semipublic Facilities, such as schools, churches, hospitals, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

12.7.2 YARDS

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

Uncovered Stairs, landings, and fire escapes may project into any yard but not to exceed six (6) feet and not clear three (3) feet into any lot line.

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 (2) feet.

Residential Fences are permitted on the property lines in any residential districts but shall not in any case exceed a height of six (6) feet in side and rear yards or a height of four (4) feet in any street yard. A zoning permit shall be obtained for fence construction or replacement.

Security Fences are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

Fencing Exceptions. Agricultural fencing such as woven, electrical or barbed are not allowed in residential areas.

Accessory Uses and detached accessory structures, except garages, are permitted in the rear yard only; they shall not be closer than ten (10) feet to the principal structure, shall not exceed fifteen (15) feet in height, shall not occupy more than twenty (20) percent of the rear yard area, and shall not be closer than three (3) feet to any lot line, and five (5) feet to any alley line.

Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

Landscaping and vegetation are exempt from the yard requirements of this chapter.

12.7.3 ADDITIONS

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

12.7.4 AVERAGE STREET YARDS

The required street yards may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side but in no case less than fifteen (15) feet.

SECTION 8 SIGNS

12.8.1 PERMIT REQUIRED

12.8.2 SIGNS EXCEPTED

12.8.3 SIGNS PERMITTED

12.8.4 TRAFFIC

12.8.5 EXISTING SIGNS

12.8.1 PERMIT REQUIRED

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs excepted in Section

12.8.2 and without being in conformity with the provisions of this chapter. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape on any premises.

12.8.2 SIGNS EXCEPTED

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

Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.

Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

Name, Occupation, and Warning Signs not to exceed two (2) square feet located on the premises.

Bulletin Boards for public, charitable or religious institutions not to exceed twelve (12) square feet in area located on the premises.

Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

Official Signs or banners when authorized by the Village Board. Official signs include traffic signs.

Signs advertising a permitted home occupation or professional office shall be permitted. Such signs shall not exceed six (6) square feet in gross area and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.

12.8.3 SIGNS PERMITTED

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

Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed five hundred (500) square feet in area for any one premise, and shall not exceed twenty (20) feet in height above the mean centerline street grade.

Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for any one premise; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.

Ground Signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed three hundred (300) square feet on all sides for any one premise.

12.8.4 TRAFFIC

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals, or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility.

12.8.5 EXISTING SIGNS

Signs lawfully existing at the time of adoption or amendment of this chapter may be continued although the use, size, or location does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure; and the provisions of Section 9.0 shall apply.

SECTION 9 NONCONFORMING USES, STRUCTURES AND LOTS

12.9.1 EXISTING NONCONFORMING USES

12.9.2 EXISTING NONCONFORMING STRUCTURES

12.9.3 CHANGES AND SUBSTITUTIONS

12.9.4 REDUCED BUILDING SETBACKS

12.9.1 EXISTING NONCONFORMING USES.

(1) **Continuation.** A nonconforming use may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the premises or structure in actual use may be so continued and the nonconforming use 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. 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.

(2) **Termination.** If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of the premises or structure shall conform to the provisions of this Chapter.

(3) **Damage or Destruction.** If a structure or premises with a nonconforming use is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity to the extent of more than fifty percent (50%) of its assessed value, it shall not be restored except so as to comply with the use provisions of this Chapter.

(4) **Total Lifetime Structural Repair.** The total lifetime structural repairs or alterations in a structure or premises with a nonconforming use shall not exceed fifty percent (50%) of the assessed value of the structure or premises unless permanently changed to a conforming use.

(5) **New Equipment.** 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.

12.9.2 EXISTING NONCONFORMING STRUCTURES.

(1) **Continuation.** The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although the structure's size or location does not conform to the development regulations (as defined in Wis. Stat. 62.23(7)(hb)1.a, as amended from time to time) of this Chapter.

(2) **Repair, Rebuilding, and Maintenance.** Nonconforming structures with a conforming use may be repaired, maintained, renovated, rebuilt, or remodeled, subject to the building code and other applicable requirements. No prohibition or limits based on cost may be imposed on the repair, maintenance, renovation, or remodeling of such structures.

(3) **Additions and Enlargements.** Additions and enlargements to existing nonconforming structures with a conforming use are permitted and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Chapter. Existing buildings and their additions shall not be permitted to encroach further upon established yard/setback and height requirements than the existing encroachment. The provisions of this subsection with respect to additions or enlargements are applicable only if the lot is served by public sanitary sewer or, if relevant, conforms with existing sanitary code requirements for private onsite sewage treatment systems.

(4) **Damage or Destruction.** A nonconforming structure with a conforming use that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements. No limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. However, the size of the structure may be larger than the size

immediately before the damage or destruction occurred if necessary, for the structure to comply with applicable State or Federal requirements. Any reconstruction shall conform to the development regulations (as defined in Wis. Stat. 62.23(7)(hb)1.a, as amended from time to time) of this Chapter, to the extent practicable, and existing sanitary code requirements, and shall commence within 24 months of the date of damage or destruction, unless an extension is granted by the government agency having authority.

12.9.3 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.

12.9.4 REDUCED BUILDING SETBACKS.

In any Residential District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel, providing such lot or parcel was of record in the County Register of Deeds office before the effective date or amendment of this Chapter. Such lot or parcel shall be in a separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be or used as a building site unless the lot has never been developed with one or more of its structures placed partly upon an adjacent lot and the lot is developed to comply with all other ordinances. If in separate ownership, all the district requirements shall be complied with insofar as practical, but shall not be less than the following:

<u>Lot</u>	Width Area	Minimum 50 feet Minimum 4,000 sq. feet
<u>Building</u>	Area Height	Minimum 850 sq. feet Minimum 30 feet
<u>Yard</u>	Street Rear Side	Minimum 25 feet; the second street yard on corner lots shall not be less than 10 feet. Minimum 25 feet Minimum 16 percent of the frontage, but not less than 5 feet

SECTION 10 BOARD OF ZONING APPEALS

- 12.10.1 ESTABLISHMENT**
- 12.10.2 MEMBERSHIP**
- 12.10.3 ORGANIZATION**
- 12.10.4 POWERS**

12.10.5 APPEALS AND APPLICATIONS
12.10.6 HEARINGS
12.10.7 FINDINGS
12.10.8 DECISION
12.10.9 REVIEW BY COURT OF RECORD

12.10.1 ESTABLISHMENT

There is hereby established a Board of Zoning Appeals for the Village of Montfort for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of the chapter.

12.10.2 MEMBERSHIP

The Board of Zoning Appeals shall consist of five (5) members appointed by the Village President and confirmed by the Village Board.

Terms shall be for staggered three-year periods.

Chairperson shall be designated by the Village President

Two Alternate Members may be appointed by the Village President for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest. Alternates shall be designated as a first alternate and a second alternate upon appointment. The second alternate shall act only when the first alternate is absent or refuses to vote because of interest.

Secretary shall be the Village Clerk.

Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within (10) days of receiving notice of their appointment.

Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

12.10.3 ORGANIZATION

The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

Meetings shall be held at the call of the chairperson and shall be open to the public.

Minutes of the proceedings and a record of all action shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

The Concurring Vote of a majority of the members of the Board present shall be necessary to correct any error, grant a variance, make an interpretation and permit a utility, temporary, unclassified, or substitute use.

12.10.4 POWERS

The Board of Zoning Appeals shall have the following powers:

Errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator.

Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in 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.

Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Zoning Administrator has made a review and recommendation.

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 Zoning Administrator has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

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 Zoning Administrator has made a review and recommendation.

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 Zoning Administrator has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Zoning Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this chapter shall be required.

Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issuance of a permit.

Assistance. The Board may request assistance from other Village officers, departments, commissions, and boards.

Oaths. The chairperson may administer oaths and compel the attendance of witnesses.

12.10.5 APPEALS AND APPLICATIONS

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this chapter may be made by any person aggrieved or by an officer, department, board, or bureau of the Village. Such appeals shall be filed with the Village Clerk within thirty (30) days after written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the clerk. Such appeals and application shall include the following:

Name and Address of the appellant or applicant and all abutting and opposite property owners of record.

Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 2.3 for a Zoning Permit. In case of simple extensions, alterations, repairs or restorations, the Zoning Administrator may waive any or all of the requirements to attach this Plat of Survey and accept in lieu thereof a simple sketch by the applicant. The Zoning Administrator will make determination as to whether a Plat of Survey is required in each situation

Additional Information required by the Board of Zoning Appeals or Zoning Administrator.

Fee Receipt from the Village Treasurer in the amount set forth in the Official Fee Schedule on file at the Village office.

12.10.6 HEARINGS

The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least (10) days prior, and shall give due notice to the parties in interest. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

12.10.7 FINDINGS

No variance to the provisions of this chapter shall be granted by the Board unless it finds that all of the following facts and conditions exist and so indicates in the minutes of its proceedings. Nothing in this section shall be construed to prohibit the Board from considering other standards required by law to be considered. The burden of proving “unnecessary hardship” as that term is defined under Wis. Stat. sec. 62.23(7)(e)7d is on the property owner. For the Board to grant a variance, it must find that:

(1) Denial of variance 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, parcel or structure that do not apply generally to other properties in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

(2) The conditions upon which a petition for a variance is based are unique to the property for which variance is being sought.

(3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

(4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.

(5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.

12.10.8 DECISION

The Board of Zoning Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant.

Conditions may be placed upon any zoning permit ordered or authorized by this board.

Variances, Substitutions, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

12.10.9 REVIEW BY COURT OF RECORD

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

SECTION 11 CHANGES AND AMENDMENTS

12.11.1 AUTHORITY

12.11.2 INITIATION

12.11.3 PETITIONS

12.11.4 HEARINGS

12.11.5 VILLAGE BOARD'S ACTIONS

12.11.6 PROTEST

12.11.1 AUTHORITY

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board of Trustees may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto.

12.11.2 INITIATION

A change or amendment may be initiated by the Village Board or by a petition of one or more of the owners of the property within the area proposed to be changed or by a person who has a prospective ownership interest in the property by virtue of a signed and valid offer or option to purchase the property or by a person with a leasehold interest in the property.

12.11.3 PETITIONS

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

Plat Plan drawn to a scale of at least 1 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 two hundred (200) feet of the area proposed to be rezoned.

Owners' Names and Addresses of all properties lying within two hundred (200) feet on the area proposed to be rezoned.

Additional Information required by the Village Board.

Fee Receipt from the Village Treasurer in the amount set forth in the official fee schedule on file at the Village office.

12.11.4 PROCEDURE

(1) Prior to the Village Board holding a public hearing or considering any amendment or change to the zoning code, the matter shall be referred to the Plan Commission for its review and recommendation. The Plan Commission shall have sixty (60) days to review the proposed change or amendment and shall make a recommendation to the Village Board after such review. If the Plan Commission fails to make such a recommendation within sixty (60) days, the Village Board may proceed to hold the public hearing and take action on the proposed change or amendment.

(2) The Village Board shall hold a public hearing upon each recommendation, giving a Class 2 notice under Chapter 985, Wisconsin Statutes that meets the requirements of Sec.

62.23(7)(d), Wisconsin Statutes. The Village Board shall also give at least ten (10) days' prior written notice to the clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment. Written notice of the time, place and purpose of such hearing shall also be given to the owners of every parcel of land within 100 feet of the area to be rezoned.

12.11.5 VILLAGE BOARD'S ACTIONS

Following such hearing the Village Board shall vote on the passage of the proposed change or amendment. All changes and amendments shall be consistent with the Village's comprehensive plan.

12.11.6 PROTEST

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

SECTION 12.12 DEFINITIONS

For the purpose 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 directory.

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. Examples of accessory structures include detached garages, carports, playhouse, sheds, private greenhouses, gazebos, storage buildings, wind generating devices, swimming pool, etc.

Adult family home shall be defined consistently with the definition in Wis. Stat. see. 50.01(1).

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

Arterial Street. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

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

Boardinghouse. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (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 Height. The vertical distance measured from the mean elevation of the finished lot grade along the street yard fence of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

Clothing Repair Shops. Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothing pressing shops, but none employing over five (5) persons.

Clothing Stores. Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery and millinery shops.

Community living arrangement shall be defined consistently with the definition in Wis. Stat. sec. 62.23(7)(i).

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 degrees or less, measured on the lot side.

Dwelling. A detached building designed or used exclusively as a residence or sleeping place, including a manufactured home, but not including boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

Dwelling Width. The distance from side to side of the narrowest portion of the body of the dwelling.

Efficiency. A dwelling unit consisting of one principal room with no separate sleeping rooms.

Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire, flood, windstorm, riots and invasions.

Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Family. Any number of persons related by blood, adoption or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

Floor Area. The floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls, or from the center line of the walls separating the building, but not including basements, utility rooms, garages, porches, breezeways and unfinished attics.

Front Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards. A front yard is the same as a street yard as defined by this ordinance.

Frontage. The smallest dimension of a lot abutting a public street measured along the street line.

Garage; Structure whose primary purpose is the storing of personal vehicles.

Garage. Attached: A structure for the primary purpose of storing motor vehicles, which is connect to the principal structure by a common wall.

Garage. Detached: A structure for the primary purpose of storing motor vehicles, which is free standing from the principal structure. For the purpose of this ordinance a detached garage is an accessory structure.

Gift Stores. Retail stores where items such as art, antiques, jewelry, and notions are sold.

Hardware Stores. Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

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, does not exceed twenty (20) percent of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as baby sitting, millinery,

dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerages, or photographic studios.

Loading Area. A completely off-street space or berth on the same lot for the -loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

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 areas, 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 the boundaries.

Lot Width. The width of a parcel of land measured at the rear of the specified street yard.

Machine Shops. Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

Manufactured Home. A structure, certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426, as the same may be amended from time to time, with a valid legal title, which, when placed on a site owned by the owner of the manufactured home, is properly connected to the required utilities.

Mobile Home. A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid un-collapsible construction. Any mobile home, other than a manufactured home, fitting the definition of a mobile home as set out above shall be designated a mobile home regardless of whether the plans for the mobile home include a concrete foundation, a basement, utility hookup, attachments, additions, annexes, foundations and appurtenances.

Motel: A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

Nonconforming Uses or Structures. Any structure, land or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use by not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming use.

Parking Lot. A structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.

Parking Space. A graded and surfaced area of not less than one hundred and eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergy, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area *or* only one floor of the residence and only one nonresident person is employed.

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 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.

Shouse. A **shouse** is a large garage or workshop with living quarters that is tailored to your unique needs.

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

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

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

Street. A public right-of-way not less than fifty (50) feet wide providing primary access to abutting properties.

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

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

Turning Lanes. An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. 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.

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

SECTION 12.13 EFFECTIVE DATE

This Ordinance shall take effect on passage, approval and publication or posting as provided for in Section 61.50 of the Statutes.