

Village of De Soto

Ordinance No. 40

ZONING

ORDINANCE

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Section 1 Preamble

1.1 Short Title

This Section of the Village Code shall be known as the Zoning Ordinance of the Village of De Soto, Wisconsin.

1.2 Purpose

The purpose of this zoning ordinance is to protect and promote the health, safety, and general welfare of village residents, businesses and properties. The ordinance is further intended to provide for and promote the economic welfare of the Village and to help plan and manage municipal services and the village's fiscal needs. The zoning ordinance is intended to function as a tool to help plan for the village's future development and is intended to be consistent with any Village Comprehensive Plan which would be developed and adopted.

1.3 Interpretation of Standards

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or other Village ordinances, the provisions of this ordinance shall control.

1.4 Definitions

For the purpose of this Chapter, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes plural, and the plural number includes the singular.

The word shall is mandatory; the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel, and all other words or phrases used to denote an individual building site which complies with the minimum provisions of this Chapter.

Accessory Use or Structure: A use or structure subordinate to the principal use of a building or principal use of land on the lot and serving a purpose customarily incidental to the use of the principal building or principal use.

Agriculture: The use of land for agricultural purposes, including animal husbandry, agriculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards,

poultry husbandry, ranching, viticulture, and the necessary accessory uses for placing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to and related to the normal agriculture activities.

Alley: A public way other than a street, a minimum of twenty feet in width, affording secondary means of access to abutting property. An alley shall not be considered a public thoroughfare.

Automobile Service Station: A retail place of business having pumps and/or storage tanks from which liquid fuel and/or lubricants are dispensed directly into the motor vehicle. Sales and installation of auto accessories, washing, polishing, inspections and cleaning, but not steam cleaning, may be carried on incidental to the sale of such fuel and lubricants. An automobile service station may have a retail convenience store in association with the service station.

Automobile Wrecking: (See “salvage yard”)

Awning: Roof like cover entirely supported by and extending from a building for the purpose of protecting openings therein from the elements.

Bed and Breakfast and Bed and Bath Lodging: A private residence which provides lodging and may provides meals for guests, in which or on the same property no more than six (6) rooms are available for guest rental, and which no guest shall exceed 14 consecutive days or occupancy, and which, while it may advertise and accept reservations, does not present itself to the public as a restaurant, hotel, or motel, serves food only at breakfast time only to overnight guests, does not serve alcoholic beverages to guests and with no cooking allowed in any guest room. Such a facility may also provide only bed and bath services without serving breakfast.

Basement: A story having more than one-half of its heights below grade. No more than one half of a basement shall have exposed walls.

Block: Property abutting on one side of a street and property lying between the two nearest intersecting or intercepting streets, railroad right-of-way, waterway, park or other physical boundary that is substantially permanent in nature.

Building or Main Building: A structure built, used designed or intended for the support, shelter, protection or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land and having a roof supported by columns or walls. Each portion of a building separated by division walls from the ground up, without openings in those walls, is a separate building for the purpose of this ordinance.

Building Height: The vertical distance from the average finished ground grade at the front building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between valleys and ridge for gable, hip, and gambrel roofs.

Centerline, Public Thoroughfare: A line running parallel with the thoroughfare right-of-way which is half the distance between the extreme edges of the official right-of-way width.

Certified Survey: A map or plat bearing a written statement of its accuracy or conformity to specified standards per Wisconsin Statutes chapter 236 which is signed by a Registered Land Surveyor.

Church: Any building or site whose primary use is religious worship, including a temple or mosque.

Commercial Use: A use operated for profits or compensation except for residential uses.

Commission: The Planning and Zoning Commission may be referred to as the Planning Commission.

Conditional Use Permit: A written permit issued by the Planning Commission with specified conditions, limitations or restrictions which is subject to enforcement as provided by this Chapter.

Court: An open, unoccupied, unobstructed space, except for trees, shrubs, statuary, screening fence or other articles normally considered accessory to landscaping, which is bounded on two or more sides by a building on the same lot.

District: A section or sections of land area depicted on the Official Zoning Map, within which zoning regulations and standards are identified in the text of the Village Zoning Ordinance.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes including modular homes and manufactured homes as defined in this section, but not including a tent, cabin, trailer, travel-trailer or mobile home. Home occupations, as regulated herein, may be permitted in a dwelling.

Dwelling Unit: One or more rooms in a building used for occupancy by one family as a home or residence for living or sleeping purposes and in which the cooking and sanitary facilities are designed for the use of one family only.

Dwelling, One-Family: A building designed for an used exclusively for residential purposes by one family and containing one dwelling unit.

Dwelling, Multiple: A building designed for and used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, Earth Sheltered: A residential building constructed underground, or with more than one-half of its height (measured from floor to ceiling) below the adjoining exterior grade on one or more walls, having one or more sides completely exposed and having its main floor level at or above the approximate grade between the building and

property line on one or more sides and generally not more than one-half story below the grade of the street from which access is obtained unless the natural slope would normally accommodate a full walk-out story.

Duplex: A building designed for and used for occupancy by two families living independently of each other and containing two dwelling units.

Establishment: A use, building, structure or premises which is used for business, office or commercial purposes.

Factory-Built Structure: Any structure which is, wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on a building site.

Family: A family is: a.) An individual or two or more persons related by blood, marriage, adoption, or step-parent/child living together as a single housekeeping unit in a dwelling unit, or b.) A group of not more than five persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

Farm: An area of ten acres or more which is used for agriculture and may include a farm residence occupied by a person or family who owns and operates the farm or a hired tenant who works on the farm.

Garage, Mechanical: A structure in which major mechanical repair or rebuilding of motor powered vehicles is performed for commercial gain and in which the storage, care, and minor servicing is an accessory use.

Garage, Private: An accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building. No business shall be operated out of a private garage.

Grade:

- A. For a building having walls adjoining one street only, the elevation of the regularly established sidewalk grade or the nearest edge of the adjacent street at the center of the wall adjoining the street.
- B. For buildings having walls adjoining more than one street, the average elevation of the regularly established sidewalk grades at the center of walls adjoining the street.
- C. For buildings having no wall adjoining the street the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is considered as adjoining the street.

Home Occupation: Any occupation or profession conducted solely by resident occupants within their home dwelling structure and involving primarily a service occupation and not primarily the sale of commodities upon the premises; provided further that not more than one quarter the area of not more than one floor level of the building may be used in pursuit of the occupation, and in connection therewith is used no sign

other than one name plate affixed to the outer wall, of not more than two square feet in area that will indicate from the exterior that the building is being utilized in part for such occupation; one person other than the occupants of the home may be employed in a home occupation. No home occupation shall involve the outdoor storage of material or commercial vehicles related to the home occupation.

Loading Space: Any off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking (less than twenty-four hours) of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A parcel of land or two or more contiguous parcels under one ownership to be used as a unit under the provisions of this Chapter, and having its principal frontage on a dedicated public, street and may consist of any one of the following:

- A. A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record.
- B. A parcel of land described by metes and bounds: provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Chapter.
- C. A single lot of record.

Lot Lines:

- A. Front: The front property line of a lot shall be determined as follows:
 - Corner Lot. The front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided, or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reasons of the prevailing custom of the other buildings in the block. If such front is not evident, then either may be considered the front of the lot, but not both.
 - Interior Lot. The front property line of an interior lot shall be the line bounding the street frontage.
 - Through Lot. The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front property line is not obviously evident, the Board of Appeals shall determine the front property line.
- B. Rear: The rear property line of a lot is that lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long lying within the lot and parallel to the front property line. If the front property line is a curved line, then the property line shall be assumed to be a line not less than ten feet long lying within the lot and parallel to a line tangent to the front property line at its midpoint.
- C. Side: The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

Lot, Zoning: A zoning lot consists of one or more lots of record under a single ownership all of which has a single zoning designation and which can be considered one lot for purposes of meeting zoning district standards.

Lot Measurements:

- A. Area. The gross area exclusive of streets or other public rights-of-way within the boundary lines of a lot.
- B. Depth. The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
- C. Width. The horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear setback.

Lot Types:

- A. Corner Lot. A lot located at the intersection of two or more streets and having the street right-of-way abut the front and one or more side lines of the lot.
- B. Double Frontage Lot. A lot located at the intersection of two or more streets and having the street right-of-way abut the front and one or more side lines of the lot, or an interior lot having frontages on two streets bordering the front and rear of the lot.
- C. Interior Lot. A lot other than a corner lot having frontage on but one street or public thoroughfare.
- D. Key Lot. An interior lot, one side of which is contiguous to the rear line of a corner lot.

Major Recreational Equipment: Travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats or boat trailers, off-road vehicles or 4-wheelers, horse trailers, snow mobiles or snow mobile trailers and similar equipment.

Manufactured Home, Modular Home, Mobile Home: These homes shall be as defined in De Soto Ordinance No 1, as amended and as subject to any state or federal laws that would take precedence.

Mobile Home Park: Any lot, tract or parcel of land licensed and used or offered for use in whole or in part, with or without charge, for the parking of occupied mobile homes and travel trailers subject to Section 9 of this ordinance, and used solely for living and/or sleeping purposes. Travel trailers shall not occupy more than fifteen percent of the spaces of the total mobile home park.

Motel or Motor Hotel: A building or group of two or more buildings designed to provide sleeping accommodations for transient or overnight guests with adjacent or parking facilities conveniently located to each such unit.

Non-Conforming Use: Any use of land inconsistent with or contrary to this Code.

Parking Space, Automobile: An area other than a street or alley reserved for the parking of an automobile--such space having a dimension not less than ten feet by twenty feet, plus such additional area as is necessary to afford adequate ingress-egress. Where

four or more automobile parking spaces are to be grouped as a common facility meeting a requirement of this Chapter, the individual car spaces, plus the area necessary for driveways, shall total not less than 315 square feet per car space. This ordinance adopts De Soto Ordinance No. 30, as amended by reference.

Premises: A lot or tract of land and any structure located thereon.

Residential Purposes: The intent to use and/or the use of a dwelling room or group of rooms for the living, sleeping and housekeeping activities for persons on a permanent or semi-permanent basis of an intended tenure of one month or more.

Salvage Yard: The dismantling or wrecking of motor vehicles, trailers, farm or construction implements for purpose of reselling dismantled parts and the storage of such parts pending their sale. All salvage yards shall be completely enclosed by a solid fence at least six feet high and meeting conditions required by a conditional use permit. Salvage yards are a conditional use requiring a conditional use permit recommended by the Planning Commission and approved by the Village Board. The presence on any lot, parcel or premise of two or more vehicles which for a period exceeding thirty days have not been capable of operating under their own power, and from which parts have been removed or are to be removed for reuse, salvage or sale, shall constitute prima facie evidence of a land use requiring a salvage yard conditional use permit, without which such use shall constitute a violation of this ordinance.

Setback: The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a building located on said Lot and the nearest street right-of-way line. Buildings may be constructed back from the setback line but not forward of such line.

Spas: A bathing facility such as a hot tub or whirlpool designed for recreational or therapeutic use and not designed to be drained, cleaned, and refilled for each individual use. Spas shall have a means of agitation to include, but not be limited to, hydrojet circulation; hot water, cold water, mineral baths, air inductions systems; or, any combination thereof.

Street: A public thoroughfare which affords the principal means of access to the abutting property. Such street may consist of a right-of-way dedicated to the city for street purposes or an easement over private property exclusively for public street purposes.

Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street; the street line is also the right-of-way line (see "Lot Line, Front").

Structural Alterations: Any replacement or change beyond ordinary repairs and maintenance in the shape or size of any portion of a building or of the supporting members of a building or structure such as walls, columns, beams, arches, girders, floor joists, or roof trusses.

Structure: Anything constructed or erected with a rigid or fixed location on the ground, or attached to something having a permanent location on the ground, including buildings, walls, posts, fences, signs, light standards, towers, tanks and billboards.

Subdivision: A division of a lot, tract or parcel of land into two or more lots, plats, sites for the purpose, whether immediate or future, of sale, lease, conveyance or transfer with the appurtenant streets, alleys, and easements, dedicated or intended to be dedicated to public use or for the use of purchasers or owners within the tract subdivided all for the purpose of development including the changing of land use on such lot, tract or parcel. If a new public street is involved, any division of a parcel of land or the division into two or more parts of any residential lot shall also be deemed a subdivision and shall require approval by the Village Board.

Swimming Pool: A body of water which has a depth of eighteen (18) inches or more in an artificial or semi-artificial receptacle, except for spas.

Travel Trailer: Any vehicular, portable structure built on a chassis, designed as a temporary dwelling not exceeding eight feet in width and not exceeding thirty-two feet in length exclusive of separate towing unit. The term "travel trailer" shall include pick-up coach, motor home, camp trailer, or other similar mobile and temporary dwellings commonly used for travel, recreation or vacation quarters.

Travel Trailer Park: Any lot, tract or parcel of land licensed and used or offered for use in whole or in part, with or without charge, for the parking of occupied mobile homes, travel trailers, pick-up campers, converted buses, tent trailers, tents or similar devices used for temporary portable housing and used solely for living and/or sleeping purposes.

Uniform Development Code, UDC: Those standards contained in the De Soto Ordinance No. 10, adopted according to Section 101.65 of Wisconsin Statutes.

Variance: A modification of the specific regulations of this ordinance granted by resolution of the Board of Appeals in accordance with the terms of this Chapter under circumstances of practical difficulty and unnecessary hardship naturally associated with a property for the purpose of assuring that no property, because of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. The Board of Appeals shall not grant a variance for a property where a self-imposed hardship has been established by the applicant for the variance or by the property owner. No variance shall be issued which would have the effect of permitting a land use in a district where such land use is not a permitted use.

Yard: A required open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except for landscaping or as otherwise provided in this Chapter. The minimum yard area is that unbuildable area between the lot lines and the front, side and rear lot setback lines.

Zoning District: Any one of the classes of districts established by this ordinance.

1.5 Official Zoning Map

The Village is hereby divided into districts as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by this reference and declared to be a part of this Chapter.

The Official Zoning Map shall be identified by the signature of the Village President, and bearing the seal of the Village under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1.5 of the De Soto Zoning Ordinance.

If, in accordance with the provisions of this Chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Village with an entry on the Official Zoning Map as follow: "On (date), by action of the Village changes in the Official Zoning Map were made as follows: (brief description)." This entry shall be signed by the President and attested by the Village Clerk.

1.6 Districts

For the purpose of this Chapter, the Village is hereby divided into land use zoning districts as follows:

- R-1 Single and Two Family Residential District
- R-2 Multi-Family Residential District
- C- Commercial District
- DC- Downtown Commercial District
- I- Industrial District
- RC- Resource Conservation District

1.7 Boundaries

The boundaries of the zoning districts shall be located on street, lot lines, subdivision boundaries, the center of natural drainage ways, shorelines, rail road tracts, physical boundaries such as fences and substantial plant material formations, village limit lines and based on zoning line measurements printed on the face of the zoning map. Where appropriate, boundary lines may be located by measurement off the zoning map if conducive to scaled measurement. Where uncertainty exists as to the boundaries of any of these districts, the Village Board of Appeals shall determine the boundary location.

Section 2 General Regulations

2.1 Recreational Equipment

Recreational equipment, such as boats or motor homes, shall not be used for permanent living, sleeping, or housekeeping purposes except in a mobile home park.

2.2 Conformance Required

Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used which does

not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.

2.3 Continuing Existing Uses

Except as hereafter provided, the lawful use of a lot or parcel of land at the time the lot or parcel first became subject to zoning regulation by the Village may be continued even though such use may not conform with the regulations of this ordinance for the district in which it is located. This provision shall not be construed to authorize the continuation of any land use which was invalid under other village or state laws.

2.4 Nonconforming Uses

Within the districts established by this ordinance or by amendments which may later be adopted, there exist lots, structures, buildings and uses which were lawful before this ordinance was effective or amended, but which would be prohibited regulated or restricted under the provisions of this ordinance or future amendment, the intent of this ordinance is to permit these nonconformities to continue until they are removed or cease to be so used, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nothing in this ordinance shall be construed to prohibit normal maintenance of such a nonconforming use.

2.5 Nonconforming Lots of Record

A single or two family dwelling and customary accessory buildings, notwithstanding limitations imposed by other provisions of this Chapter, may be erected in any district in which such dwellings are permitted on any single lot of record at the date the lot or parcel first became subject to village zoning regulations . Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

2.6 Nonconforming Uses in Any District

No building or land devoted to a use not permitted by this Chapter in the zoning district in which such building or land is located shall be enlarged, extended constructed, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such buildings, structure or premises is located, except as follows:

- A. Substitution. If no structural alterations are made, a nonconforming use of building or structure may be changed to another nonconforming use of the same or of a more restrictive zoning use classification. Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

- B. Discontinuance. In the event that a nonconforming use classification of any building or premises is discontinued or abandoned or is a nuisance as defined by this Code, the use of the premises shall conform thereafter to the uses permitted in the district in which it is located. The use of land upon which no improvement or building is erected or constructed, which becomes nonconforming by reasons of a subsequent change in this Chapter, shall be discontinued within one year from the effective date of the zoning change.

- C. Repair and Maintenance of Nonconforming Structures. Any nonconforming building or structure requiring repairs or maintenance as a result of structural deterioration, damage by fire weather, or vandalism, depreciation, or for any other reason which costs more than fifty percent of its then existing value, as determined by the building inspector or other authority as selected by the Village Board, shall not be repaired, restored or reconstructed and the nonconforming use shall then cease; but, if the cost of such repairs or improvements is less than fifty percent of the then existing value of the structure, it may be restored, reconstructed and used as before provided that such repairs can be completed within six months.

2.7 Street Frontage Required

Except as permitted elsewhere in this ordinance, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts at least forty feet on at least one public street or right-of-way. Where practical access conditions exist because of topography or previous platting patterns, a single, one family residence may be permitted on a lot which is connected to a public street by an exclusive easement of at least forty feet in width in the name of the lot owner. Such non-frontage lot and easement must be approved by the village board based on considerations of feasible alternatives, safety, emergency vehicle access, neighbor impacts, utility servicing, drainage or other relevant health, safety and general welfare considerations.

2.8 Accessory Buildings and Structures

No accessory building or structure which is erected on a permanent foundation shall be erected in a required yard area, except as provided hereinafter.

- A. An accessory building or structure which is located entirely within the principal building area of the lot (the lot area minus the required yards) whether attached or detached to the principal building, shall be subject to the regulations applicable to the principal building.

- B. An accessory building or structures, except buildings housing animals or fowl, may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure; provided said building shall comply with all yard requirements for a principal building.

- C. Detached accessory buildings may be located in rear yards as follows:
 - 1. A minimum of ten feet distant from other structures.
 - 2. A minimum of three feet from alley lines and lot lines.
- D. Accessory buildings may be located in side yards no closer than five feet to the side of the principal building providing the minimum side yard requirements can be met on both corner and side lots.
- E. Accessory buildings shall be no closer to the front right-of-way line or property line than the front set back line of the principal building.
- F. The accessory building shall not exceed one story of fifteen feet in height.
- G. Accessory buildings and structures shall not occupy more than thirty per cent of the yard area in which they are located; however, this regulation shall not be interpreted to prohibit the construction of a garage which does not exceed 550 square feet gross building area.
- H. Only one accessory building or structure constructed on a permanent foundation shall be located on a lot in any residential district.

2.9 Corner Lots

For corner lots platted after the date the Village zoning ordinances first became effective, the street side yard shall be equal in width to the minimum required side yard for the district in which it is located, plus twenty feet; provided however, this regulation shall not require a side street yard of greater width than the minimum required front yard width.

2.10 Fences, Walls and Vision Clearance

- A. Vision Clearance Triangle. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height zone of two and one-half feet and ten feet above the centerline grades of the area described as follows:

That area bounded by the two street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five feet from the point of intersection of said right-of-way lines.

This regulation shall not apply to the DC-Downtown Commercial District.

- B. In any district, except the industrial district, fences and walls not exceeding eight feet in height are permitted within the side and rear yard areas. A fence or wall not exceeding four feet in height is permitted within the front yard area subject to a vision clearance triangle at street intersections. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the

wall above the ground surface of the retained embankment.

- C. In any district where a fence or wall is required by this ordinance, or other ordinance, to serve as a screening wall, buffer wall or other separating or protective wall, the restrictions of Paragraph 1 above, shall yield to the requirements of the specific ordinance.

2.11 Required Yard Cannot Be Reduced

No lot shall be reduced in size so as to make the width or total area of the lot or any yard, or any other open space, less than the minimum required by this ordinance. No part of a yard or other open space about any building or structure for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required under this ordinance for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this ordinance

The following parking regulations shall apply in all R-Residential Districts within the Village:

- A. Front and Side Yards. No off-street parking is allowed except for licensed and operable motor vehicles on the private driveways, car-ports and garages.
- B. Rear Yards. No off-street parking allowed except for:
 - 1. Licensed and operable motor vehicles on driveways or parking areas duly approved or authorized for such use by the appropriate city officials pursuant to this Zoning Ordinance, or:
 - 2. Not more than one of any of the following types of property on the other areas within the rear yard:

Licensed and operable motor vehicles;
Licensed trailers and boats; and,
Any other type of operable machinery or equipment

Any person desiring a variance from these regulations shall apply for a permit temporarily permitting parking for a period not to exceed 60 days. This application shall be in writing to the Zoning Administrator upon such application form as is prescribed by the Zoning Administrator. The fee to accompany said application shall be \$10.00 and is non-refundable in all cases. The application shall include a site plan, if required, and such other plans, information or justification necessary to clearly establish the basis for the requested permit or such other information as may reasonably be required by the Zoning Administrator in reviewing the application. Nothing herein shall be construed so as to prevent application for a new temporary permit following expiration of any permit obtained in accordance herewith; however, the granting thereof shall not be deemed a matter of right on the part of the applicant and the granting thereof, as in the case of an initial permit, shall be at the discretion of the Zoning Administrator. Appeals from the decision of the Zoning Administrator upon said application shall be taken pursuant to Section 16 of this ordinance.

These off-street parking regulations within R-Residential Districts shall not apply to any vehicle or trailer which in common usage is moved by human power alone or to any vehicle parked within either an attached or detached garage or within other duly authorized accessory structure.

2.12 Building Lines on Approved Plats

Any plat intending to show building setback lines shall show only the setback lines as required by this zoning ordinance.

2.13 Pending Applications for Building Permits

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required building permits have been granted before the enactment of this Chapter.

Section 3 R-1 Single and Two-Family Residential District

3.1 Purpose

The R-1 Single and Two-Family Residential District is for single and two-family dwellings intended to provide for the establishment and protection of residential areas in the village and the maintenance of a positive residential character of these areas in accordance with local housing needs and plans, municipal servicing capacities and in accordance with the physical character and limitations of the landscape. This district incorporates the De Soto Uniform Development Code, Ordinance No 10, adopted per Section 101.65 of Wisconsin Statutes

3.2 Use Regulations

A building or premises shall be used only for the following purpose:

- A. Principal Permitted Uses.
 - 1. A single-family dwellings.
 - 2. Two-family dwellings.
 - 3. Zero lot line duplex structures with each half being an ownership unit on its own lot.
 - 4. Earth sheltered dwellings as defined by this Code.

- B. Accessory Uses.
 - 1. Normal accessory buildings and structures for a dwelling such as private garages, children's playhouses, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, etc. A private garage of three car capacity or less may be rented for the storage of private vehicles of persons not residents on the premises.
 - 2. Normal accessory buildings and structures for public recreation areas such as refreshment stands, playground equipment, all-weather shelters, tennis courts, barbecue pits, etc.
 - 3. Animals: De Soto Ordinance No. 3, and amendments thereto, shall regulate and license animals within the Village of De Soto.
 - 4. Flower and vegetable gardening for noncommercial purposes.
 - 5. Greenhouses and horticultural nurseries for noncommercial purposes.
 - 6. Home occupations which are conducted entirely within a dwelling and carried on by persons residing therein, which use is clearly incidental and secondary to the use of the dwelling as a residence and does not change the character thereof. Those occupations shall be excluded which normally are classified as a trade and require the substantial use of employees or subcontractors or mechanics tools or equipment. Home occupations shall comply with the definition of home occupation in this ordinance. Setbacks for accessory buildings shall be as specified in De Soto ordinance No. 10.
 - 7. A building permit shall be required for accessory buildings that exceed the dimension of 12 ft. X 12 foot or any combination of dimensions which exceed 144 square feet of ground area.

C. Conditional Uses.

1. Churches
2. Schools
3. Park and recreation areas
4. Public and non-profit institutional uses
5. Utility infrastructure facilities and appurtenances
6. Residential swimming pools
7. Adult and child day care centers not to exceed twelve (12) persons
8. Bed and breakfast and bed and bath lodging
9. Cemeteries

3.3 Maximum Height Regulation

No principal building shall exceed thirty-five feet in height.

3.4 Lot Area, Frontage and Yard Requirements

The following minimum requirements shall be observed:

Principal Use	Lot Area	Lot Frontage	Front Yard Setback	Side Yards		Rear Yard Depth
				Least Width on Any One Side	Sum of Side Yards	
Single-Family Dwellings	7,500 SF	70 FT	30 FT	8 FT	16 FT	30 FT
Two-Family Dwellings	12,000 SF	80 FT	35 FT	12 FT	25 FT	30 FT

3.5 Single and Two Family Dwelling Standards

The following standards shall apply to all single and two family dwellings:

- A. The minimum dimension of the main body of the dwelling unit shall not be less than twenty-four feet.
- B. The dwelling unit shall be constructed according to the Wisconsin one and two family uniform dwelling code and shall secure the required permit (s) before beginning construction of a dwelling.
- C. The dwelling unit shall be erected on a continuous permanent foundation or basement constructed of either poured concrete or concrete block and securely fastened to this foundation.
- D. Each dwelling unit shall have a minimum gross floor area of eight hundred sixty (860) square feet.

Section 4 R-2 Multi-Family Residential District

4.1 Purpose

The R-2 Multi-Family Residential District is a district intended to provide for higher density living by permitting residential sites and buildings containing three or more dwelling units according to housing needs and site capability. This district is intended to be located in compatibility with neighborhood environments and compatible with the rest of the village. This District incorporates the standards of the De Soto Uniform Dwelling Code, Ordinance No 10, adopted per Section 101.65 of Wisconsin Statutes.

4.2 Use Regulations

A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses.

1. Any permitted use of the R-1 Residential District providing such use shall comply with the minimum requirements of the single and Two Family Dwelling Standards of the R-1 Residential District.
2. Multi-family dwellings; providing however, that a minimum of 2,000 square feet of lot area be provided for each dwelling unit.
3. Bed and breakfast and bed and bath lodging

B. Accessory Uses.

1. Accessory uses permitted in the R-1 Residential District, except accessory uses six (6) and seven (7), providing such use shall comply with the minimum requirements of the R-2 Residential District.
2. Private playground areas and equipment accessory to and part of a multi-family dwelling development.
3. Recreational, service and social facilities intended for the use of the multi-family residential residents, provided such areas shall not be located to the front of the principal building.

C. Conditional Uses.

1. Conditional Uses of the R-1 District
2. Nursing homes.
3. Home occupations,
4. Mobile home parks per De Soto Ordinance No. 1.

4.3 Building Area Permitted

Height of Building	Maximum Building Area of Lot
1 Story	40%
2 Story	35%
3 Story	30%

4.4 Lot Area, Frontage and Yard Requirements

The following minimum requirements shall be observed:

Principal Use	Lot Area	Lot Frontage	Front Yard Setback	Side Yards Widths		Rear Yard Depth
				Least Width on Any One Side	Minimum Sum of Both Side Yards	
Single-Family Dwellings	6,500 SF	60 FT	30 FT	8 FT	16 FT	30 FT
Two-Family Dwellings	7,500 SF	60 FT	30 FT	10 FT	20 FT	35 FT
Multi-Family Dwellings	10,000 SF plus 2,000 SF per Rental Unit	80 FT	30 FT	10 FT	30 FT	35 FT

Section 5 DC-Downtown Commercial District

5.1 Purpose

The DC-Downtown Commercial District is intended to provide a centralized location to accommodate the development and expansion of retail and service businesses, and to provide development standards which facilitate and guide such development in accord with commonly accepted land use, transportation, neighborhood compatibility, and public service standards. The Downtown Commercial District is also intended to accommodate the village's pre-existing business center where land parcels are small and already substantially developed. It is also intended that the DC District land use be consistent with overall village plans and goals.

5.2 District Boundaries

The DC-Downtown Commercial District shall be located within the boundaries as shown on the Village Zoning Map.

5.3 Land Use Regulations

A building or premises shall be used only for the following purposes.

- A. Principal Permitted Uses. Retail business or service establishments such as:
1. Antique shop.
 2. Apparel shop.
 3. Artist studio and retail outlet
 4. Automobile service station, gas station, convenience stores, excluding auto body repair work.
 5. Bars, taverns, cocktail lounges, night clubs.
 6. Banks, including drive-in teller service.
 7. Bicycle and other recreational product sales and services.
 8. Churches and related gathering halls and school facilities.
 9. Educational institutions and businesses.
 10. Florist shop, garden shop, landscape products.
 11. Furniture and appliance businesses.
 12. Grocery store, bakery, delicatessen or meat market.
 13. Hardware stores.
 14. Laundromat.
 15. Motel and auto courts.
 16. Music store and record shop.
 17. Office equipment sales and service.
 18. Paint and wallpaper store.
 19. Personal services such as: medical clinics, doctors and dentist offices, and chiropractor and massage businesses,
 20. Pet shop.
 21. Personal service businesses, such as barber and beauty shops.
 22. Photographic store and/or studio.
 23. Private and institutional clubs and lodges.

24. Professional services, such as: legal, accounting, insurance, art and music instruction, real estate, taxidermy.
25. Computer and copy services and financial services.
26. Public and governmental office uses, including U.S. Post Office.
27. Recreational businesses such as pool halls and bowling alleys.
28. Repair shops, excluding vehicle body shops and salvage businesses.
29. Residences located only on the second floor of a business.
30. Restaurants, cafes and ice cream shops.
31. Retail businesses customary to downtown areas.
32. Sports shops, including bait and tackle shops.
33. Tourist retail, amusement and service businesses.
34. Used merchandise retail businesses.
35. Farmer's markets.

B. Accessory Uses.

1. Any accessory uses customarily incidental to the principal use permitted providing such accessory use shall comply with the minimum requirements for the DC-Downtown Commercial District.
2. Multi-family dwelling only when located above the ground floor
3. Business identification and advertising signage directly related to the on-premise permitted use.
4. On-site parking related to a permitted use
5. Communications devices not located on or obstructing pedestrian or vehicle movement on public property
6. Loading docks and related facilities
7. Ventilation and fuel storage devices provided no such use shall be located within the public right-of-way of any street or alley or overhang any such public space.

C. Conditional Uses

1. Lodging businesses such as hotels, motels, bed and breakfast and rental rooms.
2. Outdoor recreational and entertainment uses.
3. Billboards and other off-premise outdoor advertising in accordance with Section 14 of this ordinance.
4. Any manufacturing or assembly function related to but subordinate to the primary use of the principal permitted use.
5. Day care centers.
6. Veterinary services, but not including boarding kennels.

D. Violations. Violations Of these land use regulations shall be grounds for village orders to terminate the use or activity causing the violation.

5.4 Height Regulations

No principal building shall exceed thirty-five feet in height.

5.5 Lot Area, Lot Frontage and Setback Requirements

Lot Area: 2,400 square feet

Lot Frontage: 20 feet

Front Yard Setback: None

Side Yard Least Width: None, except adjacent to an R-Residential District in which case not less than 10 feet on any one side.

Rear Yard Depth: None, except abutting an R-Residential District in which case not less than 25 feet.

5.6 Off Street Parking

The DC-Downtown Commercial District shall be exempt from the off-street parking requirements of this ordinance.

Section 6 C - General Commercial District

6.1 Purpose

The General Commercial District is intended to provide locations for businesses which are conducive to locations outside the downtown area. Such commercial locations are intended to accommodate businesses requiring larger sites than available in the downtown area, and which require off street parking and/or trucking activity; access off major streets, and outdoor storage of materials. This district is also intended to accommodate existing commercial uses outside the downtown area.

6.2 Use Regulations

A building or premise shall be used only for the following uses:

A. Principal Permitted Uses.

1. Permitted Uses in the DC-Downtown Commercial District.
2. Wholesale businesses.
3. Automobile, truck, farm implement and marine vehicles dealers including related products and services.
4. Automobile and truck repair and body shops.
5. Fruit and vegetable markets, green houses and nurseries.
6. Manufactured home and mobile home sales and display.
7. Lumber yards, and building trades businesses and supply houses.
8. Warehouses and self-storage facilities.
9. Bowling alleys and dance halls.
10. Nursing homes.
11. Residential facilities for physically or mentally impaired including half-way houses and rehabilitation facilities.
12. Funeral homes.
13. Drive-in restaurants.
14. Drive-up bank facilities.
15. Car wash facilities.
16. All commercial lodging establishments, including motels and bed and breakfast uses.
17. Commercial campgrounds.

B. Accessory Uses.

1. Any accessory use customarily and incidental to a permitted use in this district.
2. Accessory uses of the DC-Downtown Commercial District .

C. Conditional Uses.

1. Conditional uses of the DC-Downtown Commercial District.
2. Conditional uses of the R-2 Residential District.
3. Electrical utility substations and other electrical or communication uses and

appurtenances.

4. Railroads and related facilities and uses.
5. Above ground and underground storage of flammable and explosive materials.
6. Caretakers quarters as a part of and incidental to a permitted use.
7. Marinas and related sales.
8. Communications towers and fixtures.

6.3 Height Regulations

No principal building shall be taller than 35 feet.

6.4 Area, Lot Frontage and Setback Requirements

The following minimum requirements shall be followed:

Lot Area: 10,000 square feet

Front Yard Setback: 20 feet

Side Yard Least Width: 5 feet except adjacent to an R Residential District, in which case there shall not be less than 10 feet on any one side.

Minimum Sum of Both Side yards: 15 feet

Rear Yard Depth: 25 feet

6.5 Off-Street Parking

Uses in this district are required to provide off-street parking as specified in Section 11 of this ordinance.

Section 7 I – Industrial District

7.1 Purpose

The I-Industrial District is intended to provide for manufacturing or other industrial uses at locations conducive to the functioning of such uses, and not incompatible with uses in other zoning districts. Uses in this District are intended to be consistent with land use planning principles and industrial location standards, compatible with surrounding neighborhoods, adequately served by utilities, adequate vehicle and truck access, compatible with the natural environment, and compliant with environmental regulations.

7.2 Use Regulations

A building or premises may be used only for any of the following permitted uses:

A. Principal Permitted Uses

1. Automobile body repair shop.
2. Automobile repair garage.
3. Bakery.
3. Carpenter and cabinet shop.
4. Concrete mixing, concrete products manufacture.
5. Contractor's equipment and materials storage yard.
6. Manufacturing, assembly, screen-printing and repair of garments and textiles and related products.
7. Lumber and building supply yard.
8. Machine shop.
9. Milk distributing station.
10. Motor freight terminal.
11. Plumbing, heating and air-conditioning shop.
12. Sheet metal shop.

B. Accessory Uses.

1. Any use customarily and incidental to a permitted use.
2. On-premise business identification and advertising signs.

C. Conditional Uses.

1. Caretaker's quarters part of and incidental to a permitted use.
2. Billboards and other off-premise outdoor advertising.
3. Any food manufacturing or processing industry including the treatment or use of byproducts of such industry.
4. Junk and salvage yards and material processing, provided such use is wholly enclosed within a building wall or fence not less than six feet in height completely obscuring the activity from surrounding properties.
5. Quarry and sand pit operations.
6. Municipal utility and waste water operations.
7. Bulk storage of farm chemicals and fertilizers and flammable substances.
8. Communications towers and fixtures.
9. Sawmills, planing mills, including manufacturing of wood products.

10. Railroads and directly related facilities,

- D. Compliance with Other Laws and Regulations. No village permit for a permitted use, accessory use or conditional use in the I-Industrial District shall be granted if such use is in conflict with any other ordinance in the Village of De Soto, or of Vernon County or Crawford County, nor until such use will first have secured any permits required by State or federal laws or regulations.

7.3 Required Conditions

- A. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, offensive or will pollute the air or water due to the emission of cinders, fumes, noise, odor, smoke, refuse matter or water carried waste.
- B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities shall be located at least 200 feet from any R-Residential District and not less than 100 feet from any other district except an I-Industrial District.

7.4 Height Regulations

Not over 45 feet for the principal building or structure, exclusive of penthouse structures, ventilation and plumbing fixtures, or antennas.

7.5 Lot Area, Lot Frontage and Setback Requirements

The following minimum requirements shall be observed.

Use	Lot Area	Lot Width	Front Yard Setback*	Side Yards Each Side	Rear Yard Depth
All Uses	10,000 SF	100 FT	45 FT	20 FT	45 FT

*All yards in the I-Industrial District abutting a public street shall be considered front yards and shall comply with the requirements for a front yard.

For any I-Industrial District adjacent to any R-Residential District, the minimum setback shall be fifty feet from the I-Industrial District boundary line, except in such cases where the district line is construed to follow the centerline of a public street, wherein such cases shall be determined by the provisions of the required minimum front yard dept.

7.6 Off-Street Parking

The provisions of Section 11 pertaining to off-street parking and loading areas shall apply to this zoning district.

Section 8 RC – Resource Conservation District

8.1 Purpose

The RC-Resource Conservation District is intended to recognize and protect lands and waters that provide natural resource benefits to the village. Such resources include farm lands, woodlands, hills and surface waters and wet lands. This District recognizes the natural development limitations of lands that are subject to flooding, erosion, siltation, and lands that possess slopes too steep for urban development; and the District recognizes the need to manage urban development on such lands in recognition of the village's responsibility to protect the health, safety and general welfare of the village. The District also provides conservation standards to manage lands having potential drainage and flooding problems, and to protect woodlands, wetlands, shorelands, water quality and public open space and recreation areas. The intent of this District incorporates the need to coordinate with the Land and Water Conservation Departments of Vernon and Crawford Counties in achieving the purposes and benefits of this District. This district incorporates by reference De Soto Ordinance No. 20 concerning floodplains.

8.2 Use Regulations

A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses.

1. Agricultural lands and uses. Animals are subject to De Soto Ordinance No 3.
2. Truck gardening and nurseries, provided that no permanent dwelling units shall be erected thereon unless the tract contains ten or more acres.
3. Forest and forestry practices including timber harvesting.
4. Any Public or institutional park, playground, trail, and outdoor recreational uses.
5. Any use erected or maintained by the Village of De Soto.
6. Wood lots and orchards.
7. Cemeteries.
8. Historic, cultural and outdoor educational attractions.
9. Conventional conservation practices (best management practices per the County Land and Water Conservation Departments),
10. No use prohibited by De Soto floodplain Ordinance No. 20 shall be considered to be a permitted use.

B. Accessory Uses.

1. Accessory buildings and uses customarily incidental to any permitted use
2. Single family homes for the owner or operator of a farm.
3. Bulletin boards and signs pertaining to any natural product that is grown within the district; provided, however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed, or stored.
4. Village streets and drainage devices.

C. Conditional Uses.

1. Mining, extraction and procession of minerals or raw materials.
2. Commercial outdoor recreational uses.
3. Utility structures, towers, transmission lines, buildings.
4. Golf courses.
5. Flood control projects and structures.
6. Private roads, land grading, and changes in drainage.

8.3 Height Regulations

Building Height: 24 feet maximum.

8.4 Lot Area, Lot Frontage and Setback Requirements

The following minimum requirements shall be observed:

Land Use	Lot Area	Front Yard Setback	Side Yard Least Width One Side	Minimum Sum of Side Yards	Rear Yard
All Uses	No Minimum	200 FT	35 FT	70 FT	35 FT

8.5 Performance Standards

- A. Area of Structure: No minimum.
- B. Flood Prone Areas. No structures shall be built in any documented flood plain without flood-proofing per the standards in the flood plain zoning ordinance of the county where the property is located. No structures or permanent storage of any material resistant to flood flows shall be placed in any ditch or low area subject to a known history of flash flooding. This includes the storage of any material that is capable of contaminating surface or ground waters.
- C. Clear cutting of woodland hill sides having a gradient in excess of twenty percent is prohibited
- D. Tree cutting of firewood for personal use is permitted, and the removal of diseased or hazardous trees or invasive tree species is permitted.
- E. All performance standards specified in Ordinance No. 20 shall be required, and shall take precedence over any other standard in the De Soto Zoning Ordinance, if applicable.

Section 9 Mobile Home Parks

9.1 Purpose

Mobile home parks may be permitted as conditional uses in the districts so noted in this Ordinance and in accordance with any regulations of the State of Wisconsin, but not including mobile home sales and display areas. No part of any park shall be used for non-residential purposes except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park. This shall in no way prohibit the sale by a resident owner of a mobile home located and established in a mobile home park. Mobile home parks shall be consistent with the requirements of De Soto Ordinance No. 1, entitled "Manufactured Homes".

9.2 Mobile Home Park Minimum Standards

- A. Land area of mobile home park – five acres.
- B. Setback from the boundary of a mobile home park – thirty feet setback from any mobile home to any adjacent public street, and thirty feet from any mobile home to the mobile home park boundary adjacent to any R, Residential District, and fifteen foot setback adjacent to any other zoning district.
- C. Front Yard Setback. Each lot shall have a front yard of fifteen feet in depth measured from the edge of the surfaced private street to the closest point on the nearest wall of the mobile home for each mobile home fronting a public street.
- D. Lot Area. The area for each mobile home shall be at least 4,000 square feet, and shall measure at least 50 feet by 80 feet.
- E. Clearance Between Homes. Mobile homes shall be located on each space so that there will be at least a fifteen foot clearance between each mobile home; and a five foot open space between the mobile home, including any permanently enclosed appendage, and any driveway, walkway, or mobile home space boundary, and a ten foot open space at the rear of the mobile home.
- F. Height. Maximum of ten feet for any mobile home or accessory structure.
- G. Recreational Area. A minimum of 250 square feet for each lot shall be provided for one or more recreational areas which shall be easily accessible to all park residents. The required recreational area shall be computed in addition to the minimum lot area specified herein.
- H. Parking. A minimum of two off-street car spaces for each mobile home lot shall be provided. These required parking spaces, or parking areas, shall be located so as to provide convenient access to the mobile home, but shall not exceed a distance of 200 feet from the mobile home that it is intended to serve. All parking areas shall be constructed with a concrete or asphaltic concrete surface.

- I. Streets. The entrance road connecting the park streets with a public street shall have a minimum road pavement width of 31 feet, measured back to back of curb or between the outside edges to the hard surface. All interior streets shall be not less than 28 feet in width. All streets shall be constructed with a minimum of either four inches of hot mix asphaltic concrete over 4 inches of sand or gravel, or 6 inches of Portland cement concrete over 4 inches of gravel or sand with street drainage provided by curb and gutter or other drainage devices approved by the Village Board.

- J. Skirting. Skirting of a permanent type material and construction shall be installed within 30 days of the placement of a mobile home to enclose the open space between the bottom of a mobile home floor and the ground level of the mobile home lot. This skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

- K. Utilities. Community sewer and water services shall be provided to each mobile home. Sewer service shall be connected to the village sanitary sewer system. Water supply shall be provided by a water supply system approved by state and county authorities according to state and county codes.

Section 10 Conditional Uses

10.1 Purpose

It shall be recognized that certain uses possess characteristics and impacts of such unique and special form as to make impractical their being included automatically as permitted uses of right in the various districts established by this Chapter. Conditional uses are those which have special impacts on adjacent properties, on the neighborhood or on the community which the permitted uses in a given district would not typically have. Such special impacts include: traffic, visual, environmental, nuisance, privacy, and safety and public welfare. Therefore, these uses shall be subject to certain conditions and standards set forth in this Section, and the authority for the location thereof shall be subject to review and recommendation by the Planning and Zoning Commission, with a final decision and issuance of a conditional use permit by the Village Board provided; however a conditional use permit may not be granted for a use in a zoning district from which it is specifically excluded by the provisions of this ordinance. The general intent is to introduce flexibility in the location of special, border-line uses which are similar to uses in any particular district but have greater intensity, or uniqueness of function and neighborhood impact as to require special conditions of location or operation. No conditional use has a guaranteed right of being permitted in the district it is listed under.

10.2 Conditional Use Standards

A. General Conditions.

1. A conditional use permit shall not authorize a use which does not comply with the minimum requirements of the district in which it is located.
2. A conditional use permit shall not authorize a use which is in conflict with this Code or laws of the State of Wisconsin regulating nuisance, pollution, hazardous occupation or other uses or activities.

B. Restrictions and Standards. Authorization for a conditional use permit may be granted subject to the following conditions or other conditions necessitated by the special characteristics of the proposed use:

1. Buildings involving the large assemblages of people, as determined by the Village Board shall not be located less than 300 feet from any existing dwelling site.
2. Uses involving nuisance such as noise, vibration, pollution, odor etc. shall not be located less than 500 feet from an R-Residential District or less than 1,000 feet from an existing dwelling.
3. Uses involving the large assemblages of people shall not be located where the arterial traffic system is inadequate to provide for the increased traffic density.
4. Uses involving the extensive use of exterior lighting shall not be located where such lighting may be a nuisance to or hazardous to air or ground traffic or to residences, and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any R-Residential District boundary.
5. The establishment, maintenance, or operation of the use will not be detrimental to, or endanger the public health, safety, morals comfort, or general welfare.
6. That the use will not be injurious to the use and enjoyment of other property in

- the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood or village.
7. That the establishment of the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 8. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood, and that outdoor storage and solid waste storage are managed and screened so as to be compatible with adjacent properties.
 9. That adequate utilities, access roads, drainage, and other necessary facilities have been or are planned to be provided.
 10. 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, and will not create such added traffic beyond what local streets can safely and efficiently handle.
 11. That the proposed use is not in conflict with any adopted comprehensive Plan or land use plan or utility plans.
 12. That the use shall, in other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.
 13. In the event any use is listed as conditional use and a permitted use in the same district, the use shall be a permitted use.

10.3 Procedure

The procedure for obtaining a conditional use permit shall be as follows:

- A. Written applications shall be filed with the Zoning Administrator and shall be accompanied by a site plan drawn as required by Section 12 of this ordinance. The application shall include a list showing the names and last known addresses for all property owners of record within five hundred feet of the premises where the conditional use is to be located.
- B. The application shall be referred to the Planning and Zoning Commission. The Commission within forty-five days of the date of the application shall review the application and shall make a written report to the Village Board regarding the disposition of the application.
- C. The Village Board shall hold a public hearing within thirty days after receiving the Commission's report.
- D. Notice of hearing by the Board shall be given to all property owners within 500 feet of the boundary of the property on which the special use is to be located. Such

notice shall be at least ten days prior to the hearing; shall contain the time and location of such hearing; and, shall be served by ordinary mail to the owner's last known address submitted by the applicant.

- E. The Conditional Use permit issued may be conditioned on any of the standards in this ordinance and can include time limits, inspections and annual renewals and other terms deemed necessary or appropriate by the Board. Violations of such terms shall be deemed a violation of this Code punishable as herein provided. In addition, the Board may upon notice and hearing revoke the permit for violation of the terms of the permit.
- F. Whenever an application for conditional use permit has been denied by the Board, no reapplication for the same special use on the same property or any portion thereof shall be filed or considered by the Board until six months shall have elapsed from the date of the official denial of the first application.

Section 11 Off-Street Parking and Loading Areas

11.1 Off-Street Loading Space Required

- A. The requirements for off-street loading spaces are as follows:
 - 1. Each loading space shall be not less than ten feet in width and sixty feet in length.
 - 2. Such space may occupy all or any part of any required yard or court space.

11.2 Off-Street Parking Area Required

- A. In all districts, space for parking and storage of vehicles shall be provided in accordance with the following schedule except in the case of dwellings and retail stores and shops under 500 square feet. The minimum size of any parking space required under this ordinance shall measure 10 feet by 20 feet and shall be located in such a fashion as to permit reasonable ingress and egress in a safe fashion for vehicles, including the arrangement of multiple parking spaces in a parking lot.
 - 1. Automobile Sales and Service Garages: One parking space for each 300 square feet of floor area and one parking space for each four persons regularly employed on the premises.
 - 2. Banks, Business and Professional Offices: One parking space for each 200 square feet of floor area and one parking space for each office in the principal building or one and one-fourth parking spaces for each person regularly employed on the premises, whichever is greater.
 - 3. Churches: One parking space for each four seats and one parking space for each classroom.
 - 4. Dance Halls, Assembly Halls: One parking space for each 100 square feet of floor area or one parking space for each four seats of maximum seating capacity, whichever is greater.
 - 5. Dwellings, Residential:
 - a. One and Two Family Dwellings: Two parking spaces for each dwelling unit.
 - b. Multi-Family Dwellings: Two parking spaces for each of the first twelve dwellings units and one and one-fourth parking spaces for each additional unit. One garage parking space for each dwelling unit may be counted as a portion of the parking requirement.
 - c. Group Homes, Residential Care Facilities: One space for each 1,000 sq. ft. of building area.
 - d. Home Occupations of 300 sq. ft. or More: Two parking spaces.
 - 6. Furniture, Appliance and Other Retail Stores Displaying Large and Bulky Merchandise: One parking space for each 400 square feet of floor area.
 - 7. Hotels, Motels, Lodging Houses: One parking space for each room or suite of rooms offered for tourist accommodations and one parking space for each two persons regularly employed on the premises.
 - 8. Industrial or Manufacturing Plants: One parking space for each two employees on the maximum working shift; or one parking space for each 1,000 square feet

of floor area up to 10,000 square feet; and, then one parking space for each additional 1,500 square feet, or portion thereof.

9. Restaurants, Taverns, Night Clubs or Similar Places Dispensing Food, Drink or Refreshments: One parking space for each fifty square feet of floor area devoted to patron use within the establishment. In addition, one parking space must be provided for each four persons regularly employed.
 10. Retail Stores:
 - a. Stores Containing Over 2,000 sq. ft. Floor Area: One parking space for each 200 feet of floor area.
 - b. Stores and Shops Containing Under 2,000 sq. ft.: One parking space for each 500 square feet of floor area, and one space for each persons regularly employed on the premises; provided, however, there shall not be less than five parking spaces.
 - c. Office Buildings: One space for each 200 sq ft of building space.
 11. Schools and Other Places of Education or Instruction:
 - a. Elementary, Junior High and Other Places for Under Driving Age Students: One parking space for each person regularly employed on the premises. In addition, one parking space for each twenty student desks or classroom seating facilities.
 - b. High Schools: One parking space for each person regularly employed on the premises. In addition, one parking space for each ten student desks or classroom seating facilities.
 12. Sports Arenas, Theaters, Auditoriums and Other Similar Places of Public Assembly: One parking space for each four persons of maximum standing and seating capacity.
 13. Wholesale Establishments or Warehouses: One space for each person regularly employed on the premises.
- B. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and to which said use is similar shall apply or the Zoning Administrator may request a determination from the Board of Adjustment.
- C. All lots with off-street parking shall abut upon street right of way except as may be provided elsewhere in this chapter.
- D. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
1. No part of any off-street parking space shall be closer than five feet to any established street right-of-way or alley line. Where this parking lot adjoins an R-Residential District, it shall be set back at least ten feet from the R-Residential District boundary.
 2. Any off-street parking area, including any commercial parking lot for more than two vehicles shall be hard surfaced or such other surface as shall be approved by the Village Board so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulation

within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

3. Lighting used to illuminate any off-street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any R-Residential District.
4. A landscaping plan ensuring compatibility with surrounding adjoining uses shall be submitted to the Village Board for approval for any parking area with a gross capacity of fifty (50) motor vehicles or more. The applicant shall be responsible for the implementation of the plan in accordance with the time table submitted. Off-street facilities for all uses, except one and two-family dwellings fronting on a residential street, shall be designed so as to permit entrance and exit by forward movement of the vehicle. The backing or backward movement of vehicles from an off-street parking facilities on to streets shall be strictly prohibited.

Section 12 Site Plans

12.1 Site Plans

Site plans which are required for review and approval for any use in any district or elsewhere by this ordinance shall comply with the following:

- A. Site plans shall be drawn at a scale not less than 1" = 100'; and, two copies of the site plan shall be submitted with the permit application to the Village Clerk. .
- B. The site plan shall include, but not be limited to, the types and dimensions of structure proposed, number and size of dwelling units, floor area of any commercial or industrial building, child or student capacity, buffers, landscaping, off-street parking area, anticipated expansion and other information deemed necessary by the Zoning Administrator to illustrate compliance with the requirements of this ordinance.
- C. A preliminary site plan may be submitted for preliminary or tentative zoning approval; providing however, that a final site plan shall be submitted and reviewed for compliance with the provisions of this Chapter prior to the issuance of any permit.
- D. The site plan shall show the size and dimensions in feet of the lot where the proposed structure or use is to be located.
- E. The site plan shall include a legal description of the property.
- F. The site plan shall include the location of all existing and planned utilities located upon or under the land surface and a plan for surface water drainage.

12.2 Lot Boundaries Located

Prior to the issuance of any permit, the applicant shall establish at the site the actual location of the boundaries of the lot where the proposed structure or use is to be located. In the event the applicant cannot show the lot boundaries by the location of original monuments or corner pins established by a land survey of record, then the applicant shall cause the lot to be surveyed by a registered land surveyor prior to the review and issuance of any permit.

Section 13 Exceptions, Modifications, Interpretations

13.1 Structures Permitted Above Height Limit

The building height limitations of this ordinance shall be modified as follows:

- A. Chimneys, cooling towers, fire towers, grain elevators, monuments, stacks, penthouses, tanks, silos, water towers, churches spires, radio or television towers or necessary mechanical appurtenances may be erected to a height approved by the Board of Appeals.
- B. Public service buildings or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line, in addition to the minimum yard requirements, at least one foot for each two feet of additional structural height above the height limit otherwise provided in the district in which the structure is constructed.

13.2 Double Frontage Lots

Buildings on double frontage lots extending through from street to street shall be permitted ingress-egress from only one of the streets.

13.3 Other Exceptions to Yard Requirements

Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for roof projections not to exceed thirty-six inches and ornamental trellis structures.

13.4 Unconverted Mobile Homes

Mobile homes which have not been converted to real estate as provided by Wisconsin Code shall be located in mobile home parks only.

Section 14 Outdoor Advertising Signs

14.1 Definitions

For the purposes of this Chapter, these words or terms shall have the following meaning:

Sign: A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Sign, Advertising: An advertising device which has the capacity of being visible from any public right of way or street.

Sign, Area of: See Sign, Surface Area of.

Sign, Business: A sign which directs attention to a business or profession of a commodity, service, or entertainment sold or offered upon the premises where such a sign is located.

Sign, Display: An advertising sign.

Sign, Flashing: Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times where such sign is in use.

Sign, Illuminated: Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.

Sign, Marquee: Any sign affixed to any hood, marquee or canopy over the entrance to a building.

Sign, Nameplate: Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

Sign, Rotating: A sign which revolves or rotates on its axis by mechanical means.

Sign, Surface Area of: The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

14.2 Sign Regulations

All signs now existing or hereafter erected or maintained, except official traffic signs, shall conform with the provisions of this regulation.

- A. General Provisions for all Zoning Districts. The following regulations shall apply to all signs hereinafter permitted in all Districts:
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1. Signs shall not be permitted within the public right-of-way or public easements.
2. Flashing or rotating signs resembling emergency vehicles or traffic signals shall not be permitted in any district.
3. Any signs not permanently affixed to buildings or permanently anchored in the ground shall not be permitted in any zoning district.
4. No signs shall be permitted to obstruct any window, door, fire escape, stairway or opening intending to provide light, air or access to any building or structure.
5. Upon notification by the Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of the property upon which the sign is located shall remove or repair the sign.
6. The owner, lessee or manager of any sign anchored in the ground and/or the owner of the land on which the sign is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the ground surrounding the sign.
7. Political signs may be permitted for a period of not more than forty-five (45) days before and seven (7) days after an election.
8. Signs for service clubs and semi-public institutions are permitted within the public right-of-way, provided that they are not more than 500 feet from the corporate limits and further provided that they do not exceed three square feet in area. These signs are for the purpose of displaying the emblem of the club or institution and information on time and location of meetings.
9. Except as may be expressly provided by these regulations, no advertising signs shall be erected or maintained other than on the premises of the business or other activity involved.
10. No part of any sign shall extend higher than the top level of any building roof.

B. Signs in Residential Districts. No sign shall be erected in any RESIDENTIAL DISTRICT except:

1. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such sign shall not be illuminated.
2. A sign pertaining to the lease or sale of the building or property, provided such sign does not exceed four (4) square feet in surface area. Such signs shall not be illuminated.
3. A temporary sign not exceeding four (4) square feet in surface area identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building may be erected upon issuance of the building permit. A temporary sign shall be removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.
4. One identification sign on premises not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.
5. Directional unilluminated signs on premises not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or

commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.

6. Business signs located in Residential zones identifying home occupations shall not be located within the front yard setback area. Signs shall not be illuminated and not larger than two (2) square feet in surface area.

C. Signs in Commercial Districts. Signs may be erected in Commercial Districts subject to the following provisions:

1. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage or ten (10) percent of the building frontage area, or seventy-five (75) square feet, in area whichever is greater. Signs may be illuminated.
2. Advertising signs shall be on premises and limited to one sign for a business location of 100 foot frontage or less; one additional sign for each additional 100 feet of frontage; or, a minimum of one sign per individual business. Rear signs on businesses shall be governed by the same restrictions as those pertaining to frontage.
3. No advertising sign may be erected within one hundred (100) feet of an adjoining RESIDENTIAL DISTRICT.
4. For corner lots, the "frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.
5. No sign shall project above the height of the building.
6. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition and shall be repainted, removed, or painted out when, in the opinion of the Zoning Administrator, such sign is not so maintained.
7. Where a sign is illuminated, the source of light shall not be visible from any public right-of-way, and such light shall be directed away from any RESIDENTIAL DISTRICT.
8. No sign shall project more than one (1) foot perpendicular from the building face.

D. Signs in the Industrial District. Signs may be erected in the I-INDUSTRIAL DISTRICT subject to the following provisions:

1. Advertising signs shall be limited to one (1) sign for a business premises of one hundred (100) foot frontage or less and one (1) additional sign for each additional frontage of one hundred (100) feet. Such structures shall not exceed twenty-five (25) feet in length. No advertising sign may be erected within one hundred (100) feet of a RESIDENTIAL DISTRICT.
2. Sign lighting shall not be directed toward a public right-of-way or any RESIDENTIAL DISTRICT.
3. The total surface area of all business signs on a lot shall not exceed three (3) square feet per lineal foot of lot frontage or twenty (20) percent of the building frontage area or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.
4. No sign shall project higher than six (6) feet above the height of the building.

14.3 Nonconforming Signs

Any advertising device in existence on the effective date of this Code which does not conform to the provisions of this Chapter shall be either brought into conformity with this Chapter or removed from the premises within five (5) years after January 1, 2007. Any advertising device in existence on the effective date of this Code which on that date does conform to the provisions of this Chapter but which later does not conform to this Chapter shall be either brought into conformity with this Chapter or removed from the premises. Subject to the provisions of this Chapter, the Zoning Administrator shall have the authority to order either the sign owner or the owner of the premises upon which the sign is located forthwith either to conform a nonconforming advertising device to this Chapter or to remove the advertising device from the premises.

Section 15 Administration and Enforcement, Zoning Permits and Certificates of Occupancy

15.1 Administration and Enforcement

The provisions of this Chapter shall be enforced and administered by the Zoning Administrator. If the Zoning Administrator shall find that any of the provisions of this Chapter are being violated, the Zoning Administrator shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

15.2 Zoning Permits Required

Buildings or other structures shall not be moved, erected, added to or structurally altered without a permit issued by the Zoning Administrator. Building permits shall be issued in conformance with the provisions of this Chapter, or upon written order from the Board of Appeals, but shall be null and void if the purpose for which the permit is issued is not commenced within six months from date of issuance and completed within twelve months from the date of issuance. In the instance of a structure or building removed or demolished, all work must be completed within three months from the date the permit is issued. In addition to the requirement of a zoning permit for a structure or building, a zoning permit is also required for the location and construction of the foundation of any structure or building including the site preparation for such foundation.

15.3 Application for Zoning Permit

All applications for zoning permits shall be accompanied by a site plan in conformance with Section 12 of this ordinance. The application shall include existing or proposed building or alteration; existing or proposed uses of the building and land; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance

15.4 Certificates of Occupancy for New, Altered or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or part thereof, which has been erected, changed, converted, altered or enlarged in its use or structure until a certificate of occupancy has been issued by the Zoning Administrator.

Certificates of occupancy shall be applied for coincidentally with the application for a zoning permit and shall be issued after the satisfactory completion of the lawful erection or alteration of the building or other improvements in conformance with this code and any conditions of the zoning permit. If the land use applied for in the zoning permit is constructed in violation of any provision of this ordinance or any condition attached to a conditional use permit, then a certificate of occupancy shall not be issued until any such violation (s) are corrected.

A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. The Zoning Administrator shall maintain a record of all certificates of occupancy and copies shall be furnished upon request to any person. Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable as provided by this ordinance.

15.5 Construction and Use to be as Provided in Applications, Plans, Permits and Certificates of Zoning Occupancy

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use or construction set forth in such approved plans and specifications, and no other use or construction. Use or construction at variance with that authorized by Zoning Administrator shall be deemed a violation of this Chapter and punishable as provided by this Chapter.

Section 16 Board of Appeals Procedure, Powers and Duties

16.1 Board Created

A Board of Appeals is hereby established which shall consist of five members appointed by the Village Board. The term of office of the members of the Board and the manner of their appointment shall be as provided by Chapter 62.23 of Wisconsin Statutes.

16.2 Meetings, General Procedures and Rules

Meetings, general Board procedures, and rules of the Board shall be in conformance with and pursuant to the Wisconsin Open Meetings law as that Chapter now or hereafter provides.

16.3 Appeals

Appeals to the Board may be taken by any person aggrieved by any decision of the Zoning Administrator. Such appeal shall be taken within ten days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after notice of appeal shall have been filed with the Zoning Administrator that by reasons of facts stated in the certificate a stay would in the Administrator's opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the Zoning Administrator and on due cause known.

16.4 Fee for Appeal

The notice of appeal shall be accompanied by a filing fee of thirty-five dollars.

16.5 Hearings, Notice

The Board shall fix a reasonable time for the hearing on the appeal and provide notice to the appellant at least twenty-four hours prior to the meeting. At the hearing any party may appear in person or by agent or by attorney.

16.6 Jurisdiction and Powers of the Board of Appeals

- A. Powers. The Board shall have the following powers:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or Planning Commission an administrative official in the enforcement of this ordinance or any supplement or amendment.
 2. To hear and decide special exceptions to the terms of this ordinance upon which the Board is required to pass under this ordinance.
 3. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special

conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

- B. Variations. No variance from the provisions of this ordinance shall be made by the Board unless a written application for a variance is submitted demonstrating:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district.
 2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 3. That the special conditions, circumstances and hardships do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
- C. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Variations and conditions attached thereto shall be in writing and filed with the Village Clerk.
- D. In granting any variance or other relief, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance or relief is granted, shall be deemed a violation of this ordinance and punishable as provided by this ordinance.
- E. Use Variations are not Permitted. Under no circumstances, shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The Board does not have the power to grant permits for the establishment of Conditional Uses.

No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

16.7 Decisions of the Board of Appeals

In exercising the above-mentioned powers, the Board may so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of this applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance.

16.8 Appeals from Decision of the Board of Appeals

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

Section 17 Duties of Administrative Officer, Board of Appeals, Village Board and Courts on Matters of Appeals

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law.

It is further the intent of this ordinance that the duties of the Village Board in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this ordinance. Under this ordinance, the Village Board shall have only the duties of considering and adopting or rejecting proposed amendments to this ordinance as provided by law.

Section 18 Zoning Changes and Amendments, Map Replacement and Zoning of Annexed Areas

18.1 Changes and Amendments

These Zoning regulations may be amended only by duly adopted ordinance. The change shall be made by petition initiated either by the Village Board, the Planning Commission or by any other interested person. Upon filing with the Zoning Administrator, the petition shall be referred to the Planning and Zoning Commission. Unless initiated by the village, each petition for amendment shall be accompanied by a fee in the amount of \$35. The fee is non refundable. Changes and amendments to the zoning ordinance may be in the text of the ordinance or the changing or rezoning of lands from one zoning district to another.

- A. Rezoning Amendments. A petition for changing the zoning of a parcel of land from one or more zoning districts to one or more different zoning districts shall contain the following information in writing and submitted to the Village Clerk who shall forward the petition to the Planning Commission within ten days of receipt:
1. The legal description and local address of the property and name and address of the property owner.
 2. The present zoning classification and the zoning classification requested for the property.
 3. The existing use and proposed use of the property.
 4. A statement of the reasons why the applicant feels the property should be rezoned.
 5. A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, easements, public utilities, railroads, drainage and other physical features, and showing existing zoning districts and proposed zoning districts and the location of proposed new uses.

The Planning and Zoning Commission shall make a report to the Village Board within thirty days from the date of the receipt of such petition. The Board, after receiving the report of the Commission, shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided by Wisconsin statutes, except that at least seven (7) days notice of the time and place of hearing shall be given by publication in a newspaper of general circulation within the Village. In no case shall the public hearing be held earlier than the next regularly scheduled Village Board meeting following the published notice.

The Board may impose conditions or restrictions on the property owner as provided by this ordinance and Section 62.23 of Wisconsin Statutes. After holding the public hearing the Board may vote upon the proposed amendment, supplement or change. In case of a written protest against any proposed amendment or change filed with the Zoning Administrator and signed by the owners of twenty per cent or more of the area of the lots included in the proposed change, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change is proposed, the change shall not become effective except by the favorable vote of at least three-fourths of all the members of

the Board. The protest, if filed, must be filed before or at the public hearing.

18.2 Map Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, or requires updating because of annexation or changes in zoning districts, the Board may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Village Board President attested by the Village Clerk.

18.3 Zoning of Annexed Areas

Any land annexed to the Village after the effective date of this Chapter shall be placed in the zoning district which permits the uses(s) giving cause to the annexation. As an alternative, the Village Board has the option of placing annexed land into the RC Resource Conservation District for an interim period of time pending a plan for determining the appropriate final zoning district(s) for the annexed land.

Section 19 Complaints Regarding Violations

19.1 Complaints Regarding Violations

When a violation of this ordinance occurs or is alleged to have occurred, any aggrieved person may file with the Zoning Administrator a written complaint stating fully the causes and basis of the Complaint. The Zoning Administrator shall promptly investigate the matter and initiate such action, if deemed necessary, as may be authorized by this ordinance. This section shall not be construed to restrict the authority of the Zoning Administrator to apply or enforce the provisions of this ordinance.

Section 20 Enforcement, Violations and Penalties

Section 21 Enforcement

The Zoning Administrator is hereby charged with the authority and responsibility for the enforcement of this ordinance, and in this capacity the Zoning Administrator has the authority and responsibility to interpret the terms of this ordinance where the meaning of the language is not apparent or clear. To aid in making such interpretations, the Zoning Administrator may request an interpretation of the ordinance language or an ordinance standard from the Board of appeals. The Zoning Administrator may request the Village Board to amend the language or standards in the ordinance if it would be in the best interest of administering or enforcing the ordinance. Any permit issued under this ordinance found to be in violation of the terms of this ordinance shall be null and void from its inception.

21.1 Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements shall be a municipal infraction punishable as provided by law. In addition, any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction be guilty of a simple misdemeanor punishable as provided by law. Each day any such violation continues shall be considered a separate offense and may be the subject of repeated prosecutions, if so continued.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, surveyor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation or as may be necessary to enforce this ordinance.