

- (7) That the conditional use shall conform to all applicable regulations of the district in which it is located.
 - (8) That the proposed use does not violate floodplain regulations governing the site.
 - (9) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (b) **Application of Standards.** When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district and the Village Comprehensive Plan.
- (c) **Additional Considerations.** In addition, in passing upon a conditional use permit application, the Plan Commission and Village Board shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-87 Denial of Application for Conditional Use Permit.

When an advisory recommendation of denial of a conditional use application is made by the Plan Commission or an actual denial by the Village Board, the Plan Commission and/or Village Board shall furnish the applicant, in writing, those standards that are not met and enumerate reasons the Plan Commission and/or Village Board has used in determining that each standard was not met. Such findings may be in the form of meeting minutes. Such decision by the Village shall be based on substantial evidence.

Sec. 13-1-88 Conditions and Guarantees Applicable to All Conditional Uses.

The following conditions shall apply to all conditional uses:

- (a) **Conditions Based on Substantial Evidence.**
- (1) Prior to the granting of any conditional use, the Plan Commission may recommend and the Village Board may stipulate such conditions and restrictions upon the

establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-86 above. Any condition imposed must be related to the purpose of the Zoning Code and be based on substantial evidence which is measurable, which shall be documented in the record.

- (2) Per Sec. 62.23(7)(de)2.b., Wis. Stats., any conditions imposed by the Village under this Article shall be supported by substantial evidence, be reasonable, and, to the extent practicable, be measurable, and may include conditions regarding the conditional use permit's duration, transfer, or renewal.
- (b) In all cases in which conditional uses are granted, the Plan Commission may recommend and the Village Board shall require such evidence and guarantees as deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
- (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking;
 - (18) Conditions pertaining to permit duration, transfer or renewal; or
 - (19) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (c) **Site Review.** In reviewing each application and making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Plan Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

- (d) **Signage.** Signage shall be in compliance with municipal sign regulations.
- (e) **Extent of Use.** At no time shall the proposed conditional use utilize more than thirty-five percent (35%) of the gross floor area of the conforming use.
- (f) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless first approved by the Village Board.
- (g) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (h) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (i) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Zoning Code such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or significant potential of accidents.

Sec. 13-1-89 Plan Commission Recommendation; Board Action.

- (a) **Plan Commission Advisory Recommendation.**
 - (1) Following referral of conditional use permit applications, the Plan Commission may recommend that the Village Board authorize the Zoning Administrator to issue a conditional use permit for conditional uses specified in this Chapter after review and a public hearing, provided such uses are in accordance with the purpose and intent of this Chapter, and, more specifically, the standards for conditional uses established in this Article.
 - (2) The Plan Commission shall make findings of fact and recommend such actions or conditions relating to the request as the Commission deems necessary to carry out the intent and purpose of this Chapter.
- (b) **Village Board Action.**
 - (1) Upon receiving the recommendation of the Plan Commission, the Village Board shall place such recommendation(s) on the agenda for the next subsequent Board regular meeting. Such recommendations, including findings of standards not met as required by Section 13-1-87, shall be entered in and made part of the permanent written record of the Village Board. Such determinations shall be supported by substantial evidence which is measurable.

- (2) If, upon receiving the recommendations of the Plan Commission, the Village Board finds that specific inconsistencies exist in the review process or significant new facts have now been made available and thus the final determination of the Village Board will differ from the advisory recommendation of the Plan Commission, the Village Board shall, before taking final action, refer the matter back to the Plan Commission with the written record or separate statement/report explaining the specific reasons for referral. This referral action shall only be permitted one (1) time with each conditional use permit application.
 - (3) At the Village Board's discretion, the Board shall have the option to set and hold an additional public hearing, following a Class 2 notice, at the next subsequent Village Board meeting. Such hearing shall be noticed and conducted as prescribed in this Chapter in compliance with the requirements of this Chapter and the Wisconsin Statutes. The Village Board shall make, and record in the minutes of the Board or in a separate statement/report, findings of fact and may impose and require any conditions the Village Board considers necessary to protect the public health, safety and welfare when approving and issuing a conditional use permit. The Village Board's decision to approve or deny the permit must be supported by substantial evidence.
- (c) **Reapplication.** No application for a conditional use permit which has been denied in whole or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of such denial, except on the grounds that substantial new evidence or proof of changes that would result in compliance with applicable conditions is included in the resubmitted application.

Sec. 13-1-90 Validity of Conditional Use Permit.

- (a) Where the Village Board has approved or conditionally approved an application for a conditional use permit, such approval shall become null and void within eighteen (18) months of the date of the approval unless the Village Board has specified a different timeline in its approval or the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately thirty (30) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation.
- (b) A conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, and the Village may impose conditions such as, but not limited to, permit duration, transfer or renewal, in addition to any other conditions specified in granting the conditional use permit.

- (c) The Village Board may extend such permit for a period of ninety (90) days for justifiable cause if the conditional use permit included a permit duration condition, if application is made to the Village Board at least thirty (30) days before the expiration of said permit.

Sec. 13-1-91 Complaints Regarding Conditional Uses; Revocation of Permit.

- (d) **Continuing Jurisdiction.** The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Zoning Code.
- (e) **Complaints.** Upon written complaint by any citizen or Village official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-86 above or a condition of approval or other requirement imposed hereunder.
- (f) **Hearing.** Upon staff confirmation of possible non-compliance, a hearing shall be held following notice as provided in Section 13-1-85 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney.
- (g) **Board Modification of Conditions.** The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-86 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use.
- (h) **Revocation.** In the event that no reasonable modification of such conditional use can be made in order to assure that standards (a) and (b) in Section 13-1-86 will be met, the Village Board may revoke the subject conditional use permit and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

Sec. 13-1-92 Bed and Breakfast Establishments.

- (a) **Bed and Breakfast Establishments as Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in residential districts pursuant to the requirements of this Article governing conditional uses.

(b) **Definitions.** As used in this Section:

- (1) **Bed and Breakfast Establishment.** Any place of lodging that:
 - a. Provides ten (10) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period;
 - b. Is the owner's personal residence;
 - c. Is occupied by the owner or the owner's agent at the time of room rental; and
 - d. In which the only meal served to guests is breakfast.
- (2) **Agent.** The person designated by the property owner as the person in charge of such establishment and whose identity is filed, in writing, with the Zoning Administrator upon issuance of the conditional use permit, and is updated five (5) days prior to a designated agent, or different agent, taking over responsibilities for the bed and breakfast establishment.

(c) **Bed and Breakfast Establishment Regulations.**

- (1) **Location.**
 - a. All bed and breakfast rooms/units shall be located within a principal structure only.
 - b. A bed and breakfast establishment may be located in an officially-designated local, state or national historical structure with a living space area of not less than one thousand (1,000) square feet.
 - c. A bed and breakfast establishment may be located in an existing single-family dwelling with a living space area of not less than one thousand (1,000) square feet; a new single-family dwelling shall not be constructed for the purpose of establishing a bed and breakfast operation.
- (2) **Number of Rental Units.** A maximum of ten (10) bed and breakfast units may be established in a structure.
- (3) **Domicile Requirement.** The bed and breakfast structure shall be the domicile for the establishment's owner or manager.
- (4) **Employee Restriction.** The bed and breakfast establishment shall employ not more than the equivalent of two (2) full-time persons who are not domiciled in the principal structure.
- (5) **Dining and Other Facilities.** Dining and other facilities shall not be open to the public, but shall be used exclusively by the registered guests and residents, unless allowed by a separate permit.
- (6) **Compliance With State Standards.** All bed and breakfast establishments and licensees shall be subject to and comply with Ch. HSS 197, Wis. Adm. Code, relating to bed and breakfast establishments and to any applicable provisions of Ch. HSS 195, Wis. Adm. Code, relating to hotels, motels and tourist rooming houses.
- (7) **Guest Registry.** Each bed and breakfast establishment shall provide a register and require all guests to register their legal names and addresses before being assigned quarters. The complete guest registry shall be maintained and be available for

inspection by Village representatives for a minimum period of one (1) year after a guest's registration.

(d) **Bed and Breakfast Establishment Conditional Use Permit Required.**

(1) **Permit Required.** In addition to any permits required by Chapters HSS 195 or 197, Wis. Adm. Code, every bed and breakfast establishment, before commencing business, shall first obtain a conditional use permit from the Village of Elk Mound.

(2) **Application Requirements.** In addition to the standard conditional use permit application requirements prescribed in this Article, applicants for a bed and breakfast conditional use permit shall also file the following information with the Village:

a. Site plan showing the location and size of buildings, parking areas and proposed signage.

b. Number, surfacing type and size of off-street parking stalls.

c. Proposed number, size, design and lighting of signs.

d. General description of the proposed operation, including number and configuration of rooms to be let to guests.

(3) **Display of Permit.** Following issuance by the Village, the conditional use permit shall be conspicuously displayed in the bed and breakfast establishment.

(e) **Off-Street Parking Requirement.** Conditional use permits for bed and breakfast establishments shall only be issued to those establishments that provide a minimum of one (1) improved off-street parking space for each room offered for occupancy. The design, location and setbacks for such proposed parking areas is subject to approval and possible conditions from the Village Board. Establishments otherwise qualifying under this Section regulating bed and breakfast shall not be subject to other requirements of this Zoning Code with respect to parking.

(f) **On-site Signs.** Total signage for bed and breakfast establishments shall be limited to a total of twelve (12) square feet, and may only be lighted in such a manner and nature as to not significantly alter or detract from the nature of the surrounding neighborhood. Establishments otherwise qualifying under this Section regulating bed and breakfast establishment shall not be subject to the requirements of this Zoning Code with respect to signs.

(g) **Termination of Permit.**

(1) **Permit Void Upon Sale.** A bed and breakfast establishment conditional use permit shall be void upon the sale or transfer of the property's ownership. The Village Board shall review and conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use.

(2) **Voiding of Permit Upon Violation(s).** A permit issued in accordance with this Section shall be valid until terminated by action of the Zoning Administrator for violation of the provisions of this Section, permit conditions imposed pursuant to this Article, or applicable State of Wisconsin regulations as set forth in Chapters HSS 195 or 197, Wis. Adm. Code.

State Law Reference: Chs. HSS 195 and HSS 197, Wis. Adm. Code.

Sec. 13-1-93 Home Occupations/Professional Home Offices.**(a) Intent.**

- (1) **Intent.** The intent of this Section is to provide a means to accommodate a small home-based family or professional business home office without the necessity of rezoning from a residential to a commercial district. A home occupation or professional home office exceeding the standards for a permitted home occupation/professional home office use under this Section may possibly be maintained pursuant to Subsection (e) below as a conditional use under Article E.
- (2) **Cumulative Scope of Activity.** The total number of home occupations or professions conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations or professions conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one (1) home occupation.
- (3) **Purpose.** The regulations of this Section dealing with home occupations and professional home offices are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities may be carried on in the home. This Section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.

(b) Definitions. The following definitions are applicable in this Section:

- (1) **Home Occupation.** A business or trade conducted within a structure primarily zoned or used for a residential purpose, conducted primarily by a resident of the premises. Common features of a residential home occupation (or professional home office) are whether business-related materials or stock-in-trade are stored on the residential premises, vehicles with a business or delivery purpose are regularly parked on or make deliveries at the residence, the home is advertised as a place of business, and/or there is a business deduction taken for tax purposes for the residential premises.
- (2) **Professional Home Office.** Residences of telemarketers, computer programmers, typists, clergy, architects, engineers, land surveyors, lawyers, artists, teachers, tradesmen, authors, accountants, musicians or other recognized professions used to conduct their professions; also included are professions listed in Subsection (d) below. Tradesmen are limited to maintaining a business office and small convenience shop as part of their residential premises. "Tradesmen" are defined as a person or persons who hold themselves out to the public as offering a particular skill including, but not limited to, carpenters, masons, plumbers, electricians, roofers, and others involved in the building trades.

(c) Home Occupations/Professional Home Office Limited Permitted Use; Restrictions.

Except as provided in Subsection (c) below, home occupations and professional home offices are a limited permitted use in all Residential Districts, provided the requirements of the District in which the use is located and the following are complied with:

- (1) **Location; Size.** The occupation or profession shall be carried on wholly within the enclosed areas of the principal building or an attached garage, but it shall utilize no more than thirty percent (30%) of the gross floor area of the dwelling.
- (2) **Exterior Alterations.** There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
- (3) **Storage.** No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation/profession shall be visible outside any structure located on the premises. There shall not be outside storage of any kind related to the home occupation/profession. The area in which products, materials and goods are kept shall be considered to be part of the thirty percent (30%) of the gross combined floor area permitted for a home occupation.
- (4) **Nuisances.** No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district. A home occupation shall not be detrimental to the health, safety, welfare, peace and quiet or enjoyment of the surrounding property or neighborhood.
- (5) **Signage.** Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed four (4) square feet.
- (6) **Commercial Vehicles.** The home occupation shall not involve the use of commercial vehicles, other than those owned by the applicant for delivery of products or materials to and from the premises. This shall not be interpreted to include delivery and/or pickup services such as United Parcel Service, DHL, Federal Express, etc., in the conduct of their normal operations.
- (7) **Off-Site Delivery of Goods.** To the extent that there is any sale of any item related to a home occupation, delivery of that item to the buyer should occur off the premises.
- (8) **Traffic.** No traffic shall be generated by such home occupation/profession in greater volumes than would normally be associated with a residential neighborhood use.
- (9) **Parking.** There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two (2) additional vehicles to be parked on or near the premises.
- (10) **Types of Businesses.** Home occupations are restricted to service-oriented, professional or clerical business or office uses; the manufacturing of items or products or the retail sale of items or products on the premises is prohibited.
- (11) **Equipment Limits.** The types and number of equipment used on the premises may be restricted by the Village Board.
- (12) **Non-Resident Employees.**
 - a. No more than one (1) non-resident employee may work on the premises. The home occupation is to be conducted only by members of the family residing in

the dwelling unit, plus no more than one (1) nonresident assistant or employee employed on the premises at any one time.

- b. Persons engaged in building trades, similar fields and other activities using their dwelling units or residential premises as an office for business activities carried on off the premises may have more employees than the limitations set forth herein if they are not employed on the premises. The home office location shall not be used as a place for employees/workers to regularly come to receive off-premises work assignments.
- (13) **Hours of Operation.** Home occupations may only operate on the premises between 7:30 a.m. and 9:00 p.m.
 - (14) **Retail Sales.** Retail sales on premises shall be prohibited including the retail sales of merchandise, products, supplies or goods not produced or fabricated on the premises, provided that minor incidental retail sales may be made in connection with the permitted home occupation. (Example: a dressmaker would be permitted to sell only clothing produced or fabricated onsite and would not be allowed to purchase stocks of dresses for sale to the general public onsite.) The residence shall not be modified to accommodate retail sales activities (example: addition of a display window) and any retail activity shall be a minor use secondary to the primary occupation).
 - (15) **Prohibited Home Occupations.** Mechanical repair for hire (including automobile, boat, recreational vehicle, small engine and body shop repair/work), equipment rental businesses, and businesses that involve the storage of heavy equipment on the premises (such as excavating or landscaping businesses) are not permitted as home occupations.
 - (16) **Inspections.** Any party maintaining a permitted home occupation or professional home office business under this Section may be subject to a compliance inspection(s) by a Village Building Inspector, Zoning Administrator, law enforcement officer, or health official if there is a reason to suspect that violations or improper activity may exist.
- (d) **Permitted Home Occupations/Professions Described.** Permitted home occupations/professions consistent with Subsection (c) not requiring a conditional use permit include, but are not necessarily limited to, the following examples:
- (1) Artists, sculptors, authors or composers.
 - (2) Home crafts such as model making, and rug weaving.
 - (3) Office facility of a minister, rabbi, or priest.
 - (4) Office facility of an attorney, architect, professional engineer, surveyor, author, interior decorator, photographer, income tax preparer, accountant, landscape architect, insurance agent or real estate agent, or similar profession which serves several clients onsite per day.
 - (5) Private tutoring limited to three (3) pupils at any one time.

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- (6) Musical instruction limited to three (3) pupils at a time; this requirement limiting class size shall not be construed to prohibit occasional exceptions for events such as recitals, demonstrations and other similar gatherings.
 - (7) Dressmaking and millinery work.
 - (8) Computer-oriented support services, such as consulting, clerical services, claims processing, internet-related businesses, etc.
 - (9) Day care of not more than eight (8) nonresident children.
 - (10) Office for sales representative or manufacturer's agent when no retail or wholesale goods transactions occur on the premises.
 - (11) Telemarketing and telephone answering service.
- (e) **Conditional Use Home Occupations/Professional Home Offices.**
- (1) **Conditional Use Permit Requirement.** A home occupation or professional home office exceeding the standards prescribed in Subsections (c) and (d) above for a limited permitted home occupation/professional home office use may apply for a standard conditional use permit under Article E of this Chapter. Village approval of an expansion of a home occupation or professional home office as a conditional use is not automatic.
 - (2) **Application Procedures.**
 - a. The Village Board, upon the recommendation of the Plan Commission, may approve home occupations or professional home offices in residential districts which do not meet the standards in Subsection (c) above as conditional uses.
 - b. The procedures for conditional use permits prescribed in this Article shall be followed, and the standards in Sections 13-1-86 and 13-1-88 shall be applicable.
 - c. The Village Board may place conditions on the continuation or expansion of such home occupations/professional home offices, or the Village Board may require the relocation of the business to an area that is appropriately zoned.
 - d. Conditional use permits issued for home occupations/professional home offices under this Subsection are valid for a term of three (3) years. Upon the expiration of such term, the conditional use permit must be reapplied for.
 - (3) **Sale of Property.** Sale, transfer of the property, expansion of the use beyond permitted levels, or other significant changes shall cause the conditional use permit for the home occupation/professional home office to be void. A new owner may apply for a new conditional use permit under the procedures of this Article.
 - (4) **In-Home Day Care.** In-home day care for children exceeding eight (8) non-resident children and community-based residential facilities (adult residential day care) exceeding more than eight (8) residents shall be required to obtain a conditional use permit under the requirements of this Subsection.
- (f) **Home Occupations/Professions Permitted With Conditional Use Permit.** The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations/

professions and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, home occupations are permitted only after issuance of a conditional use permit, and such occupations include, but are not necessarily limited to, the following:

- (1) Barber shops, beauty salons or hair stylist.
- (2) Antique shops.
- (3) Stables and kennels.
- (4) Medical offices, including, but not necessarily limited to, physicians, surgeons, dentists, chiropractors, acupuncturists, massage therapists, psychiatrists, psychologists, psychotherapists, or optometrists for the general practice of the profession, except for consultation or emergency treatment.
- (5) Bakeries.
- (6) Taxidermy shops.
- (7) Uses that involves primarily catalog sales or order processing and which does not involve volumes of stock or merchandise being distributed at the site may be deemed a home occupation, subject to the provisions hereof, provided that such use meets the intent of all standards set forth herein.
- (8) Cabinet-making or woodworking for profit (conducted inside a building only).

Sec. 13-1-94 Town Houses Conditional Uses.

- (a) The overall density shall not exceed fifteen (15) dwelling units per acre.
- (b) The average lot width shall be at least twenty (20) feet; however, no individual lot shall be narrower than eighteen (18) feet.
- (c) The average maximum lot coverage of principal and accessory buildings shall not exceed fifty percent (50%) and no individual lot shall be covered more than sixty percent (60%).
- (d) The average front yard setback shall be twenty (20) feet but no building shall be located closer to the front property line than fifteen (15) feet.
- (e) Side yards of not less than twenty (20) feet in width shall be provided at least every one hundred sixty (160) feet and for every corner lot.
- (f) The rear yard shall be not less than twenty percent (20%) of the depth of the lot.
- (g) No structure shall be higher than three (3) stories or thirty-five (35) feet.
- (h) One (1) off-street parking space of not less than one hundred eighty (180) square feet in area, exclusive of access drive or aisle, shall be provided for each dwelling unit.

Sec. 13-1-95 Large Livestock Facilities Conditional Uses.

- (a) **General Applicability.** The procedures in this Section apply to large livestock facilities that require a conditional use under this Chapter and are supplementary to the general

conditional use procedures of this Article. The other provisions of this Article regarding the review and granting of conditional use permits shall not be applicable to large livestock facilities conditional uses unless specifically referred to by this Section.

(b) **Conditional Use Permits for Existing Livestock Facilities.**

(1) **When Required.** A conditional use permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

- a. The applicable size threshold for a conditional use permit established for the A-2 Zoning District in Article C where the facility is located.
- b. The maximum number previously approved or, if no maximum number was previously approved, a number that is twenty percent (20%) greater than the number of animal units kept on the original effective date of this Chapter.

(2) **When Permit Is Not Required.**

- a. A permit is not required for a livestock facility that existed before the original effective date of this Chapter.
- b. A permit is not required for a livestock facility that was previously issued a conditional use permit or other local approval, except as provided in Subsection (b)(1) above. [Note: A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility].

(c) **Application Procedure.**

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

(2) **Fees.** A nonrefundable application fee as prescribed in Section 1-3-1 shall accompany an application. Processing of the application shall not proceed until such fee is paid.

(d) **Application Review Procedure.**

- (1) **Notice of Application Completeness.** Within forty-five (45) days after the Village Clerk-Treasurer, or the Zoning Administrator, receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within fourteen (14) days after the applicant provides all of the required information, the Zoning Administrator or Village Clerk-Treasurer shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
- (2) **Notification of Adjacent Landowners.** Within fourteen (14) days after the Zoning Administrator or Village Clerk-Treasurer notifies an applicant that his/her application is complete, the Zoning Administrator or Village Clerk-Treasurer shall notify adjacent landowners of the application pursuant to the procedures in Section 13-1-85, and this Article, including the public hearing notice requirements below. The Zoning Administrator shall use the approved notice form in ATCP 51, Wis. Adm. Code, and mail a written notice to each property owner situated within three hundred (300) feet of the boundaries of the applicant's property pursuant to the procedures in Section 13-1-85.
- (3) **Public Hearing.** The Village shall schedule a public hearing on the application/notification pursuant to the requirements of Sections 13-1-84 and 13-1-85 before both the Plan Commission and Village Board meetings, or a joint public hearing may be held.

(e) **General Standards.** The general standards to be satisfied for issuance of a conditional use permit are as follows:

- (1) **State Livestock Facility Siting Standards.** The State of Wisconsin livestock facility siting standards prescribed under ATCP, Wis. Adm. Code. These state standards are incorporated herein by reference, without reproducing them in full.
- (2) **Ordinance Setbacks.** Setbacks authorized by this Chapter by applicable zoning district.

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

- (1) **Compliance With Standards.** A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this Section.
- (2) **Basis for Denial.** A conditional use permit application under this Section may be denied if any of the following apply:
 - a. The application, on its face, fails to meet the standard for approval.
 - b. The Village Board finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this Section.
 - c. Other grounds exist authorized by Section 93.90, Wis. Stats., that warrant disapproving the proposed livestock facility.

- (3) **Conditions.** No conditions may be imposed on a conditional use permit under this Section other than standards described and provided in this Section.

(g) **Determination.**

(1) **Plan Commission Advisory Recommendation.**

- a. Following referral of the conditional use permit application under this Section, the Plan Commission may recommend that the Village Board issue a conditional use for livestock uses specified under this Chapter after review and public hearing, provided such uses are in accordance with the purpose and intent of the underlying zoning district, and, more specifically, the standards for such conditional use permits under this Section.
- b. The Plan Commission shall make findings of fact and recommend such actions or conditions relating to the request as the Plan Commission deems necessary to carry out the intent and purpose of this Section.

(2) **Village Board Action.**

- a. Upon receiving the recommendation of the Plan Commission, the Village Board shall place the application and such recommendation(s) on the agenda for a subsequent Village Board meeting. The hearing requirements of Subsection (d)(3) shall be followed.
- b. If, following the recommendations of the Plan Commission, the Village Board finds that specific inconsistencies exist in the review process or significant new facts have now been made available and thus the final determination of the Village Board could differ from the advisory recommendation of the Plan Commission, the Village Board may, before taking final action, refer the matter back to the Plan Commission with the written record or separate statement/report, explaining the specific reason(s) for referral. This referral action shall only be permitted one (1) time with each conditional use permit application under this Section.
- c. At the Village Board's discretion, the Village Board shall have the option to set and hold a public hearing at the next regular Village Board meeting. Such hearing shall be noticed and conducted as prescribed in Sections 13-1-84 and 13-1-85.
- d. The Village Board shall issue its decision in writing, which may be the minutes of the Village Board's meeting. The Village Board's decision shall be based on written findings of fact supported by evidence in the record. In the event that a livestock facility conditional use permit application is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved". The duplicate copy must include worksheets, maps and other documents included in the application.
- e. The Village Board shall grant, deny or conditionally approve a livestock facility conditional use permit application within ninety (90) days after the notice of a complete application is provided as required under Subsection (d) above.

- f. The Village Board may extend this time for good cause, including any of the following:
 - 1. The Village Board needs additional information to act on the application.
 - 2. The applicant materially modifies the application or agrees to an extension.
- g. The Village Board shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Village Board will act on the application.
- (h) **Notice To The State.** As required by ATCP 51.36, Wis. Adm. Code, within thirty (30) days of the Village Board's decision on the application, the Village Clerk-Treasurer shall:
 - (1) **Notice of Decision.** The Village Clerk-Treasurer shall give the Wisconsin Department of Agriculture, Trade and Consumer Protection written notice of the Village Board's decision.
 - (2) **Filing Of Final Application/Worksheets.** The Village Clerk-Treasurer shall file with the Wisconsin Department of Agriculture, Trade and Consumer Protection ("Department") a copy of the final application granted or denied, if the Village has granted or denied an application under this Section. Such copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.
 - (3) **Approval Withdrawal.** If the Village has withdrawn a local animal livestock facility conditional use permit approval under this Section, the Village Clerk-Treasurer shall file with the Department a copy of the Village final notice or order withdrawing the local approval.
- (i) **Permit Expiration.** A conditional use permit under this Section remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under such permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Village Board may treat a conditional use permit under this Section as lapsed and withdraw the permit if the permit holder fails to do all of the following within two (2) years after issuance of the permit:
 - (1) **Animal Populating Requirement.** Begin populating the new or expanded livestock facility; and
 - (2) **Construction Requirement.** Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the conditional use permit application.
- (j) **Permit Modifications.** The operator may make reasonable changes that maintain compliance with the standards in this Section, and the Village Board shall not withhold authorization for those changes.
- (k) **Compliance Monitoring.** The Village of Elk Mound shall monitor compliance with this Section as follows:
 - (1) **Inspections.** Upon notice to the livestock facility owner request the right of the Zoning Administrator or designee to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.

- (2) **Inspection Refusal.** If the livestock facility owner refuses the Zoning Administrator or designee the right to view the permitted facility, the Zoning Administrator or designee may request the assistance of law enforcement authorities to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Section 66.0119, Wis. Stats.
 - (3) **Noncompliance; Time to Correct.** If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Zoning Administrator or designee shall issue a written notice to the livestock facility owner stating the conditions of noncompliance and directing that compliance of the commitments of the approved application and be complied with in a reasonable amount of time stated in the written notice.
 - (4) **Failure to Correct.** If noncompliance of the conditional use permit conditions as described in the written notice given by the Zoning Administrator continue past the stated reasonable time to comply, the Zoning Administrator may take further action as provided in this Section and Zoning Code, including, but not limited to, issuance of a citation or seeking of injunctive relief.
 - (5) **Compliance Disputes; Hearing.** If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing, such request to be in writing to the Village Clerk-Treasurer within five (5) days of receipt of the notice of noncompliance. Upon receipt of such written hearing request, the Village Board shall schedule a hearing within five (5) days to determine if the conditions of the permit have been complied with or whether noncompliance of the commitments of the approved application and local approval exists.
- (1) **Terms of the Permit; Violations.**
- (1) **Compliance With Permit Standards.** A livestock facilities conditional use permit, and the privileges granted by such a permit under this Section, is conditioned on the livestock operator's compliance with the standards in this Section, and with the commitments made in the application for a permit.
 - (2) **Violations; Penalties.**
 - a. The Village of Elk Mound is authorized to suspend a livestock facilities conditional use permit or seek other redress in this Section and Zoning Code for noncompliance, including, but not limited to, penalties under Section 13-1-225 of this Chapter and permit revocation or suspension, forfeiture and/or injunctive relief. In considering permit suspension or revocation, the Village Board shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.
 - b. In addition to any penalties herein, the cost of abatement of any public nuisance on the permitted facility by the Village may be collected under this Section or

Section 823.06, Wis. Stats., against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Section 66.0627, Wis. Stats., unless paid earlier.

(m) **Transferability.**

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

(n) **Appeals.**

- (1) **Appeals Under This Chapter.** Appeals to this Section shall be taken pursuant to Article N of this Chapter.
- (2) **Appeals To State Livestock Facility Siting Board.**
 - a. In addition to other appeal rights provided by law and this Chapter, Section 93.90(5), Wis. Stats., provides that any aggrieved person may request review by the Livestock Facility Siting Review Board of any decision by the Village in connection with a permit application.
 - b. An aggrieved person may challenge the decision on the grounds that the Village incorrectly applied the standards under this Section or violated Section 93.30, Wis. Stats.
 - c. An "aggrieved person" under this Section as defined in Section 93.90(5), Wis. Stats., means a person who applied to a political subdivision, i.e. Village, for approval of a livestock siting or expansion, a person who lives within two (2) miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within two (2) miles of a livestock facility that is proposed to be sited or expanded.
 - d. Any appeal to the State Livestock Facility Siting Review Board brought under this Subsection shall be requested within thirty (30) days of the Village Board approval or disapproval or within thirty (30) days after the decision on appeal before the Zoning Board of Appeals.

Sec. 13-1-96 Appeals Regarding Conditional Use Decisions.

Any action of the Village Board in granting or denying a conditional use permit application may be appealed to the Zoning Board of Appeals. In the alternative, any action of the Village Board

in denying a conditional use permit application may be appealed directly to circuit court per Sec. 62.23(7)(e)10., Wis. Stats., without prior review by the Zoning Board of Appeals. In the case of appeals to the Zoning Board of Appeals, a written request shall be made within ten (10) days after the date of the Village Board's action granting or denying the permit. Such request for appeal to the Zoning Board of Appeals shall be filed and reviewed pursuant to the procedures in Article N of this Chapter.

Sec. 13-1-97 Comprehensive Plan Consistency Requirements and Conditional Use Permits.

Pursuant to Sec. 66.1001(2m)(b), a conditional use permit that may be issued by the Village of Elk Mound does not need to be consistent with the Village Comprehensive Plan.

State Law Reference: Sec. 66.1001(2m)(b), Wis. Stats.

Sec. 13-1-98 through Sec. 13-1-99 Reserved for Future Use.

Article F: Nonconforming Uses, Structures and Lots

Sec. 13-1-100 Intent – Nonconforming Uses, Lots and Structures.

(a) **Intent; Interpretation.**

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

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

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

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

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

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

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

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

Sec. 13-1-101 Article Definitions.

In addition to the definitions contained in Section 13-1-300(a) of this Chapter, the following definitions shall be applicable in Article; in the event of conflict, the more specific definition shall be applicable:

- (a) **Assessed Value (Lot).** The full market value placed upon the lot by the Village Assessor as of the date that the nonconformity came into being. Such valuation by the Assessor shall be prima facie evidence of an assessed value of the lot.
- (b) **Nonconforming Lot.** [See definition in Sec. 13-1-300(a)].
- (c) **Nonconforming Structure.** [See definition in Sec. 13-1-300(a)].
- (d) **Nonconforming Use.** [See definition in Sec. 13-1-300(a)].

Sec. 13-1-102 Existing Nonconforming Structures.

- (a) **Continuation of Nonconforming Structures.**
 - (1) The use of a structure existing on the date that the nonconformity came into being may be continued although the structure's size or location does not conform with the development regulations, parking, loading, or access provisions of this Chapter.
 - (2) Any lawful nonconforming structure may be extended, enlarged, reconstructed, or structurally altered, provided that said extension, enlargement, reconstruction, movement or alteration complies with the setback and building requirements of the specific zoning district. However, the nonconforming feature of said structure shall not be allowed to become more nonconforming by being extended, enlarged, reconstructed, moved, or structurally altered except under one (1) or more of the following fact situations:
 - a. As when required to do so by law, or order.
 - b. To comply with the provisions of this Chapter.

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

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the damage occurred if the landowner can establish that the damage was not due to deliberate act by the landowner or his/her agent, or due to general deterioration or dilapidated condition.

- (g) **Relocation of Nonconforming Structures.** A nonconforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the zoning district in which it is located.

Sec. 13-1-103 Existing Nonconforming Uses.

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

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

Sec. 13-1-104 Changes and Substitutions.

Once a nonconforming use or structure has been changed or altered so as to comply with the pertinent district provisions of this Chapter, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more or equally restrictive nonconforming use for an existing nonconforming use pursuant to the provisions of Article N, the existing use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals and pertinent zoning district.

Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 13-1-105 Floodplain and Shoreland-Wetland Nonconforming Uses and Structures.

- (a) **Nonconformities in Floodplain Zoning Areas.** Nonconformities in Floodplain Zoning areas shall be governed by the provisions of the Village of Elk Mound Code of Ordinances regulating floodplain zoning (if adopted by the Elk Mound), and pertinent sections of the Wisconsin Statutes and Wisconsin Administrative Code.
- (b) **Nonconformities in Shoreland-Wetland Zoning Areas.** Nonconformities in Shoreland-Wetland Zoning areas shall be governed by the provisions of the Village of Elk Mound Code of Ordinances regulating shoreland-wetland zoning (if adopted by the Village), and pertinent sections of the Wisconsin Statutes and Wisconsin Administrative Code.

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

Sec. 13-1-106 Nonconforming Performance Standards.

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

Sec. 13-1-107 Substandard Lots.

- (a) **Definition.** Per Sec. 66.10015(1)(e), Wis. Stats., a "substandard lot" is a legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements."
- (b) **Prohibited Actions Regarding Substandard Lots.**
 - (1) **Conveyance of Substandard Lots Permitted.** Notwithstanding any other law or rule, or any action or proceeding under common law, the Village of Elk Mound, and its subunits and officials, may not enact or enforce an ordinance or take any other action that prohibits a property owner from conveying an ownership interest in a substandard lot.
 - (2) **Development of Substandard Lots.** A substandard lot may be used as a building site if:
 - a. The lot does not have structures placed partly upon an adjacent lot; and
 - b. The lot is developed to comply with all other Village ordinances.

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- (c) **Prohibited Lot Merger Requirement.** Notwithstanding the authority granted under Secs. 61.35 and 62.23, Wis. Stats., the Village may not enact or enforce an ordinance or take any other action that requires one (1) or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

State Law Reference: Sec. 66.10015, Wis. Stats.

Sec. 13-1-108 Replacement of Pre-Existing Mobile Homes.

Replacement of pre-existing nonconforming mobile homes may be allowed only in residential districts and shall be subject to the following provisions:

- (a) The pre-existing nonconforming mobile home may be replaced only if it is occupied as a residence at the time of original passage of this Chapter. Replacement of vacated pre-existing nonconforming mobile homes shall not be permitted.
- (b) All lot sizes, setbacks, and dimensional standards for residential district zoning shall be met.
- (c) The replacement mobile home shall:
- (1) Not be more than two (2) years old, not have a value of less than Fifteen Thousand Dollars (\$15,000.00), excluding furnishings;
 - (2) Be at least fourteen (14') feet by sixty (60') feet in size;
 - (3) Have a shingled, pitched roof;
 - (4) Have non-metallic siding;
 - (5) Have wheels removed and be placed on pier footings forty-eight (48") inches; and
 - (6) Be anchored and skirted.

Sec. 13-1-109 through Sec. 13-1-119 Reserved for Future Use.

Article G: Traffic Visibility, Loading, Parking and Access

Sec. 13-1-120 Traffic Visibility Triangle.

(a) **Vision Setback at Intersections of Public Streets.**

- (1) Where two (2) public streets intersect at grade level, the intersection shall be daylighted by excluding all buildings, structures and other obstructions to view; including shrubbery and trees (except highway and street signs) from the triangles adjacent to the intersection described as follows:

Bounded on two (2) sides by the near boundaries of the intersecting streets and on the third side by a line drawn so as to intersect the street boundaries at points thirty-five (35) feet distant from the point of intersection of the street boundaries at the corner.

- (2) In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the vision clearance triangle from one street or road to another, the intent being to provide for the public safety; but it shall not necessarily be construed to mean that every tree in the vision clearance triangle must be removed.

- (b) **Exception.** In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 13-1-121 Loading Requirements.

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

Uses	Square Feet of Gross Floor Area	Required Off-Street Loading Spaces
Schools		1
Clinics, places of assembly	Under 10,000	1
	From 10,000 - 30,000	1
	For each additional 30,000 or major fraction thereof	1 Additional

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Funeral home		1
Office, hotel,	Under 10,000	1
retail, service,	From 10,000 - 25,000	1
wholesale, ware-	From 25,001 - 40,000	2
house, manufac-	From 40,001 - 60,000	3
turing, processing	From 60,001 - 100,000	4
or repairing uses	For each additional 50,000 or major fraction thereof	1 Additional

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) **Location.** All loading areas shall be off-street and shall be located on the same lot as the building or use to be served. A loading area shall not be located less than twenty-five (25) feet from any street right of way; nor less than fifty (50) feet from a residential district unless within a building. Loading areas shall not occupy more than one-half (1/2) the required front yard setback. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty-five (45) feet, and a vertical clearance of at least fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.
- (e) **Surfacing.** All open off-street loading berths shall be improved with a compacted gravel base, not less than six (6) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (g) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)

- (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
- (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.
- (h) **Unlawful Truck Use.** No more than four (4) trucks or semi-trailers, or part thereof, in the B-2, B-4, or I-1 Districts shall be used for the purpose of regular storage of goods or material, or for advertising purposes within the Village of Elk Mound. Use for a period in excess of two (2) weeks for the purpose of storage or advertising shall, for the purpose of construction of this Zoning Code, be deemed a regular use in violation of this Chapter.

Sec. 13-1-122 Parking Requirements.

The off-street parking provisions of this Chapter shall apply to all buildings and structures erected after the effective date of this Chapter, accessory parking shall be according to the provisions of this Article; where an intensity of the use of any building structure or premises shall be increased, additional parking to match the increased intensity of use shall be provided; or wherever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use. All new nonresidential parking lots and all alterations of existing lots shall be subject to the approval of the Zoning Administrator. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (b) **Design Standards.** Each parking space shall not be less than one hundred sixty-two (162) square feet in area, eighteen (18) feet in length and nine (9) feet in width, exclusive of aisles and access drives. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (c) **Location.**
 - (1) All parking spaces required herein shall be located on the same lot with the building or use served, or may be located not to exceed five hundred (500) feet from the principal use.

- (2) Off-street parking is permitted in all yards of all districts except in the nondriveway front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a nonresidential side lot line or rear lot line or closer than fifteen (15) feet to a right-of-way. No parking space or driveway, except in residential districts, shall be closer than fifteen (15) feet to a residential district lot line. Off-street parking in residential areas shall comply with Section 13-1-124.
 - (3) Off-street parking in the single-family and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Sections 6-3-1 and 6-3-2 of this Code of Ordinances.
- (d) **Surfacing.** All new off-street parking areas, except parking spaces accessory to a single-family or two (2) family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds (normally, a two [2] inch lift of blacktop on a four [4] inch base or five [5] inches of Portland cement will meet this requirement). Any parking area for more than twelve (12) vehicles shall have the aisles and spaces clearly marked. Compacted stone or gravel may be used only with the approval of the Village Board. All parking lots three thousand (3,000) square feet or larger shall be internally drained with catch basins connected to a municipal storm sewer.
- (e) **Landscaping.**
- (1) **Accessory Landscape Area.** All public and private off-street parking areas which serve four (4) vehicles or more, are located within five (5) feet of any lot line or public right-of-way and are created subsequent to the adoption of this Code are recommended to be provided with accessory landscape areas totaling not less than ten percent (10%) of the surfaced area.
 - (2) **Location.** Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator.
 - (3) **Plans.** All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
 - (4) **Special Residential Requirements.** Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of four (4) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be two (2) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.
 - (5) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.

- (6) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from adjacent properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line.
- (7) **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area; the Village Board may grant an exception to this green area requirement in instances where it is not feasible to have such an open green space.
- (f) **Curbs or Barriers.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- (g) **Number of Stalls.** Number of parking stalls required with new projects are shown in the following table:

Use	Minimum Parking Required
Single-family dwellings, duplexes, one bedroom apartments or efficiencies and mobile homes	2 stalls for each dwelling unit
Multi-family dwellings (2 bedrooms or more)	Minimum of 2 stalls for each dwelling unit; 2 or more bedrooms, 1 stall per bedroom
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room, plus 1 stall for each 3 employees
Hospitals, clubs, lodges, lodging and boardinghouses	1 stall for each 2 beds, plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds, plus 1 stall for each 3 employees
Medical and dental clinics	8 stalls for each practitioner on the staff

Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 5 seats
Secondary and elementary schools	1 stall for each employee, plus 1 stall for each 5 students of 16 years of age or more.
Restaurants, bars, places of entertainment and clubs	1 stall for each 150 sq. ft. of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall for each 3 employees, plus sufficient stalls to accommodate all trucks and other vehicles used in connection with the business
Financial institutions; governmental and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 5 seats
Bowling centers	3 stalls for each lane
Bed and breakfast establishments	1 off-street stall for each guest room
Retail stores and repair service shops	1 stall for each 150 square feet of floor area
Shopping centers	1 stall for each 100 square feet of floor area

- (h) **Employee Parking.** In addition to the requirements in Subsection (g), in all districts except industrial there shall be employee off-street parking provided at the ratio of one off-street parking space for each full-time employee. A full-time employee shall be one working forty (40) hours per week. Required parking spaces for part-time employees shall be arrived at by finding the equivalent hours of number of parking spaces needed for full-time employees based on hours worked. The number of employee parking spaces shall be based on employment at the time the building is erected, enlarged, structurally altered or changed to a higher classification use.
- (i) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply, as determined by the Plan Commission.
- (j) **Computing Requirements.** In computing the number of spaces required, the following rules shall govern:

- (1) Floor space shall mean the gross floor area of the specific use.
 - (2) For structures containing more than one (1) use, the required number of spaces shall be computed by adding the space required for each use.
 - (3) Where parking spaces are calculated according to the use of the parcel.
- (k) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:
- (1) The proposed joint parking space is within four hundred (400) feet of the use it will serve.
 - (2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
 - (3) A properly drawn legal instrument approved by the Village Board, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the Village Clerk-Treasurer. Said instrument may be a three (3) party agreement, including the Village and all private parties involved. Such instrument shall first be approved by the Village Attorney.
- (l) **Handicapped Parking Requirements.**
- (1) **State Code Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed. In case of conflict, the most restrictive provision shall be applicable.
- (m) **Americans With Disabilities Act (ADA) Requirements for Parking Spaces.**
- (1) **Accessible Parking Space Requirements.**
 - a. In any self-park facility, a certain number of spaces must be set aside for wheelchair access as summarized in the following table:

Total Spaces	Minimum Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total

1001 & over

20 plus 1 per 100
over 1000 spaces

- b. Exceptions:
 - 1. Outpatient units at medical care facilities — 10% of total spaces for that facility.
 - 2. Medical care facilities specifically for treatment of the mobility impaired — 20% of the total spaces for that unit.
- (2) **Accessible Parking Space Dimensions.**
 - a. Standard Accessible Spaces. Accessible spaces shall consist of a sixteen (16) foot wide parking stall adjacent to an eight (8) foot wide access aisle.
 - b. Vertical Clearance. Along at least one (1) aisle to and from each accessible space, a minimum clearance of eight feet two inches (8'2") [ninety-eight inches (98) inches] is required.
- (3) **Location of Accessible Spaces.**
 - a. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel to an accessible entrance.
 - b. Accessible parking spaces need not be provided in each parking structure provided the different location has equivalent or greater accessibility in terms of distance from an accessible entrance.
- (4) **Accessible Route.**
 - a. At least one (1) accessible route with a continuous minimum clearance of thirty-six (36) inches must be provided from accessible parking spaces to the nearest accessible pedestrian entrance.
 - b. If an accessible route has less than sixty (60) inches clear width then passing spaces at least sixty (60) inches by sixty (60) inches must be located at reasonable intervals not to exceed every two hundred (200) feet.
 - c. The floor slope along an accessible route shall not exceed one in twelve (1:12) with a maximum rise of thirty (30) inches for any run.
 - d. A level landing shall be provided at the bottom of each ramp and top of each ramp run. The width of the landing shall be at least as wide as the ramp run and at least sixty (60) inches long. At changes in direction a sixty (60) inch by sixty (60) inch landing shall be provided.
 - e. The cross slope of ramps shall not exceed one in fifty (1:50).
 - f. The floor slope at loading zones shall not exceed one in fifty (1:50).
 - g. It is preferable to provide the accessible route at the front of the stalls. Also, the accessible route shall avoid crossing lanes of vehicular travel. When crossing vehicular travel lanes is necessary, the route of travel shall be designated and marked by a crosswalk.
- (n) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of twenty-five percent (25%) or more in the

number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.

(o) **Off-Lot Parking.**

- (1) Required off-street parking spaces shall be located on the same lot with the principal use, or such parking spaces may be located off-lot provided the parking spaces are located in the same district and not over four hundred (400) feet from the principal use. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are necessary or in the possession of the controller of the principal use to which the parking facilities are accessory. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the Office of the County Register of Deeds requiring such owner, his/her heirs or assigns to maintain the required facilities for the duration of the use served.
 - (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within four hundred (400) feet of the entrance of the establishment.
 - (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
 - (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.
- (p) **Signs.** Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this Chapter.
- (q) **Reduction of Parking Areas.** Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

Sec. 13-1-123 Highway Access.

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

- entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.
- (b) **Access Barriers.** Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
 - (c) **Temporary Access.** Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

Sec. 13-1-124 Off-Street Parking Restrictions in Residential Areas.

- (a) **Where Permitted.** Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:
 - (1) A rear yard.
 - (2) A side yard not adjoining a street.
 - (3) A front yard, but only on one (1) paved or graveled driveway not exceeding twenty-four (24) feet in width and for not more than three (3) vehicles parked not nearer than five (5) feet to a front property line or three (3) feet to a side lot line.
- (b) **Additional Permitted Areas.** Regardless of the provisions of Subsection (a) above, the Village Board may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the Village Board, is substantially improved thereby, as compared to where off-street parking is limited by Subsection (a) above, and where sole access from such development is to local and collector streets. In this Subsection, "substantially improved" means a substantial increase in the value of the property. Such permission shall be granted only after a conditional use proceeding under Article E of this Code of Ordinances. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences unless sufficient and suitable screening is provided so as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.
- (c) **Vehicle Limitations.**
 - (1) In a residential district, accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees and not more than two (2) trucks limited to one (1) ton capacity.
 - (2) Only two (2) vehicles licensed as trucks may be parked on a residential lot. Such vehicles are limited in size to a maximum of one (1) ton capacity.
 - (3) All vehicles parked on a residential lot shall be in condition for safe and effective performance of the function for which they are designed.
 - (4) All motor vehicles parked on a residential lot shall display current license plates.

Sec. 13-1-125 Storage and Parking of Recreational Vehicles.

- (a) **Definitions — Recreational Vehicles.** For purposes of this Section, the following definitions shall apply:
- (1) **Recreational Vehicle.** Recreational vehicle means any of the following:
 - a. **Travel trailer.** A vehicular, portable structure built on a chassis and on wheels; that is, between ten (10) and thirty-six (36) feet long, including the hitch, and eight and one-half (8.5) feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
 - b. **Pick-up Coach.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
 - c. **Motor Home.** A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
 - d. **Camping Trailer.** A canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
 - e. **Chassis Mounts, Motor Homes and Mini-Motor Homes.** Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom.
 - f. **Converted and Chopped Van.** Recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
 - (2) **Boat or Snowmobile Trailer.** A vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an unmounted boat or snowmobile.
 - (3) **Boat.** Every description of watercraft used or capable of being used as a means of transportation on water.
 - (4) **Yard, Front.** That part of a lot between the front lot line and the front(s) of the principal building on the lot, and extended to both side lot lines.
 - (5) **Yard, Rear.** That part of a lot between the rear lot line and the back(s) of the principal building on the lot, and extended to both side lot lines.
 - (6) **Yard, Side.** That part of a lot not surrounded by building and not in the front or rear yard.
- (b) **Permitted Parking or Storage of Recreational Vehicles.** In all residential and commercial districts provided for in this Zoning Code, it is permissible to park and store a recreational vehicle or boat and boat trailer on private property in the following manner:
- (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
 - (2) Parking is permitted outside in the side yard provided it is not nearer than five (5) feet to the lot line.

- (3) Parking is permitted outside on a hard-surfaced or well-drained gravel driveway, provided:
 - a. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard.
 - b. A corner lot is always deemed to have reasonable access to the rear yard.
 - c. A fence is not necessarily deemed to prevent reasonable access.
 - d. Inside parking is not possible.
 - e. The unit is parked perpendicular to the front curb.
- (4) The body of the recreational vehicle or boat must be at least fifteen (15) feet from the face of any curb or the public right-of-way.
- (5) No part of the unit may extend over the public sidewalk or public right-of-way.
- (6) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - a. Used for dwelling purposes, except for overnight sleeping for a maximum of ten (10) days in any one calendar year. Cooking is not permitted at any time.
 - b. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (7) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (8) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

State Law Reference: Sec. 30.50, Wis. Stats., and HSS 177 and 178, Wis. Adm. Code.

Sec. 13-1-126 Storage of Tractors and Road Machinery.

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

Sec. 13-1-127 through Sec. 13-1-139 Reserved for Future Use.

Article H: Signs, Canopies, Awnings and Billboards

Sec. 13-1-140 Purpose of Sign, Canopy and Awning Regulations.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every tenant and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Elk Mound; painting, posting and general maintenance are excepted.

Sec. 13-1-141 Signs, Canopies, Awnings and Billboards— Definitions.

- (a) The following definitions are used in this Article (Note: Not all types of signs defined herein are permitted under this Article):
- (1) **Abandoned Sign.** A sign which no longer correctly advertises a bona fide business, owner, landlord/tenant, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.
 - (2) **Animated Sign.** Any sign or part of a sign which changes physical position by movement or rotation, or gives the illusion of such change of physical position.
 - (3) **Area of Copy.** The entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement, or decoration.
 - (4) **Area of Sign.** The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines.
 - (5) **Awning.** A movable hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure. For purposes of this Article, an "awning sign" is any awning. Decorative awnings without lettering or imagery are not considered signs.
 - (6) **Banner.** A banner sign is generally constructed of a flexible non-rigid material (i.e. canvas, cloth, plastic, etc.) upon which goods, events or advertising has been placed, mounted to a pole or a building by a permanent frame at one or more edges. National

flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

- (7) **Billboard.** A flat surface, as of a panel, wall or fence on which signs are posted advertising goods, products, facilities, or services not necessarily on the premises vv where the sign is located or directs persons to a different location from where the sign is located.
- (8) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (9) **Building Front.** The horizontal, linear dimension of that side of a building which faces a street, a parking area, a mall, or other circulation area open to the general public; and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts a building side with an entrance open to industrial employees also shall qualify as a building front.)
- (10) **Bulletin Board.** A sign used for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.
- (11) **Canopy.** Any structure of canvas, other fabric, plastic, metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as an awning.
- (12) **Canopy Sign.** Any sign attached to or constructed in, on or under a canopy for the purpose of this Article, canopy signs shall be controlled by the rules governing projecting signs.
- (13) **Changeable Message Sign.** A sign such as a manual, electronic or electric controlled time and temperature sign message center, or reader board, whether electronic or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.
- (14) **Copy Area.** The geometric area in square feet that encloses the actual copy message of the sign.
- (15) **Directional Sign.** Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot and does not contain any advertising copy.
- (16) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (17) **Directory Sign.** Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (18) **Display Surface or Face.** The display surface is the area made available by the sign structure for the purpose of displaying the advertising message, or which is intended to draw attention to the advertising message.

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- (19) **Distance of Sign Projection.** The distance from the exterior wall surface of the building to the outer extremity of a sign attached to a building.
 - (20) **Electric Sign.** Any sign containing internal electrical wiring which is attached, or intended to be attached, to an electrical energy source.
 - (21) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
 - (22) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
 - (23) **Flat Sign/Flush Mounted.** See definition for "Wall Signs."
 - (24) **Freestanding (Ground and/or Pylon Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
 - (25) **Grade.** The elevation or level of the sidewalk closest to the sign to which reference is made. If no sidewalk is present, then grade shall be defined as the elevation or level of the street at the same point, measured at the street's centerline.
 - (26) **Gross Area.** The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for Area of Copy apply.
 - (27) **Ground Sign.** A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building. Also known as a "freestanding sign."
 - (28) **Height of Sign.** The vertical distance measured from the mean centerline street grade to the highest point of the sign. If sign and sidewalk are not in essentially parallel planes, then measured vertically at the horizontal midpoint of the sign.
 - (29) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
 - (30) **Illuminated Awning.** An internally illuminated awning fabricated from a translucent material, or one which is backlighted as to appear to illuminate the awning sign. An illuminated awning may be used for an awning sign when other requirements are met.
 - (31) **Illuminated Canopy.** An internally illuminated canopy, or one which is backlighted as to appear to illuminate the canopy sign.
 - (32) **Illuminated Sign.** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
 - (33) **Indirectly Illuminated Sign.** A sign that is illuminated from a source outside of the actual sign.
 - (34) **Joint Identification Sign.** A sign which serves a common or collective identification for two (2) or more businesses or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof.

- (35) **Legal Non-Conforming Sign.** Any sign which was already in existence and displayed on the effective date of this Article, which met code requirements when originally installed, but not meeting the requirements and limitations of this Article.
- (36) **Marquee.** A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (37) **Marquee Sign.** Any sign attached to or constructed in a marquee.
- (38) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Article.
- (39) **Off-Premises Third Party Sign.** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.
- (40) **On-Premises Sign.** A sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained.
- (41) **Painted Wall Signs.** Signs painted directly onto a building wall.
- (42) **Political Sign.** Any sign displaying a candidate for an election, or a current referendum's or election's subject matter.
- (43) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground or a building which is designed to be easily moved from one location to another.
- (44) **Projecting Sign.** A sign other than a wall sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way. (See "Wall Sign".)
- (45) **Pylon Sign.** Any freestanding sign mounted on a pole or other pylon. Also called a "pole sign."
- (46) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (47) **Roof Line.** The highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment.
- (48) **Roof Sign.** A sign erected upon or above the roof line or parapet of the building or structure.
- (49) **Sandwich Sign.** A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near the roadway.
- (50) **Sign.** Any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.
- (51) **Sign Contractor.** Any person, partnership or corporation engaged in whole or in part, in the business of erection or maintenance of signs, excluding the business which the sign advertises.

- (52) **Sign Inspector.** That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this Article. In the Village of Elk Mound, the Sign Inspector will be the Zoning Administrator or Building Inspector.
- (53) **Sign Permit.** A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion or demolition of any sign, issued pursuant to this Article and the Building Code of the Village of Elk Mound.
- (54) **Sign Structure.** Any supports, uprights, braces and framework of the sign which does not include any portion of the sign message.
- (55) **Subdivision Identification Sign.** A sign identifying a subdivision wherein only the name of the subdivision is specified.
- (56) **Swinging Sign.** A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole to limit or prevent free swinging.
- (57) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed thirty (30) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed thirty-two (32) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Article, a portable sign is not a temporary sign.
- (58) **Time and Temperature Sign.** An electrically controlled sign displaying time and temperature for public service information and may be incorporated into a business identification sign.
- (59) **Third Party Sign.** Any sign which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the lot on which said sign is located.
- (60) **Wall Sign.** Any sign attached parallel to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.
- (61) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way. For purposes of this Article a window sign shall not include any sign permanently attached in the window or directly painted on the glass.

Sec. 13-1-142 Required Permits for Signs, Canopies, Awnings and Billboards.

(a) Permit Required; Payment of Sign Permit Fee.

- (1) Except those specified in Section 13-1-143, no sign, billboard, awning or canopy, as defined in this Article, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without

being in conformity with the provisions of this Article. A sign permit is not required for a change of sign copy when no change in business name is involved.

- (2) Signs also shall meet all other structural requirements of other applicable codes and ordinances of the Village of Elk Mound including, as necessary and without limitation by enumeration, building permit and inspection requirements, site plan approval requirements and all applicable yard setback requirements. If the sign will affect the structural strength of a building, is large enough to require structural supports and bracing, or is to have electrical wiring, a building permit from the Building Inspector shall also be required.
 - (3) Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.
 - (4) The required sign permit fee shall accompany each sign application and shall be required for all new signs and any modifications of any existing sign face or sign structure. A fee shall not be charged for putting an existing sign in conformity with this Article, or for a copy change when no change in business name is involved.
 - (5) Any sign permit granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.
- (b) **Application for a Sign Permit.** Any person, firm, corporation or organization desiring to place, erect, alter or relocate a sign, as herein defined, except an exempt sign, shall make application to the Zoning Administrator and shall provide in writing the following information:
- (1) The name, address, telephone number (land line, cellphone and fax), and email address of the applicant.
 - (2) The name, address, telephone number (land line, cellphone and fax), and email address of the owner or owners of the premises upon which the sign is to be attached or erected, including written proof of consent from the property owner upon which the sign(s) are to be erected and maintained.
 - (3) The name, address, telephone number (land line, cellphone and fax), and email address of the owner of the sign if he/she is neither the applicant nor the owner of the premises on which the sign is to be attached or erected.
 - (4) The street number and street name or tax parcel number of the land upon which the sign is to be attached or erected.
 - (5) A legible scaled drawing with description and dimensions of the sign(s) to be erected or maintained under that permit and the sign's proposed location on the building or site.
 - (6) The basic materials to be used in the construction of the sign.
 - (7) A description of all electrical equipment if the sign is to be lighted or illuminated.
 - (8) Information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; and distance from lot lines.

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- (9) Proof of payment of the appropriate sign permit fee, when required.
 - (10) Any other item of information that may be reasonably required by the Zoning Administrator or other Village officials for the purpose of application evaluation.
- (c) **Application Review.**
- (1) If the application is complete and the sign conforms to the basic requirements of this Article, the Zoning Administrator may issue a permit.
 - (2) The Zoning Administrator shall review all applications within thirty (30) days of submittal. The Zoning Administrator shall review the applications and apply the established Sign Design Review Guidelines prescribed in Subsections (d) and (e).
- (d) **Basis for Granting.** In reviewing a sign permit application, the Zoning Administrator may consider the following factors in deciding whether or not to grant the issuance of a sign permit [see also Subsection (e) below]:
- (1) Whether the sign is designed, installed, and maintained to promote the surrounding environment desired by the general public, pursuant to the objectives of proper design and zoning criteria.
 - (2) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.
 - (3) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used.
 - (4) Whether the sign, including size, height, illumination and location, is respectful of reasonable rights of other advertisers whose messages are displayed in the area.
 - (5) Whether the sign is in compliance with the provisions of this Article.
 - (6) Whether the sign is in compliance with the provisions of this Code of Ordinances relating to traffic safety, traffic visibility setbacks, historic preservation and zoning.
- (e) **Sign Design Review Guidelines.** In addition to the criteria established in Subsection (d) above, the following Sign Review Guidelines shall be used by the Village Board in acting on sign permit applications and by the Zoning Board of Appeals in acting on appeals or variance requests:
- (1) Any signage affixed to a building should be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
 - (2) All signs should be designed to fit the zoning and status character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in special planning areas, such as the downtown, or historic preservation areas, will be required to conform to the planned dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a residential nuisance.
 - (3) As a general guidelines and where feasible, ground mounted, free standing signs larger than six (6) square feet shall be located at least one hundred (100) feet apart.
 - (4) Signs illuminated by floodlight or spotlights must be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the

eyes of motorists or pedestrians, and may not exceed three (3) footcandles at the lot line.

- (5) As a general guideline, the number of colors and materials should be kept to a minimum.
 - (6) Landscape features will be encouraged as part of all ground mounted signs. Landscape plantings or other landscape materials will not be counted as part of the allowable signage area.
- (f) **Permit Issuance/Denial.**
- (1) All sign permit applications shall be reviewed by the Zoning Administrator who shall deny or grant such applications or refer the application to the Village Board, within ten (10) business days of receipt of the complete application and payment of fee. If the sign meets the requirements of this Article and all other ordinances of the Village of Elk Mound, the Zoning Administrator shall issue a permit therefor.
 - (2) If the sign permit is denied by the Zoning Administrator, within five (5) days, a written notice of the denial shall be provided to the applicant, together with a brief written statement of the reasons for the denial.
 - (3) No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
- (g) **Appeal of Denial of Sign Permit.**
- (1) Any decision of the Zoning Administrator under this Article may be appealed to the Zoning Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within thirty (30) days of the date of permit denial.
 - (2) A majority vote of the Zoning Board of Appeals is required to modify the earlier determination of the Zoning Administrator.
- (h) **Permit Revocation; Appeal.**
- (1) A sign permit may be revoked by the Zoning Administrator in the event that the applicant has failed to comply with the provisions of these regulations or any conditions that may have accompanied the permit at the time of granting.
 - (2) The holder of a revoked sign permit may appeal such revocation action to the Zoning Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within thirty (30) days of the date of the original permit revocation.
 - (3) Upon any permit revocation or failure to prevail before the Zoning Board of Appeals, the sign(s) subject to such revoked permits shall be removed by the licensee within thirty (30) days of such revocation.
 - (4) Revocation shall not give cause to a right of total or partial reimbursement of license fees paid.
- (i) **Standards for Zoning Board of Appeals in Reviewing Appeals.** The Zoning Board of Appeals may authorize upon appeal, in specific cases, issuance of a sign permit when such

decision will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Article will result in unnecessary hardship and so that the spirit of this Article shall be observed and substantial justice done. No Zoning Board of Appeals's appellate decision shall have the effect of allowing in any district uses prohibited in that district or permit standards significantly lower than those required by state law or this Article.

- (j) **Stay of Proceedings During Appeals.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.
- (k) **Signs in Historic Districts.** In addition to these sign regulations, all signs within any historic district shall be subject to the provisions of the Village's Historic Preservation Code.
- (l) **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of One Hundred Thousand Dollars (\$100,000.00) for bodily injury and Two Hundred Thousand Dollars (\$200,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof in insurance shall be presented to the Zoning Administrator before the sign permit is granted.
- (m) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who may inspect the premises to inspect whether the sign complies with the regulations of this Article.
- (n) **Permit Validity.** Any sign permit issued by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within one hundred eighty (180) days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of ninety (90) days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

Cross-Reference: Section 13-1-263, Variances.

Sec. 13-1-143 Signs Not Requiring a Permit.

The following signs may be erected and maintained in all zoning districts, provided the sign is not located over a public water or right-of-way, except where noted, without a permit and without being deducted from gross sign surface area permitted.

- (a) **Bulletin Boards.** One bulletin board per premises per street frontage, and not over thirty-two (32) square feet in area, for public, charitable or religious institutions located on site.
- (b) **Government Signs.** Government signs for control of traffic, parking and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty. This includes legal notices, identification or directional signs erected by governmental bodies. Included within this definition are off-premises institutional signs.
- (c) **Interior Signs.** Signs located within the interior of any building or structure which are not visible from the public right-of-way.
- (d) **Memorial Signs.** Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or inlaid so as to be part of the building.
- (e) **Occupant Signs.** Signs limited in content to name of occupant and address of premises. Occupant signs shall be a maximum of one (1) per street front and no more than (4) square feet in sign area.
- (f) **Governmental Notices.** Official governmental notices and notices posted by governmental officers in the performance of their duties; informational notices; or for other informational or regulatory purposes, to identify streets or to warn of danger.
- (g) **Temporary Construction Safety Signs.** Temporary or permanent signs erected by public utility companies or construction companies to warn of dangerous or hazardous conditions.
- (h) **Traffic and Service Signs on Private Premises.** Traffic and parking signs and devices privately-owned and on private premises, and containing messages such as "exit only", "restricted for _____", and the like, the sole purpose of which is to direct and control traffic on the premises and which does not exceed ten (10) feet above the curb line, nor contain more than twelve (12) square feet per face. Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without permit under this exception.
- (i) **Signs Required by Law.** Signs required by law, statute or ordinance, constructed and maintained according to the law, statute or ordinance under which the sign was erected.
- (j) **Real Estate Signs.** One (1) "For Sale" or "For Rent" sign per street frontage may be placed on the offered property and shall not be more than eight (8) square feet in size for residential property and not more than thirty-two (32) square feet in area for non-residential property. No such sign shall be closer than twelve (12) feet to a lot line. The sign may only advertise the sale, rental or lease of the premises upon which it is located and contain the name and/or logo of the real estate company, or individuals and their respective addresses and telephone numbers, posting the sign. No such sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower, when attached to a building; detached or freestanding signs shall not be more than four (4) feet in height, measured from the soil grade to the top of the sign post. Such signs shall be removed within thirty (30) days after sale, rental or lease of the property.

- (k) **Signs in Display Windows.** Signs in the display window of a business which relate to services or products offered therein. This display sign exception is only permitted for properties in the following zoning districts: B-1 General Commercial District and B-2 Highway Commercial District. The window sign must direct attention to a business or profession conducted on the premises or to a product, service or entertainment sold or offered on said premises. Window signs shall be placed only on the inside of commercial buildings and shall not exceed thirty-five percent (35%) of the glass area of the pane upon which the sign is displayed.
- (l) **On-Premises Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historical agencies.
- (m) **On-Premises Temporary and Portable Signs in Residential Districts.** Temporary or portable signs under twenty (20) square feet for the purpose of an on-site open house, model home demonstration, special event such as a birthday or anniversary, and for five (5) days thereafter, but may not exceed a total period of thirty (30) days per twelve (12) month period.
- (n) **Civic Event Temporary Signs.** Temporary off-premises signs not exceeding four (4) square feet in residential or public lands districts, or thirty-two (32) square feet in the B-1, B-2, B-3, and I-1 Districts, pertaining to drives or events of civic, philanthropic, educational, religious, or non-profit organizations, provided such signs are posted not more than thirty (30) days before said event and removed within seven (7) days after the event.
- (o) **Political Signs.** Political message, public election or referenda signs during an election campaign shall comply with Sec. 12.04(1), Wis. Stats. Political signs may be posted ninety (90) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of thirty-two (32) square feet.
- (p) **Rummage/Garage Sale Signs.** Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale. Rummage or garage sale signs may only be located on the day of the garage sale within street right-of-way lines between the private property line and the pavement edge with the permission of the adjoining private property owner or renter in a location which does not create a visibility or traffic hazard (as determined by the Zoning Administrator or a law enforcement officer).
- (q) **Open/Close Signs.** Illuminated and non-illuminated signs not exceeding ten (10) square feet in area announcing that a business is open or closed.
- (r) **Decorative Features.** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

Sec. 13-1-144 Residential Signs Requiring a Permit.

In addition to those permitted signs not requiring a permit pursuant to Section 13-1-143, the following nonflashing, nonilluminated signs (except as otherwise provided) are permitted under

the conditions specified in all residential districts and planned unit developments (residential) established by the Village's Zoning Code.

- (a) **Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential Districts.** Subject to the following:
 - (1) **Content.** The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, of lots for sale, or for the identification of other nonresidential uses under construction.
 - (2) **Area, Number and Setback.** Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least fifty (50) feet from all other boundaries of the site.
 - (3) **Height.** No sign shall project higher than eight (8) feet above curb level.
 - (4) **Time Limitations.** The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the issuance of a sign permit or when the parcels being advertised are sold, whichever occurs first.
- (b) **Permanent Subdivision Identification Signs.** Subject to the following:
 - (1) **Content.** The signs shall bear only the name of the subdivision or development.
 - (2) **Area and Number.** There shall be not more than two (2) signs located at each entrance to a subdivision. No sign shall exceed thirty-two (32) square feet in area. Such identification signs shall only be erected after review and approval by the Zoning Administrator.
 - (3) **Height.** No sign shall project higher than twelve (12) feet above curb level.
 - (4) **Location.** The location of any such sign shall be at the discretion of the Zoning Administrator based upon the character of the area, the type and purpose of the sign.
- (c) **Nonflashing, Illuminated Church Bulletins.** Subject to the following:
 - (1) **Area and Number.** There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be permitted. No sign shall exceed thirty-two (32) square feet in area nor be closer than five (5) feet from any lot line.
 - (2) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (3) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.
- (d) **Bed and Breakfast Signs.** Subject to the following:
 - (1) **Content.** The sign shall bear only the name, address and other pertinent information regarding the bed and breakfast establishment.
 - (2) **Area and Number.** There shall not be more than one (1) sign per lot street frontage. No sign shall exceed sixteen (16) square feet in area. Such sign shall have a ten (10) feet setback from a public right-of-way or lot line.
 - (3) **Projection.** No sign shall project beyond the property line into the public right-of-way.

- (4) **Height.** No sign shall project higher than six (6) feet above the street level.
- (e) **Home Occupation/Professional Home Office.** Subject to the following:
 - (1) **Content.** The sign shall bear only the name, address, hours and other pertinent information regarding the on-site home occupation or professional home office maintained in compliance with the Village's Zoning Code.
 - (2) **Area and Number.** There shall not be more than one (1) sign per lot. No sign shall exceed twelve (12) square feet in gross area. Such sign shall have a ten (10) foot setback from a public right-of-way or lot line, and illumination shall be indirect.
 - (3) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (4) **Height.** No sign shall project higher than six (6) feet above the street level.

Sec. 13-1-145 Commercial, Agricultural and Industrial Signs Requiring a Permit.

- (a) **Permitted Signs.** The following signs in this Section shall require a sign permit to be issued unless otherwise specified. Signs may be permitted in specific zoning categories, subject to the following restrictions.
- (b) **Height and Setback Requirements.** In commercial or industrial zoning districts where setbacks are required for building construction, no part of any sign shall extend over the property line. In zoning districts where no front yard setbacks are required, a sign must be attached to the building and shall project no more than four (4) feet over the abutting public sidewalk or established street grade.
- (c) **Number of Signs Permitted.**
 - (1) **Total Number.** No more than one (1) off-premises third party sign or directory/community sign and two (2) signs of any other type shall be located at any business, except that premises occupied by a shopping center may, as an alternative, have one (1) detached directory sign plus one (1) wall sign for each place of business located in said shopping center.
 - (2) **Corner Lots.** Businesses with streets fronting both sides shall be allowed two (2) types of signs for each street frontage; no street frontage buildings shall be allowed two (2) of the same type of sign for that particular business.
- (d) **Types of Signs; Maximum Size; Number; Location.**
 - (1) **Type 1 – Directory Signs.** Directory signs advertising a business or activity conducted, an area of interest, or a service available, at a specific location. Such signs shall be not more than twenty-four (24) square feet in gross area. There shall be not more than two (2) such signs relating to any one (1) such use in the approaching direction along any one (1) highway/street. No such sign shall be more than ten (10) miles away from the location to which it relates. Such signs may be

placed at the right-of-way line of the highway/street. A larger number of directory signs may be permitted upon application to the Zoning Board of Appeals and if such Board finds that additional signage is necessary for directing the traveling public. *Permit required.*

- (2) **Type 2 – Wall Signs.** Wall signs on and parallel to the exterior wall of a building or structure, and not extending more than six (6) inches from the wall surface, shall not exceed in gross area for any one (1) premise or be more than twenty (20) feet in height - *Permit required:*
 - a. One hundred (100) square feet in a B-1 General Commercial or AEO District.
 - b. Two hundred (200) square feet in a B-2 Highway Business District, or B-3 Business Park District.
 - c. Four hundred (400) square feet in an I-1 Industrial District.
- (3) **Type 3 – Projecting Signs.** Projecting signs fastened to, suspended from, or supported by a building or structure, shall not exceed in gross area for any one (1) premise: Forty (40) square feet on each of two (2) faces in a B-1 General Commercial District or AEO District; forty (40) square feet on each of two (2) faces in the B-2 Highway Business District, or B-3 Business Park District; and eighty (80) square feet on each of two (2) sides in an I-1 Industrial District. Such signs shall not extend more than five (5) feet into any required yard nor more than two (2) feet into any public right-of-way; shall not be less than ten (10) feet into any public right-of-way; shall not be less than ten (10) feet from any side lot line; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a pedestrian sidewalk nor less than fifteen (15) feet above a road, street, alley or driveway. *Permit required.*
- (4) **Type 4 – Ground Signs.** Ground signs and their supporting structure shall comply with all yard requirements of the District in which they are located and shall not exceed in gross area for any one (1) premise: Forty (40) square feet on each side in the B-1 General Commercial District or AEO District; one hundred twenty (120) square feet on each side in the B-2 Highway Business District, or B-3 Business Park District; or one hundred sixty (160) square feet on each side in the I-1 District. Such signs shall not exceed twenty (20) feet in height above mean centerline street grade. Any ground sign in a B-2 Highway Commercial District, B-3 Business Park District or I-1 Industrial District shall have a minimum landscaped area of sixteen (16) square feet around the base of the ground sign. *Permit required.*
- (5) **Type 5 – Window Signs.** Window signs may be placed in the windows of business establishments provided their combined area does not exceed fifty percent (50%) of the gross area of all windows on the same side of the building. *No permit required.*
- (6) **Pylon Signs.** Pylon signs shall not exceed thirty (30) feet in height in a B-2 or B-3 Business District or I-1 Industrial District. Pylon signs shall not be placed in the B-1 General Commercial District. Height is measured above the mean centerline of street

grade. The sign shall be completely within the property upon which it is located. One (1) pylon sign per street frontage is permitted. Size is limited to one hundred (100) square feet for one (1) side, or two hundred (200) feet for all sides. When there exists a property zoned in a B-2 Highway Commercial District with continuous road/highway frontage in excess of three hundred (300) feet, the size is limited to two hundred (200) square feet per side or four hundred (400) square feet for all sides. Any pylon sign shall have a minimum landscaped area of sixteen (16) square feet around the base of the pole. *Permit required.*

(7) **Type 7 – Off-Premises Third Party Signs.** Off-premises third party signs are prohibited except that a business in a B-1, B-2, B-3, or I-1 District may host one (1) off-premises third party or community/directory pylon or ground sign directing customers to another business location. No business shall employ or utilize more than one (1) off-premises directory/community sign within the limits of the Village. Shared signs shall comply with the dimensional requirements of Subsections (d)(4) and (5) above, except that the secondary directory sign's dimensions shall not exceed fifty percent (50%) of the primary sign's maximum allowable dimensions. Such signs shall share the same pylon or ground sign mountings whenever possible.

(8) **Type 8 – Shopping Center/Industrial Park Directory Signs.** In a shopping center or industrial park, one (1) free-standing identification/directory sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. Directory signs for shopping centers or industrial parks are permitted as an alternative to ground signs or projecting signs for individual stores in the shopping center or business in the industrial park. The top of a directory sign shall not exceed thirty-two (32) feet in height above the mean centerline street grade and the bottom of the sign shall not be less than ten (10) feet above the sidewalk and not more than sixteen (16) feet above a driveway or alley. Double supporting pylons shall not be greater than ten (10) feet apart. That portion of the directory sign which advertises the shopping center or industrial park name shall not exceed one hundred (100) square feet for one (1) side and a total of two hundred (200) square feet for all sides. That portion of the directory sign which advertises the individual store/business name shall not exceed sixteen (16) square feet for one (1) side and a total of thirty-two (32) square feet for all sides. Directory signs shall meet all yard requirements for the zoning district in which they are located.

(e) **Permitted Locations of Signs Requiring a Permit.**

Zoning District	Types of Signs Permitted
B-1, B-2, B-3, PF-1	1, 2, 3, 4, 5, 6, 7, 8
I-1	1, 2, 3, 4, 5, 6, 7, 8
A-1	1, 2, 3, 4, 5, 6, 7, 8
CON	3, 6, 7
AEO	Per district requirements

Sec. 13-1-146 Special Sign Requirements.

A sign permit is required in any zoning district for the following special sign types:

- (a) **Electronic Message Unit Signs.**
 - (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
 - (2) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
 - (3) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (b) **Portable Signs/Message Boards.**
 - (1) The use of portable, temporary or non-fixed signs or message boards is prohibited within the Village unless the owner or tenant of the property on which such type of sign is to be located first obtains a portable/temporary sign permit from the Village Board. Such permit is valid for the calendar year and is subject to annual review by the Village Board for compliance with the requirements of this Subsection.
 - (2) The Village Board shall not issue a permit for placement of a portable sign/message board if it presents a vision obstruction. The maximum size of a portable sign/message board shall be ten (10) square feet on each face, back to back. Portable signs/message boards shall not be located in any public right-of-ways, shall not have flashing lights, and shall be securely fastened to prevent any hazardous condition.
- (c) **Search Lights.** The Zoning Administrator may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.
- (d) **Sandwich Signs.** In instances where the property owner or business tenant in a B-1 General Commercial District or B-2 Highway Commercial District wishes to erect an on-premises temporary sandwich board advertising that business, there is a limit of one (1) sandwich board per business tenant and such sign shall not exceed four (4) feet in height and eight (8) square feet per side display area. Sandwich signs may be placed only after issuance of a sign permit and shall be placed in a manner so as not to present a hazard. Sandwich signs shall be removed from the right-of-way area at the close of each business day.
- (e) **On-Site Banner Signs.** On-site banner signs, whether permanent or temporary, shall not be erected for over sixty (60) days.
- (f) **Over-the-Street Banners.** Over-the-street banners are not permitted, except for civic activities.
- (g) **Neon Signs.** Exterior neon or gas illumination signs require a sign permit.
- (h) **Signs Accessory to Roadside Stands.**
 - (1) **Content.** The signs shall only be for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.

- (2) **Area and Number.** The signs shall be on the same zoning lot (either zoned agricultural or with a conditional use permit in other zoning districts) as the roadside stand, and there shall be not more than three (3) signs per parcel. No sign shall exceed twelve (12) square feet in area nor be closer than fifty (50) feet from any other zoning lot.
- (3) **Projection.** No sign shall project beyond the property line into the public way.
- (4) **Height.** No sign shall project higher than fifteen (15) feet above the curb level.
- (5) **Permit.** A sign permit is required for this type of sign.

Sec. 13-1-147 Awnings and Canopies.

- (a) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (1) **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (2) **Height.** All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
 - (3) **Awning Extension from Curb Line.** No entrance awning shall extend beyond a point eight (8) feet into the right-of-way.
 - (4) **Advertising.** No advertising shall be placed on any awning, except that the name and logo of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding eight (8) inches in height on the front and side edges.
- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (1) **Support.** The structural support of all canopies shall be properly designed and be approved by the Zoning Administrator as in compliance with the Building Code of the Village. All frames and supports shall be designed to withstand a wind pressure as provided in this Article. All canopies and awnings shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and/or awning and the sidewalk or ground below.
 - (2) **Height Above Sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - (3) **Canopy Extension from Curb Line.** No entrance canopy shall extend beyond a point eight (8) feet from the face of a wall or building.

- (4) **Advertising.** No advertising shall be placed on any canopy, except that the name and logo of the establishment may be painted or placed in a space not exceeding twenty-four (24) inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than eight (8) inches high on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.

Sec. 13-1-148 Prohibited Sign Features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with freestanding signs are encouraged and shall not be counted as allowable sign area. The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

Sec. 13-1-149 Prohibited or Restricted Signs.

- (a) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (b) **Moving or Flashing Signs.** No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights, bare reflecting-type bulbs, or utilizes a spot or beacon light to illuminate a sign, except those giving public service information such as time, date, temperature, weather or similar information. Public information display signs require approval by the Village Board. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (c) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Article.
- (d) **Billboards.** No new billboards shall be permitted in the Village of Elk Mound after the original effective date of this Article. Billboards located upon property annexed to the Village and existing as of the effective date of this Article are permitted to remain unless the owner structurally alters such billboard in any manner. If damaged, or if structural alteration is made/required, such billboard shall be permanently removed. However, any

billboards existing as of the effective date of this Article must be removed permanently within three (3) years following annexation, and with such removal being agreed to in writing by the owner/lessor/lessee thereof in writing prior to such annexation.

- (e) **Painted Wall and Other Prohibited Signs.** Painted wall signs are signs which are painted directly onto the surface of the building; painted wall signs are prohibited in the Village of Elk Mound. No person shall paste or otherwise fasten any paper or other material, paint, stencil or write any number, sign, name or any disfiguring mark within any street right-of-way, on any sidewalk, curb, gutter, street, post, fire hydrant, pole or tree, any other sign, building, fence or other structure, nor shall any of said objects be defaced in any manner. No signage shall be used except those types specifically permitted by this Article.
- (f) **Immoral Sign Subjects.** Signs which bear or contain statements, words, pictures, or symbols of obscene, pornographic or immoral subjects are prohibited.
- (g) **Roof Signs.** Roof signs are prohibited in the Village of Elk Mound.
- (h) **Swinging Signs.** Swinging signs are prohibited.
- (i) **Third-Party Signs.** Third-party signs and billboards are prohibited, except as provided in Section 13-1-145(d)(6).
- (j) **Advertising Vehicle Sign Configuration.** No persons shall park any vehicle or trailer on a public right-of-way or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purposes of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises. Business vehicles containing typical business signage and which are actively used on a daily basis for business purposes, are exempt from this prohibition.
- (k) **Floodlighted and Illuminated Signs.** Signs may be floodlighted or illuminated, subject to the following restrictions:
 - (1) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operations of a motor vehicle, are prohibited.
 - (2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property, and which are of such intensity or brilliance as to cause a public nuisance, are prohibited.
 - (3) No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.
 - (4) Spotlights and beacons are restricted under Subsection (b) above.

Sec. 13-1-150 Nonconforming Signs.

(a) Nonconforming Signs.

- (1) **Nonconforming Sign Criteria.** Signs existing as of the effective date of this Article which do not conform to the provisions of this Article are nonconforming signs and shall be subject to the provisions of this Section. Nonconforming signs may be

maintained. No nonconforming on-premises sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Article. [Refer to Subsection (b) below.] Compliance is the responsibility of the property owner.

- (2) **New Signs Not Permitted.** Business signs on the premises of a nonconforming use or building may be continued per this Section, but new signs for such uses shall not be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area, may be erected only upon the complete removal of all other signs existing at the time of adoption of this Article.
 - (3) **Removal Upon Business Termination.** Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per Section 13-1-151(a). Closed businesses must remove their signs within thirty (30) days of closing.
 - (4) **Change in Sign User.** Whenever there is a change in the sign user (excluding off-premises signs) or owner of the property on which the sign is located, the new sign user or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure.
- (b) **Alteration of Signs.**
- (1) **Alteration Defined.** For the purpose of this Article, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including: changing the message (except for marquee or off-premises advertising signs), symbols, color, material, height or location.
 - (2) **Maintenance Exception.** Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee sign; or changing the face of an off-premises advertising sign.
- (c) **Loss of Legal Nonconforming Status.**
- (1) In addition to the standards in Subsections (a) and (b) above, a sign may also lose its nonconforming status if one (1) or more of the following occurs:
 - a. If said sign is damaged by fire, flood, explosion, earthquake, vandalism, war, riot or Act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.
 - b. The sign is relocated;
 - c. The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;

- (2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.
- (d) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs. However, legal nonconforming signs shall not be reinstalled, reconstructed or have their useful life extended.

Sec. 13-1-151 Dangerous and Abandoned Signs.

- (a) **Removal of Dangerous Signs.** All signs shall be removed by the owner or tenant of the premises upon which the sign is located if in the judgment of the Zoning Administrator, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or tenant fails to remove it, the Zoning Administrator may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Building Inspector to the Zoning Board of Appeals.
- (b) **Abandoned Signs.** Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premises sign is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days' written notice to remove said sign and thereafter upon the owner's or lessee's failure to comply may remove such sign, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Zoning Administrator may take any other appropriate legal action necessary to attain compliance.
- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Sign Code after the date of adoption are hereby declared public nuisances within the meaning of the Village of Elk Mound Code of Ordinances. In addition to the penalty provisions for violations of this Article, the Zoning Administrator or Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes or Village ordinances.

Sec. 13-1-152 Construction and Maintenance Regulations for Signs.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such

workmanship as to be safe and satisfactory to the Building Inspector or Zoning Administrator.

(b) **General Requirements.**

- (1) **Construction Standards.** All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.
- (2) **Projection.** Signs including supports shall not interfere with surrounding properties or traffic.
- (3) **Prohibited Mounting.** No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
- (4) **Maintenance.** All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
- (5) **Annexed Areas.** All signs in newly annexed areas shall comply with this Article within three (3) years of annexation.

Sec. 13-1-153 Variances or Exceptions.

Variances or exceptions to these sign regulations may be granted by the Zoning Board of Appeals following a recommendation from the Zoning Administrator, pursuant to the procedures of the Village Zoning Code.

Sec. 13-1-154 Violations of Sign Code.

- (a) **Construction Without Permit.** Any person, firm or corporation who begins, erects, improperly alters, or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.
- (b) **Compliance Notice.**
 - (1) If the Zoning Administrator finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, or has been improperly erected, altered or maintained, it shall give written notice to the sign owner and to the property owner.
 - (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after

such notice, the Zoning Administrator may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this Article, per Sec. 66.0627, Wis. Stats.

- (c) **Violations; Penalties.** Any person who shall violate any of the provisions of this Article shall be subject to a penalty which shall be as follows:
- (1) Any person found guilty of violating any part of this Article who has previously been notified of being in violation, upon conviction thereof, be subject to a forfeiture as prescribed by Section 13-1-225.
 - (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Village from also maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

Sec. 13-1-155 through Sec. 13-1-159 Reserved for Future Use.