

- i. Plot plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures, and property lines within three hundred (300) feet of the parcel.
 - j. Any further information requested to the petition or which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.
 - (2) Failure to supply such information shall be grounds for dismissal of the petition.
 - (3) A petition for change or amendment submitted by a private property owner shall be prepared in triplicate and filed with the Village Clerk-Treasurer and shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing.
- (b) **Plan Commission Recommendation.** The Village Board or the Village Clerk-Treasurer shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and zoning map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on occasion, of its own volition, conduct its own public hearing on proposed amendment(s).
- (c) **Public Hearing.**
 - (1) The Village Board, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985, Wis. Stats. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
 - (2) The Village Board may delegate to the Plan Commission the responsibility to hold public hearings as required under this Section.
- (d) **Village Board Action; Rezoning Voting; Down Zoning.**
 - (1) Following such public hearing, the Plan Commission shall make a recommendation on the proposed rezoning ordinance making the proposed rezoning, change or amendment. The Village Board shall then review the Plan Commission's recommendation and make its determination.
 - (2) The Village Board may enact a down zoning ordinance only if the ordinance is approved by at least two-thirds of the members-elect, except that if the down zoning ordinance is requested, or agreed to, by the person who owns the land affected by the proposed ordinance, the ordinance may be enacted by a simple majority of the members-elect.
 - (3) "Down zoning ordinance" means a zoning ordinance that affects an area of land in the following ways:

- a. By decreasing the development density of the land to be less dense than was allowed under its previous usage; or
- b. By reducing the permitted uses of the land that are specified in a zoning ordinance, or other land use regulation, to fewer uses than were allowed under its previous usage.

State Law Reference: Section 66.1005, Wis. Stats.

Sec. 13-1-243 Protest.

- (a) **Statutory Protest – Rezoning.** In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.
- (b) **Statutory Protest – Zoning Code Text Amendment.** In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.

Sec. 13-1-244 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.** Notwithstanding any other law or rule, or any action or proceeding under common law, the Village, and its subunits and officials, may not enact or enforce an ordinance or take any other action that prohibits a property owner from doing any of the following:
 - (1) Conveying an ownership interest in a substandard lot.
 - (2) Using a substandard lot as a building site if all of the following apply:
 - a. The substandard lot or parcel has never been developed with one (1) or more of its structures placed partly upon an adjacent lot or parcel.
 - b. The substandard lot or parcel is developed to comply with all other ordinances of the Village.

- (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. 13-1-245 Notifications to Registered Citizens Regarding Zoning or Comprehensive Plan Changes.

(a) **Notice Registry.**

- (1) **List of Registered Citizens; Scope.** The Village of Elk Mound shall maintain a registry list of persons who submit a written or electronic request to receive notice of any proposed municipal zoning action or ordinance change, or comprehensive plan amendment, which would affect the allowable use of the person's property. This notification list shall apply to any proposed zoning ordinance or comprehensive plan amendment which would impact the allowable use, size or density requirements pertaining to the registered person's property.
- (2) **Registration Requests.** To be included on the list to receive notice of such proposed zoning regulation or comprehensive plan changes, a person shall make a written or electronic request to the Village Clerk-Treasurer. Verbal requests shall not be accepted. With such request, the person shall provide:
- a. His/her name;
 - b. Mailing address;
 - c. Telephone number (landline, cellphone, fax);
 - d. Email address; and
 - e. Preferred method of notification (non-binding on the municipality).

(b) **Annual Registration Information Notice.**

- (1) **Public Notification to be Provided.** Annually, the Village shall inform residents of the municipality that they may add their names to the notification list. The date of providing such annual notice shall be set by the Village of Elk Mound.
- (2) **How Annual Notification is Provided.** The annual notice requirement providing information on the notice registry can be provided by any one of the following methods, or combination of methods:
- a. Publication of a Class 1 notice pursuant to Ch. 985, Wis. Stats.;
 - b. First class mail;
 - c. Giving notice on the Village's website; or
 - d. Including the information in a mailing that is sent to all property owners, such as, but not limited to, tax or utility statements, newsletters, etc.

- (c) **Form of Notifications.** Following recommendation from the Plan Commission on the proposed zoning regulation change or comprehensive plan amendment but prior to action by the Village Board to vote on such proposal, the Village shall send a notice to each person on the notice registry list. Such notice shall include a copy of the proposed zoning or change or comprehensive plan amendment, or a summary thereof. Such notice shall be by first class mail or by any other reasonable form agreed to by the registered person and the Village, including email, voice mail or text message. The Village shall not require a fee for the sending of such notices except that the Village may charge each person on the list who receives a notice by first class mail a fee that does not exceed the approximate cost of providing the mailed notice to the person. An ordinance or amendment that is subject to this notice requirement may take effect even if the Village fails to send the notice.

State Law Reference: Secs. 62.23(7)(d)4. and 66.1001(4)(f), Wis. Stats.

Sec. 13-1-246 through Sec. 13-1-249 Reserved for Future Use.

Sec. 13-1-260 Appeals to the Zoning Board of Appeals.

- (a) **Scope of Appeals.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village of Elk Mound affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the 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 officer from whom the appeal is taken and on due cause shown.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Zoning Board of Appeals shall have the following powers:
 - (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 - (2) **Variances.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured.
 - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts; the Plan Commission may make a recommendation but is not mandatory.
 - (4) **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made; the Plan Commission may make a recommendation but is not mandatory. Whenever the Zoning Board of Appeals permits such a substitution, the use may not thereafter be changed without application.
 - (5) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted

in the district; the Plan Commission may make a recommendation but is not mandatory.

- (6) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses; the Plan Commission may make a recommendation but is not mandatory. The permit shall be temporary, revocable, subject to any condition required by the Zoning Board of Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (7) **Permits.** The Zoning Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

Sec. 13-1-261 Hearing on Appeals.

The Zoning Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

Sec. 13-1-262 Decisions of Zoning Board of Appeals.

- (a) **Timeframe.** The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (b) **Conditions.** Conditions may be placed upon any zoning permit ordered or authorized by the Zoning Board of Appeals.
- (c) **Validity.** Variances, substitutions or use permits granted by the Zoning Board of Appeals shall expire within eighteen (18) months unless substantial work has commenced pursuant to such grant.

Sec. 13-1-263 Variances.

- (a) **Purpose.**
 - (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him/her undue hardship or create conditions causing greater harmful effects than the initial condition.

A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.

- (2) The Zoning Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection that the flood protection elevation for the particular area or permit standards lower than those required by state law.
 - (3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- (b) **Application for Variances.** The application for variation shall be filed with the Village Clerk-Treasurer. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
- (1) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Village Clerk-Treasurer, Building Inspector, Village Engineer, Zoning Board of Appeals and/or Zoning Administrator.
- (c) **Public Hearing of Application.**
- (1) The Zoning Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than seven (7) days before the hearing in one (1) or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator and the Village Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Zoning Board of Appeals shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Administrator and Village Board.
- (d) **Action of the Zoning Board of Appeals.** For the Zoning Board of Appeals to grant a variance, it must find that:
- (1) Denial of variation may result in hardship to the property owner due to physiological consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended

use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

- (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
 - (5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.
- (e) **Conditions.** The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Chapter. Per Sec. 62.23(7)(e)7.e., Wis. Stats., the Village Board authorizes the Zoning Board of Appeals to impose an expiration date for a variance if such date relates to a specific date by which action or work authorized must be commenced or completed. In the absence of a different expiration date being established at the time of granting a variance, no order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than eighteen (18) months from the date of such order unless within such period the erection or alteration of a building is started or the use is commenced per the variance approval.
- (f) **Standards for Qualifying For A Variance.** To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:
- (1) **Unique Property Limitations.**
 - a. The applicant must show that the property has conditions that are unique or special to that property, that such unique physical characteristics prevent compliance with the regulations of this Zoning Code. Examples, but not limited to, of such conditions are physical limitations unique to the property such as wetlands or exceptionally unique steep slopes.
 - b. The following are non-exclusive examples of items Wisconsin courts have decided cannot be a basis for granting a variance under the "unique property limitation" test:
 1. Financial considerations of the applicant.
 2. The personal circumstances of the applicant (i.e. need for an expanded garage, a growing family, an unemployed family member returning home, etc.).
 3. The existence of nearby Zoning Code violations.
 4. Lack of objections from neighbors.

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- (2) **No Harm To Public Interests.** To qualify for a variance, the applicant must demonstrate that the proposed variance is not contrary to the public interest. In applying this test, the Zoning Board of Appeals must consider the impacts of the variance proposal, and, if setting a precedent, the cumulative impacts of similar projects on the interests of the neighbors, the overall Village of Elk Mound and the general public. Such factors are generally identified in Section 13-1-4.
- (3) **Unnecessary Hardship.**
- a. To qualify for a variance, the applicant must demonstrate that the special condition(s) of the property creates an unnecessary hardship. When determining whether an unnecessary hardship exists, the property as a whole shall be considered rather than a portion of the property.
 - b. The following are non-exclusive examples of items Wisconsin courts have decided cannot be a basis for granting a variance under the "unnecessary hardship" test:
 1. Conditions which are self-imposed or created by a prior owner (i.e. owner expands home and then argues there is no suitable location for a proposed new garage).
 2. Economic or financial hardship to the applicant (i.e. construction of a new garage in a complying location would cost more than placing the garage in a location requiring a variance).
 3. Lack of objections from neighbors.
 - c. Due to Wisconsin court decisions, the "unnecessary hardship" determination requires that the Board of Appeals apply different tests for use variances and area variances:
 1. For a use variance, unnecessary hardship can be determined to exist only if the property owner can show that he/she would have *no reasonable use of the property* without a variance. A use variance would permit a property owner to put property to an otherwise prohibited use.
 2. For an area variance, unnecessary hardship can be determined to exist only if the property owner can show that compliance with the requirements of the Zoning Code would *unreasonably prevent the property owner from using the land for a permitted purpose* (leaving the property owner without any use that is permitted for the property under the Zoning Code) or would render *conformity with such zoning restrictions unnecessarily burdensome*. Area variances are intended to provide an increment of relief (usually small) from a physical dimensional requirement of the Zoning Code such as building height or setback requirements. In applying the test for an area variance, the Zoning Board of Appeals shall consider the purpose of the Zoning Code, the Zoning Code's restrictions on the applicant's property, and the cumulative effects granting of a variance would have on the neighborhood, community and on the public interests.

3. Unless the Zoning Board of Appeals finds that a property cannot be used for any permitted purpose, *area variances* shall not be granted for greater than a forty percent (40%) deviation in the area, setback, height or density requirements specified in this Chapter.

(Note: The above standards reflect the Wisconsin Supreme Court's decisions in *State ex rel. Ziervogel v. Washington County Board of Adjustment*, 2004 WI 23, 269 Wis. 2d 549, 676 N.W.2d 401 and *State v. Waushara County Board of Adjustment*, 2004 WI 56, ___ Wis. 2d ___, 679 N.W.2d 514).

Sec. 13-1-264 Review by Court of Record.

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

Sec. 13-1-265 through Sec. 13-1-279 Reserved for Future Use.

Article O: Mobile Home Communities

Sec. 13-1-280 Intent—Where Mobile Home Communities Permitted.

- (a) **Location.** Mobile home communities may be established in the R-5 Mobile Home Park Residential District in accordance with the procedures, requirements and limitations set forth in this Article. Within such mobile home communities, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- (b) **Intent.** It is the intent of this Article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Homes within the definitions of this Article and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Units constructed prior to 1974 are prohibited. Mobile Homes meeting the requirements of the One- and Two-Family Building Dwelling Code shall not be permitted in a mobile home community except as a conditional use. Permits may be obtained only after approval by the Village Board. Manufactured or modular homes are not mobile homes for purposes of this Article.
- (c) **Exceptions.** No person shall park, locate or place any mobile home outside of a licensed mobile home community in the Village of Elk Mound, except:
 - (1) Unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding one hundred twenty (120) days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home, provided no business is carried on therein.
 - (2) Individual mobile homes may be allowed by the Village Board in Residential Districts as temporary uses not to exceed one hundred twenty (120) days under exceptional circumstances, such as to provide temporary housing during reconstruction following a fire.

Sec. 13-1-281 Definitions.

The following definitions are used in this Article:

- (a) **Mobile Home Communities (Parks).** Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.

- (b) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.
- (c) **Residential Manufactured Home.** A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the pertinent codes of the Wisconsin Department of Safety and Professional Services, Wis. Adm. Code.
- (d) **"Mobile home"** means a dwelling constructed prior to October 1, 1974 which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds fifty percent (50%) of the assessable value of the mobile home. The term "mobile home" shall not include a factory-built structure or manufactured or modular home meeting the following requirements:
 - (1) Intended to be set on a foundation by virtue of its construction.
 - (2) Which is normally transported only once, from the factory to the construction site.
 - (3) Which, from its construction, is designed to be permanently affixed to land.
- (e) **Foundation Siding.** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within sixty (60) days from the date of placement on site.
- (f) **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
- (g) **Secondary Exposure.** Open areas adjacent to side and rear walls of a dwelling unit.
- (h) **Statutory Definitions.** In addition to the above definitions, definitions contained in the Wisconsin Statutes shall also be applicable.

Sec. 13-1-282 Mobile Home Occupancy Permits.

- (a) Mobile homes legally located and occupied on premises outside a licensed mobile home community prior to the original enactment of this Chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the Zoning Administrator within sixty (60) days after the original effective date of this Chapter for a use permit showing the date on which such use and occupancy commenced,

the names of the owner and occupants and that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the state and Village. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the total structural repairs and alterations to the mobile home exceed fifty percent (50%) of the net value.

- (b) The owner or occupant of a mobile home shall, within five (5) days after entering of a licensed mobile home community or removing to another mobile home community within the Village, obtain a permit from the Zoning Administrator. Such permits shall be issued only for mobile homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1, as originally existing, or, if amended, as amended.
- (c) Nothing herein shall prevent the owner of a mobile home under Subsection (a) hereof from replacing the mobile home with a newer model, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit.

Sec. 13-1-283 Minimum Number of Lots or Spaces.

- (a) Where a new mobile home community is to be established for the development of a single mobile home community, the minimum area shall be two (2) acres. Minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five percent (25%) of total units permitted on the site.
- (b) These limitations shall not apply where expansion of an existing mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

Sec. 13-1-284 Permitted and Permissible Uses and Structures.

The following principal uses and structures are permitted within authorized mobile home communities:

- (a) **One-Family Detached Mobile Homes (residential mobile home).** In mobile home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- (b) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.

Sec. 13-1-285 Mobile Home Community Developer's Permit.

- (a) No person shall construct or extend any mobile home community or mobile home community building or facility within the limits of the Village of Elk Mound without first securing a mobile home community developer's permit from the Village. Such permits shall be issued by the Village Clerk-Treasurer upon approval by the governing body.
- (b) Applications for mobile home community developer's permits shall be filed with the Village Clerk-Treasurer with sufficient copies for the Village Clerk-Treasurer to forward one (1) each to the Building Inspector, Fire Chief and law enforcement authorities who shall investigate and review said application to determine whether the applicant, the premises on which said community will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the state and Village and report their findings in writing to the governing body within sixty (60) days. Such reports shall be considered by the governing body before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.
- (c) Applications for mobile home community developer's permit shall be accompanied by a fee as prescribed by the Village to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed mobile home community.
- (d) Applications shall be made on forms furnished by the Village Clerk-Treasurer and shall include the following information:
 - (1) Name, address, email address, and telephone number(s) of applicant.
 - (2) Location and legal description of the proposed mobile home community, addition, modification or extension.
 - (3) A complete plot plan showing compliance with all applicable provisions of this Chapter and the municipal building code and zoning and subdivision ordinances.
 - (4) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed community showing, but not limited to:
 - a. Plans and specifications of all utilities, including: sewerage collection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and cable television/internet systems.
 - b. Location and width of roadways and walkways, buffer strips, recreational and other common areas.
 - c. The location of mobile home stands with the mobile home spaces, including a detailed sketch of at least one (1) typical mobile home space and stand therein.
 - d. Landscape plan showing all plantings.
 - e. Plans and specifications of all mobile home community buildings and structures.
 - (5) Interest of applicant in proposed mobile home community or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner

- that applicant is authorized by him/her to construct and maintain the proposed mobile home community, addition, modification or extension and make the application.
- (6) Written statements describing proposed mobile home community operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on mobile home community occupants by the mobile home community operator.
 - (e) Final engineering plans and specifications complying with the provisions of this Article and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the Village Clerk-Treasurer and checked by the proper municipal officials for compliance before the license is issued.

Sec. 13-1-286 Standard Requirements for Mobile Home Communities, Additions or Extensions.

All new mobile home communities and modifications of or additions or extensions to existing mobile home communities shall comply with the following:

- (a) Chapter HSS 177, Wisconsin Administrative Code, as now existing or hereafter amended, is hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or ordinance of the state or Village of Elk Mound.
- (b) Mobile home spaces shall be a minimum of fifty (50) feet wide and one hundred (100) feet in depth, have a setback of twenty (20) feet from all street right-of-ways, and have a side yard setback of ten (10) feet, except that driveways may extend to within four (4) feet of a property line. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks or attached porches shall be considered part of the unit for purposes of determining compliance with this provision. No mobile home site shall be rented for a period of less than thirty (30) days. There shall be two (2) surfaced automobile parking spaces for each mobile home. Unless adequately screened by existing vegetative cover, a mobile home community shall be screened around its outer perimeter by a planting of hedges or trees, capable of reaching a height of fifteen (15) feet or more, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet when mature.
- (c) No mobile home community shall be laid out, constructed or operated without Village sanitary sewer service.
- (d) All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply with all provisions of the Wisconsin Administrative Code and Village ordinances relating to plumbing and sanitation. Each individual space shall be provided

with a three (3) inch watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear one-third (1/3) of the stand, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.

- (e) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the Village Board. Open burning of waste or refuse is prohibited.
- (f) All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the mobile home community or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state and local codes.
- (g) Each space shall be provided with direct electrical service of not less than one hundred (100) amperes for two hundred twenty (220) volt service.
- (h) A minimum of two (2) off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each mobile home space.
- (i) Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.
- (j) Exposed ground surfaces in all parts of every mobile home community shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- (k) The ground surface in all parts of every mobile home community shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- (l) All mobile home communities shall be furnished with individual outdoor lot lighting of twenty-five to sixty (25-60) watts so spaced and equipped with luminaires placed for the safe movement of pedestrians and vehicles at night.
- (m) All mobile home spaces shall abut upon a street. All streets shall be provided with a smooth, hard and dense surface which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight percent (8%), provided a maximum grade of twelve percent (12%) may be used if approved by the street superintendent, as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within one hundred (100) feet of an intersection. Intersections of more than two (2) streets at one (1) point shall not be allowed. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets.

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- (n) All mobile home communities shall be provided with pedestrian walks between individual mobile homes, park streets and community facilities of not less than three (3) feet in width. Grade and surfacing of walks shall be approved by the Village Engineer as safe and comparable to sidewalks in other areas of the municipality subject to similar usage, except, that as an alternative, inverted curbing may be used which provides approximately three (3) feet of concrete walking area adjacent to the curblin.
 - (o) All mobile home communities shall have a greenbelt or buffer strip not less than ten (10) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home communities shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home community. Compliance with this requirement shall be made within five (5) years from the granting of the mobile home community developer's permit. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the mobile home community, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
 - (p) Mobile home community operators shall, at the time of approval, pay the mobile home community development fees required for conventional subdivisions in Title 14 of this Code of Ordinances.
 - (q) Single-family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one (1) mobile home community office and service buildings for exclusive use of mobile home community residents shall be the only permitted uses in mobile home communities, provided the Village Board may approve the following uses when designed and limited to exclusive use of mobile home community residents:
 - (1) Laundromats.
 - (2) Clubhouses and facilities for private, social or recreation clubs.
 - (3) Swimming pools.
 - (r) No signs shall be erected in mobile home communities.
 - (s) All mobile home communities shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to mobile home communities shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

Sec. 13-1-287 Mobile Home Community Operator's License.

- (a) It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her a mobile home community within the Village of Elk Mound without a valid,

- unexpired mobile home community license issued by the Village Clerk-Treasurer and approved by the Village Board upon determination that the standards in this Section have been met and payment of the required fees.
- (b) Mobile home community licenses shall be issued for a calendar year and shall expire on December 31 next succeeding date of issue. Licenses may be issued after January 1 of any year but no rebate or diminution of the fee shall be allowed therefor.
 - (c) The annual fee for a mobile home community license shall be per Section 1-3-1 for each fifty (50) mobile home spaces or fraction thereof; such fee shall also be paid upon the renewal of such license. Licenses may be transferred during a license year for a fee per Section 1-3-1.
 - (d) Licenses granted under this Section shall be subject to revocation or suspension by the governing body for cause in accordance with applicable statutory procedures, and the procedures in that Section shall be followed. "Cause" as used in this Subsection shall include, but not be limited to:
 - (1) Failure or neglect to abide by the requirements of this Chapter or the laws or regulations of the State of Wisconsin relating to mobile home communities and their operation.
 - (2) Conviction of any offense under the laws of the state or ordinances of the Village relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of community facilities.
 - (3) Operation or maintenance of the mobile home community in a manner inimical to the health, safety or welfare of mobile home community occupants or the inhabitants of the Village, including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.
 - (4) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.
 - (e) Except as provided in Subsection (f) of this Section, no mobile home community license shall be granted for any premises or to any person not meeting the following standards and requirements:
 - (1) All standards and requirements set forth in Section 13-1-286 except as specifically waived or modified in writing by the Village Board and endorsed on the mobile home developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health Services that the mobile home park complies with the provisions of Ch. HSS 177, Wis. Adm. Code, applicable thereto.
 - (2) Mobile home communities should be used only for the parking and occupancy of single-family nondependent mobile homes and accessory structures and appurtenances and uses.

- (3) Applicant shall file with the Village Board certificates certifying that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities, including roads, have been constructed or installed in the mobile home community as required by this Chapter and are in required operating condition at the time of said application. In addition, the Building Inspector and the Fire Inspector shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations and ordinances applicable thereto. These officials shall furnish the Village Board in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.
- (4) Location and operation of the mobile home community shall comply with all zoning and land use ordinances of the state and Village.
- (f) Mobile home communities in existence and operating under a valid mobile home community license upon the effective date of this Chapter, including mobile home communities in areas hereafter annexed to the Village, shall be exempt from the requirements hereof relating to land use and occupancy provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license but shall file application for a mobile home community developer's nonconforming use permit and comply with all other provisions of this Chapter within six (6) months after the effective date hereof, provided that an existing mobile home community having a density in excess of that provided in Section 13-1-286 shall not increase its density and shall be operated in other respects in accordance with this Chapter. The governing body may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety and welfare of mobile home community occupants or inhabitants of the Village. All extensions, modifications or additions to lawfully licensed existing mobile home communities or facilities or structures therein shall comply with this Chapter.

Sec. 13-1-288 Operation of Mobile Home Communities; Responsibilities of Mobile Home Community Management.

- (a) In every mobile home community there shall be located an office of the attendant or person in charge of said mobile home community. A copy of the mobile home community license and of this Chapter shall be posted therein and the mobile home community register shall, at all times, be kept in said office.
- (b) The attendant or person in charge and the mobile home community licensee shall operate the mobile home community in compliance with this Chapter and regulations and ordinances of the Village and state and their agents or officers and shall have the following duties:

- (1) Maintain a register of all mobile home community occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
 - a. Names and addresses of all owners and occupants of each mobile home.
 - b. Number of children of school age.
 - c. State of legal residence.
 - d. Dates of entrance and departure of each mobile home.
 - e. Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
 - f. Place of employment of each occupant, if any.
- (2) Notify mobile home community occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Chapter or any other violations of law which may come to their attention.
- (3) Report to law enforcement authorities all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.
- (4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tiedowns.
- (5) Maintain mobile home community grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (6) Maintain the mobile home community free from growth of noxious weeds.
- (7) Maintain the mobile home community free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the mobile home community designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
- (8) Check to ensure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the ordinances of the Village.
- (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the ordinances and regulations of the municipality, including regulations promulgated by the Fire Chief.
- (10) Allow inspections of mobile home community premises and facilities at reasonable times by municipal officials or their agents or employees.

Sec. 13-1-289 Responsibilities and Duties of Mobile Home Community Occupants.

- (a) Mobile home community occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.

- (b) Mobile home community occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the mobile home community management.
- (c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home community.
- (d) Each owner or occupant of a nonexempt mobile home within a mobile home community shall remit to the licensee or authorized mobile home community management the cash deposit and monthly parking permit fee.
- (e) It shall be the duty of every occupant of a mobile home community to give the mobile home community licensee or management, or his/her agent or employee, access to any part of such mobile home community or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or ordinance of the state or Village or lawful regulation or order adopted thereunder.
- (f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.
- (g) No mobile home owner or occupant shall conduct in any unit or any mobile home community any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.
- (h) No person shall discharge any wastewater on the surface of the ground within any mobile home community.
- (i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.

Sec. 13-1-290 Additional Regulations on Mobile Homes and Mobile Home Communities.

- (a) Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home community or upon any premises in the Village. The Building Inspector or Village Board shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector or Village Board so determines, he/she shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the mobile home community or on lands owned by him/her giving the findings upon which his/her determination is based and shall order such home removed from the mobile home community or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.
- (b) Authorized representatives of the Village Board are authorized and directed to inspect mobile home communities not less than once in every twelve (12) month period to

determine the health, safety and welfare of the occupants of the mobile home community and inhabitants of the Village as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the state and ordinances of the Village.

- (c) Fires in mobile home communities shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
- (d) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the mobile home community shall be in accordance with the regulations of applicable laws, ordinances and regulations of the state and municipalities and their authorized agents, and may be performed by a professional mobile home service technician.
- (e) All mobile homes in mobile home communities shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- (f) No person shall construct, alter or add to any structure, attachment or building in a mobile home community or on a mobile home space without a permit from the Building Inspector. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This Subsection shall not apply to addition of awnings, antennas or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.
- (g) Storage under mobile homes is prohibited.

Sec. 13-1-291 Compliance with Plumbing, Electrical and Building Ordinances.

All plumbing, electric, electrical, building and other work on or at any mobile home community under this Chapter shall be in accordance with the ordinances of the Village and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electric work.

Sec. 13-1-292 Standards for General Site Planning for Mobile Home Communities.

The following guides, standards and requirements shall apply in site planning for mobile home communities:

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- (a) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the community in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- (b) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- (c) **Protection of Visibility—Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-120 shall apply and is hereby adopted by reference.
- (d) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- (e) **Internal Relationships.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
- (1) **Streets, Drives and Parking and Service Areas.** Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.
 - (2) **Vehicular Access to Streets.** Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50)

dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.

(3) ***Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles.***

- a. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
- b. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

Sec. 13-1-293 through Sec. 13-1-299 Reserved for Future Use.

Sec. 13-1-300 Definitions.

- (a) **Zoning Definitions.** For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive. The word "person" includes individuals, all partnerships, associations, and bodies political and corporate. The word "lot" includes the word "plot" or "parcel" or "tract". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used or occupied".
- (1) **A Zones.** Areas of potential flooding shown on the Village's "Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These zones may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) **Abutting.** Have a common property line or district line, or are separated only by a river, stream, or transportation or utility right-of-way.
 - (3) **Accessory Apartment.** A separate complete housekeeping unit that is substantially contained within the structure of a single-family dwelling, but can be isolated from it.
 - (4) **Accessory Building.** A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building. An accessory building is considered to be an accessory structure.
 - (5) **Accessory Structure.** A subordinate structure, the use of which is incidental to, customarily found in connection with, and located on the same lot as the principal structure or use of the property. Accessory structures include, but are not limited to, detached garages and carports, sheds, barns, gazebos, swimming pools, hot tubs, fences, firewood protection structures, retaining walls and detached stairways and lifts; and impervious, pervious or porous driveways, parking lots, sidewalks, patios and decks (both detached and attached). For purposes of this Chapter, no regulatory distinction is made between permanent, temporary, prefabricated or moveable accessory buildings or structures. An accessory structure may consist of just a roof and may have one (1) or more open sides.
 - (6) **Accessory Use.** See "Use, Accessory".
 - (7) **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within forty-three thousand five hundred sixty (43,560) square feet.

- (8) **Adjacent Property Owner.** The owner of property located within three hundred (300) feet of a subject property under this Code.
- (9) **Adult-Oriented Establishment.** Any premises including, without limitation, "adult bookstores," or "adult motion picture theaters." It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. "Adult-Oriented Establishment" further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.
- (10) **Agriculture, Animal.** The use of land for animal feeding operations, including areas for the storage, treatment and disposal of manure and other related waste products.
- (11) **Agriculture, Crop.** The use of land for the production of row crops, field crops, tree crops, timber, bees, apiary productions, and fur-bearing mammals.
- (12) **Agriculturally-Related Residence.** A residence which is occupied by:
 - a. A person who, or a family at least one (1) member of which earns a substantial part of his/her livelihood from farm operations on the land; or
 - b. A parent or child of the owner of the farm.
- (13) **Agricultural Processing and Packaging.** An establishment primarily engaged in refining, processing or otherwise adding value to raw agricultural goods, including, but not limited to, washing, sorting, cutting, bagging, freezing, canning, packing, bottling or butchering.
- (14) **Agricultural Research and Development.** The use of land or buildings for agriculture research and the cultivation of new agricultural products.
- (15) **Agricultural Sales and Service.** An establishment primarily engaged in:
 - a. The sale or rental of farm tools and implements, feed and grain, tack, animal care products, farm supplies and the like; or
 - b. Performing agricultural or horticultural services on a fee or contract basis, including, but not limited to, crop dusting and spraying services, harvesting and plowing services, agricultural land grading services, farm equipment service and repair, and large animal veterinary services.
- (16) **Agricultural Storage.** Grain elevators and other facilities for the warehousing and storage of agricultural products.
- (17) **Agricultural Use.** Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; wholesale plant greenhouses and nurseries; poultry raising; raising

- of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least thirty-five (35) acres of which are enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446(d); and vegetable raising.
- (18) **Aircraft Landing Strip.** A site maintained for occasional use by manned aircraft for landing or take off.
- (19) **Airport, Public.** Any airport which complies with the definition contained in Sec. 114.013(3), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.
- (20) **Alley.** A public or private right-of-way not more than twenty-one (21) feet wide which affords only a secondary means of access to the side or rear of an abutting property.
- (21) **Alley.** A public or private way which affords only secondary vehicular access to abutting property.
- (22) **Animal Hospital/Veterinary Services.** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.
- (23) **Animal Unit.** As defined in Ch. NR 243.03(3), Wis. Adm. Code.
- (24) **Animal Waste.** Manure, milking center waste and other organic waste generated by livestock, farm animals, or any number combination of animal units or portion thereof. It includes animal bedding, water, soil, hair, feathers, and other debris that becomes intermingled with animal excreta in normal waste handling operations.
- (25) **Animal Waste Storage Structure.** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. Does not include equipment used to apply waste to land. For purposes of ATCP 51.12(2) and 51.14, Wis. Adm. Code, does not include any of the following:
- a. A structure used to collect and store waste under a livestock housing facility.
 - b. A waste digester consisting of a sealed structure in which animal waste is subject to managed biological decomposition.
- (26) **Animal Waste Utilization.** The application of animal waste on suitable land in a manner which will achieve compliance with livestock performance standards and prohibitions established in Ch. NR 151, Wis. Adm. Code, NRCS Conservation Practice Standard Code 590 and meet other designated water quality objectives. Land suitable for animal waste utilization excludes wetlands or lands below the OHWM, closed depressions, slopes in excess of twenty-five percent (25%) and other areas that may be determined as sensitive and adversely affecting surface water or groundwater quality.
- (27) **Antenna.** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include an omni-directional antenna (rod), a directional antenna (panel) or a parabolic antenna (dish).

- (28) **Apartment.** A suite of rooms or a room in a multiple dwelling, which suite or room is arranged, intended or designed to be occupied as a residence of a single family, individual or group of individuals, with separate facilities and utilities which are used or intended to be used for living, sleeping, cooking and eating.
- (29) **Arterial Street.** A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
- (30) **Authority.** A person, committee, or board to whom the power to issue a permit, or make a determination, decision, or judgment has been delegated.
- (31) **Automobile Wrecking/Salvage Yard.** Any premises on which is kept more than one (1) vehicle, not in running order or operating condition, or in a general state of disrepair, which is not completely enclosed within a building.
- (32) **Basement.** A story partly or wholly underground. The height of a basement shall be the vertical distance between the surface of the basement floor and the surface of the floor next above it. A basement shall be counted as a story for the purposes of height measurements if the vertical distance between the ceiling and the main level of the adjoining ground is more than five (5) feet, or if used for business purposes, or if used for living purposes by other than the owner and his immediate family, and a janitor or servants of the owner.
- (33) **Bed and Breakfast Establishment Building.** A building that provides ten (10) or fewer sleeping rooms for temporary occupancy for compensation by transient guests who are traveling for business or pleasure and is the owner's personal residence and occupied by the owner at the time of rental. The partnership form of ownership shall be allowed under this definition.
- (34) **Best Management Practices (BMPs).** Practices and industry standards designed to minimize environmental damage.
- (35) **Block.** A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (36) **Bluffline.** A line along the top of a slope preservation zone. There can be more than one bluffline.
- (37) **Boarding House.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three (3) or more persons not members of a family, but not exceeding ten (10) persons and not open to transient customers.
- (38) **Boathouse.** A building or portion thereof used for the housing or care of boats and other associated marine equipment for noncommercial purposes and not permitted to be used for human habitation.
- (39) **Buffer Zone.** A designated neutral area designed to separate conflicting land uses. A natural vegetative screening of trees, shrubs or other plantings is usually employed in such a designated area.

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- (40) **Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.
- (41) **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (42) **Building, Accessory.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. An automobile trailer or other vehicle or part thereof or other building shall not be used as a dwelling or lodging place and shall not be considered an accessory building or use.
- (43) **Building, Alterations of.** Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- (44) **Building Area.** The total area bounded by the exterior walls of a building at the floor levels, but not including basements, utility rooms, garages, porches, breezeways and unfinished attics.
- (45) **Building, Detached.** A building surrounded by open space on the same lot.
- (46) **Building, Front Line of.** A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- (47) **Building, Height of.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (48) **Building, Principal or Main.** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.
- (49) **Building Setback Line.** A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Zoning Code. A line measured across the width of a lot at that point where the principal structure is placed in accordance with setback provisions.
- (50) **Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.
- (51) **Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by the Village and approved by the Wisconsin Department of Natural Resources pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this Title.
- (52) **Business.** An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

- (53) **Camouflage Design.** A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.
- (54) **Campground.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
- (55) **Camping Unit.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping or travel trailer, motor home, bus, van, pickup truck, tent or other mobile recreational vehicle.
- (56) **Canopy.** A rigid structure attached to and extending outward from a building, designed to protect the building and/or people under the canopy from the sun, rain or snow.
- (57) **Carport.** A carport is a covered structure used to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free standing or attached to a wall. Unlike most structures a carport does not have four (4) walls, and usually has one or more sides open. (See "Accessory Structure".)
- (58) **Cellar.** That portion of a building having more than half of the floor-to-ceiling height below the average grade of the adjoining ground. This portion is not a completed structure and serves as a substructure or foundation for a building.
- (59) **Centerline.** A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.
- (60) **Certificate of Compliance.** A certification that the construction and the use of land or building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
- (61) **Channel.** Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (62) **Clinic, Medical or Dental.** A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.
- (63) **Club or Lodge.** A building or portion thereof or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as business.
- (64) **Cluster Subdivision.** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent undeveloped land.
- (65) **Complete Application for Local Approval – Livestock Facilities Conditional Use.** An application that contains everything required under ATCP 51.30(1)-(4), Wis. Adm. Code.
- (66) **Compliant Building Location.** An area on a lot where a building could be located in compliance with all applicable ordinance requirements.

- (67) **Conditional Use.** The occupations, vocations, skills, arts, businesses, professions or uses specifically designated in each zoning district, which for their respective conduct, exercise or performance in such designated districts may require reasonable, but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, condition modification, or regulations in such district for the promotion or preservation of the general public welfare, health, convenience or safety therein and in the Village and, therefore, may be permitted in such district only by a conditional use permit.
- (68) **Community Living Arrangement.** The following facilities licensed or operated or permitted under the authority of the Wisconsin Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin Statutes, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (69) **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (70) **Controlled Access Arterial Street.** The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- (71) **Corner Lot.** On corner lots, the setback shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal to seventy-five percent (75%) of the setback required on residences fronting on the side street — but the side yard setback shall in no case restrict the buildable width to less than thirty (30) feet. Said corner lots shall be consisting of a parcel of property abutting on two (2) or more streets at their intersection providing that the interior angle of such intersection is less than one hundred thirty-five degrees (135°).
- (72) **Conservation Standards.** Guidelines and specifications for soil and water conservation practices and management enumerated in the *Technical Guide*, prepared by the USDA Soil Conservation Service for Dunn County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.
- (73) **Court.** An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.
- (74) **Crawlways or Crawl Space.** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

- (75) **Curb Break.** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (76) **Curb Level.** The level of the established curb in the front of the building measured at the center of such front.
- (77) **Day Care Center, Family.** A place or home which provides care for eight (8) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec. 48.65, Wis. Stats.
- (78) **Day Care Center, Group.** A dwelling or center that provides care and supervision for nine (9) or more children and is licensed by the Wisconsin Department of Health and Social Services.
- (79) **Deck.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.
- (80) **Development.** Any artificial or man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- (81) **Development Regulations.** The part of a zoning ordinance enacted under Section 62.23(7), Wis. Stats., that applies to elements including setback, height, lot coverage, and side yard. [See Section 62.23(7)(hb)a, Wis. Stats.]
- (82) **Disabled.** Having a physical or mental impairment that substantially limits one or more major life activities.
- (83) **District, Basic.** A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (84) **District, Overlay.** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- (85) **Double Wide Mobile Home.** A double wide mobile home is a mobile home consisting of two (2) mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.
- (86) **Dwelling.** A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
- (87) **Dwelling Unit.** A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family.

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- (88) **Dwelling, Efficiency.** A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (89) **Dwelling, Single-Family.** A detached building designed for or occupied by one (1) family.
- (90) **Dwelling, Two-Family.** A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.
- (91) **Dwelling, Multiple-Family.** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- (92) **Dwelling Unit.** A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.
- (93) **Elderly Day Care Home.** Locations which provide day care and food service for adults who are unable to be left alone while other family members are at work or otherwise not at home during the day. Overnight lodging is not to be provided at a day care center.
- (94) **Emergency Shelters.** Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (95) **Equal Degree of Hydraulic Encroachment.** The effect of any encroachment into the floodway is to be computed by assuming an equal degree of hydraulic encroachment on the opposite side of a river or stream for a significant hydraulic reach, in order to compute the effect of the encroachment upon hydraulic conveyance. This computation assures that the property owners up, down or across the river or stream will have the same rights of hydraulic encroachment.
- (96) **Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- (97) **Expanded Livestock Facility.** The entire livestock facility that is created by the expansion after May 1, 2006, and includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.
- (98) **Expansion.** An addition to an existing structure regardless of whether the addition is vertical or horizontal or both.
- (99) **Expansion of Livestock Facility.** An increase in the largest number of animal units kept at a livestock facility on at least ninety (90) days in any twelve (12) month period. The acquisition of an existing livestock facility, by the operator of an adjacent

livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities for at least ninety (90) days in any twelve (12) month period.

- (100) **Family.** One (1) or more persons immediately related by blood, marriage or adoption and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage or adoption. A person shall be considered to be related for the purpose of this Section if he is dwelling for the purpose of adoption or for a foster care program.

Exceptions: Nothing in this Chapter shall prohibit, under the definition of "Family," priests, laybrothers, nurses or such other collective body of persons living together in one (1) house under the same management and care, subsisting in common, and directing their attention to a common object or the promotion of their mutual interest and social happiness as set forth by the Wisconsin Supreme Court in *Missionaries of Our Lady of LaSalette vs. Village of Whitefish Bay Board of Zoning Appeals*, 267 Wis. 609, which is hereby incorporated by reference.

- (101) **Family Day Care Home.** A dwelling also licensed as a day care center by the State Department of Health and Social Services where, for compensation of consideration, a resident of the dwelling provides group care for at least four (4), but not more than eight (8), children between the ages of infancy and seven (7) years of age at a location other than the child's own home or the home of relatives or guardians.
- (102) **Farm.** Land consisting of five (5) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.
- (103) **Farm Animals.** See "Livestock".
- (104) **Farming — General.** General farming shall include floriculture, forest and game management, orchards, raising of grain, grass, mint and seedcrops, raising of fruits, nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- (105) **Farmstead.** A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (106) **Flood.** A temporary rise in streamflow or stage in lake level that results in water overtopping the banks and inundating the areas adjacent to the steam channel or lake bed.
- (107) **Flood Insurance Study.** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mud flow) and/or floor-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.

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- (108) **Flood Profile.** A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
- (109) **Flood Protection Elevation.** A point two (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action and obstructions of bridge openings.
- (110) **Flood Stage.** The elevation of the floodwater surface above an officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Floodland Zoning Map.
- (111) **Floodlands.** For the purpose of this Code, the floodlands are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the floodway district, the floodplain conservancy district and the floodplain fringe overlay district.
- (112) **Floodplain Fringe.** Those floodlands, outside the floodway, subject to inundation by the 100-year recurrence interval flood. For the purpose of this Code, the floodplain fringe includes the floodplain conservancy district and the floodplain fringe overlay district.
- (113) **Floodproofing.** Measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials, to operation and management safeguards, such as the following: reinforcing the basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of sump pumps; placement of automatic swing check valves; installation of seal-tight windows and doors; installation of wire reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevation or removal of all electric equipment; avoidance of the use of flood-vulnerable areas; temporary removal of waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valve; placement of plugs and food drain pipes; placement of movable watertight bulkheads; erection of sand bag levees; and the shoring of weak walls or structures. Floodproofing of structures shall be extended at least to a point two (2) feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.
- (114) **Floodway.** A designated portion of the 100-year flood area that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.1 foot unless special legal measures are provided.

The floodway, which includes the channel, is that portion of the floodplain not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

- (115) **Floor Area—Business and Manufacturing Buildings.** For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.
- (116) **Floor Area — Dwelling Units.** The square feet of floor space of the several floors of a dwelling unit within the outside line of walls and includes the total of all space on all floors of a building, but not including porches, balconies, garages or space in a basement or cellar when the same is used for storage or incidental uses. Residential floor area is measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units.
- (117) **Floor Area — Business and Manufacturing Buildings.** For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses. For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.
- (118) **Footprint.** The land area covered by a structure at ground level, measured on a horizontal plane. The "footprint" of a residence includes attached garages and porches, but excludes decks, patios, carports and roof overhangs.
- (119) **Foster Family Home.** The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.
- (120) **Frontage.** All the property butting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.

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- (121) **Frontage, Reversed.** Where the rear lot line of a corner lot coincides with all or part of the side lot line of an adjoining lot in the same block.
- (122) **Garage, Private.** An accessory building or space for the storage only of not more than four (4) wheeled, licensed motor vehicles.
- (123) **Garage — Public.** Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.
- (124) **Garage, Storage.** Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements, not to transients, where no equipment, parts, fuel, grease or oil are sold and vehicles are not equipped, serviced, repaired, hired or sold.
- (125) **Garden Center.** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.
- (126) **Gasoline Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.
- (127) **Gift Stores.** Retail stores where items such as art, antiques, jewelry, books and notions are sold.
- (128) **Grade.** When used as a reference point in measuring the height of a building, the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.
- (129) **Gravel Pit.** An open land area where sand, gravel, and rock fragment are mined or excavated including such on-site processing that are related to the mining or excavation of the sand, gravel, and rock fragment such as stockpiling of materials, blending mineral material aggregates or non metallic minerals, crushing, screening, scalping and dewatering.
- (130) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under Section 48.62, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.
- (131) **Hardware Stores.** Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.
- (132) **Home Occupation.** Any business or profession carried on primarily by a member of the immediate family residing on the premises, carried on primarily within the principal building thereto and meeting the standards of Section 13-1-93.
- (133) **Hospital.** An institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed-patient care.

- (134) **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- (135) **Institution.** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
- (136) **Junk.** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.
- (137) **Junkyard.** Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including but not limited to used or salvaged or new scrapped base metal or metals, their compounds or combinations, used for salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property, except animal matter; and used motor vehicles, machinery or equipment which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.
- (138) **Kennel.** Any facility where dogs or cats are kept for twenty-four (24) hours or more for boarding, training, or similar purposes for compensation, except that "kennel" does not include any of the following:
- a. An animal shelter.
 - b. A facility owned or operated by a veterinarian licensed under Ch. 453, Wis. Stats., where animals are boarded only in conjunction with the provision of veterinary care.
- (139) **Livestock.** Domestic animals traditionally used in Wisconsin in the production of food, fiber or other animal products, and includes cattle, swine, poultry, sheep and goats. The term "livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- (140) **Livestock Facility.** A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of forty-five (45) days or more in any twelve (12) month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this Chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility".
- (141) **Livestock Structure.** A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding

- facility, animal lot or animal waste storage structure. Livestock structure does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
- (142) **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (143) **Lodging House.** A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- (144) **Lot.** A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Code as pertaining to the district wherein located.
- (145) **Lot Area.** The area of contiguous land bounded by lot lines, exclusive of land designated for public thoroughfares.
- (146) **Lot, Corner.** A lot situated at the intersection of two (2) streets.
- (147) **Lot Coverage (residential).** The area of a lot occupied by the principal building or buildings and accessory building.
- (148) **Lot Coverage (except residential).** The area of a lot occupied by the principal building or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- (149) **Lot, Interior.** A lot with frontage on only one (1) street.
- (150) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (151) **Lot, Substandard.** A parcel of land held in separate ownership having frontage on a public street, or other officially approved access, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking area, or other open space provisions of this Chapter.
- (152) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- (153) **Lot Depth.** The shortest horizontal distance between the front lot line and the rear lot line measured at a ninety (90) degree angle from the road right-of-way.
- (154) **Lot Line.** Legally established lines dividing one (1) lot, plot of land or parcel of land from an adjoining lot or plot of land or parcel of land as defined herein.
- (155) **Lot Line, Front.** A line separating the lot from the street or approved private road.
- (156) **Lot Line, Rear.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line ten (10) feet in the length within the lot, parallel to and at the maximum distance from the front lot line.

- (157) **Lot Line, Side.** Any lot boundary line not a front line or a rear lot line.
- (158) **Lot of Record.** A lot which has been recorded in the Office of the Register of Deeds prior to the effective date of this Chapter.
- (159) **Lot Width.** The horizontal distance between the side lot lines at the building setback line.
- (160) **Machine Shops.** Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing; heating and electrical repair and overhaul shops.
- (161) **Marquee or Canopy.** A roof-like structure of a permanent nature which projects from the wall of a building.
- (162) **Manufactured Dwelling.** A dwelling structure or component thereof as is defined in Sec. 20.07(52), Wis. Adm. Code, One- and Two-Family Uniform Dwelling insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.
- (163) **Manufactured Home.** A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation at the building site and certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:
- a. Is set on an enclosed foundation in accordance with Sec. 70.43(1), Wis. Stats., and SPS 321, Subchapters III, IV and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - b. Is installed in accordance with the manufacturer's instructions;
 - c. Is properly connected to utilities;
 - d. Has an area of at least eight hundred (800) square feet of living space, with a minimum of twenty-four (24) square feet in width in its smallest horizontal dimension, exclusive of attached garage, carport or open deck, and is used exclusively as a single-family residence; and
 - e. Meets other applicable standards of this Chapter.
- (164) **Manure Pit.** A structure or earthen pond located outside of a barn or shelter and used for containment of manure and other wastes from livestock and poultry.
- (165) **Mini-Storage/Warehouse Structure.** A structure where self-contained sections thereof are rented for storage purposes, typically serving residential and small business clients.
- (166) **Minor Structures.** Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four (4) feet in height.
- (167) **Mobile Home.** A manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile

home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.

- (168) **Mobile Home (see also Manufactured Home).** That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this Section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as defined above.

Note: Mobile Homes vs. Modular Homes

"Mobile homes" have been required to follow construction standards, including heating, electrical and plumbing, since 1976 through a Federal Housing and Urban Development (HUD) program. In Wisconsin this is administered under contract by the Division of Safety and Buildings, Wisconsin Department of Commerce. The current proper and legal term for mobile homes is "manufactured homes". While the manufactured home itself is not covered by the Wisconsin Uniform Dwelling Code (UDC), any site-built addition to that home, such as a basement, crawl space or room addition attached to the home, does have to be constructed to meet the requirements of the UDC if the manufactured home was built after June 1, 1980.

While manufactured homes are constructed to the HUD construction standards, "manufactured dwellings" must meet the UDC standards. Such non-HUD factory-built homes are referred to as "manufactured dwellings". However, double-wide manufactured mobile homes often are similar in appearance to modular homes. For purposes of identification, a manufactured (mobile) home is identified with a red metal rectangular label affixed to the rear of each full or half unit. This indicates the home has been constructed in accordance with the HUD manufactured home standards. In contrast, a modular home or manufactured dwelling will be identified with a red plastic sticker, called a "Wisconsin Insignia", imprinted with the outline of the State

of Wisconsin. It will usually be affixed to the electrical panel, vanity base cabinet or kitchen cabinet. Inspectors must first identify what they are looking at before applying the applicable code regulations.

- (169) **Mobile Home Lot.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (170) **Mobile Home Community.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation, and where individual lots are rented to individual mobile home users. A mobile home community is also any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreations and other community service facilities designed for the exclusive use of community occupants.
- (171) **Mobile Home Subdivision.** A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any Village Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home communities.
- (172) **Modular Unit.** A prefabricated, detached single- or double-family dwelling unit designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, which is or was designed to be transported and mounted on a permanent foundation.
- (173) **Motel.** A building containing lodging rooms having adjoining individual bathrooms, and where each lodging has a doorway opening directly to the outdoors, and more than fifty percent (50%) of the lodging rooms are for rent to transient tourists for a continuous period of less than thirty (30) days.
- (174) **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.
- (175) **Navigable Waters.** Has the meaning in Section 30.01(4m), Wis. Stats.
- (176) **New Livestock Facility.** A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least five (5) years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five (5) years.
- (177) **Nonconforming Lot.** A lot of record existing on the date of passage of this Chapter which does not have the minimum width or contain the minimum area for the zone in which it is located.
- (178) **Nonconforming Structure.** A dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one (1) or more of the development regulations in the current zoning ordinance. [See Section 62.23(7)(hb)b, Wis. Stats.]

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- (179) **Nonconforming Use.** A use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance. [See Section 62.23(7)(ab), Wis. Stats.]
- (180) **Nonmetallic Mining.** Operations or activities for the extraction from the earth for the sale or use by the operator of mineral aggregates or nonmetallic minerals such as stone, sand, gravel, asbestos, beryl, clay, feldspar, peat, talc, topsoil, including such operations or activities such as excavation, grading, and dredging.
- (181) **Nuisance.** An injurious effect on the safety, health, or morals of the public, or use of property which works some substantial annoyance, inconvenience, or injury to the public and which causes hurt, inconvenience or damage.
- (182) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (183) **Nursery School.** Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.
- (184) **Nursing Home.** Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (185) **Official Letter of Map Amendment.** Official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
- (186) **Operator.** A person who applies for or holds a local approval for a livestock facility.
- (187) **Ordinary Maintenance and Repair.** Any work done on a nonconforming structure that does not constitute expansion, structural alteration or reconstruction and does not involve the replacement, alteration or improvement of any portion of the structure's foundation.
- (188) **Other Official Approved Access.** A private road or easement extending from a private property to a component of the public street system which the Village Board has approved as a primary means of access.
- (189) **Outlot.** A lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.
- (190) **Parking Area, Semi-Public.** An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- (191) **Parking Lot.** A structure or premises containing five (5) or more parking spaces open to the public.

- (192) **Parties in Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (193) **Party Wall.** A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above, and which separates contiguous buildings but is in joint use for each building.
- (194) **Person.** An individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.
- (195) **Places of Assembly.** Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.
- (196) **Planned Unit Development.** A large lot or tract of land containing two (2) or more principal buildings of uses developed as a unit where such buildings or uses may be located in relation to each other rather than to a lot line or zoning district boundaries.
- (197) **Populate (Animals).** To add animal units for which a permit or other local approval is required.
- (198) **Porch.** A building walkway with a roof over it, providing access to a building entrance.
- (199) **Private Individual Sewage Treatment System.** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same lot as the structure. This term includes alternative sewage systems, substitutes for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (200) **Private Individual Water System.** A system supplying water for human consumption with a well and pump serving a single structure located on the same lot as the structure. This term includes alternative water supply systems, substitutes for the well or pump, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (201) **Professional Home Offices.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, tradesmen, authors, musicians or other recognized professions used to conduct their professions. Tradesmen shall be defined as a person or persons who hold themselves out with a particular skill including, but not limited to, carpenters, masons, plumbers, electricians, roofers and others involved in the building trade.
- (202) **Property Line.** A line that separates parcels of land owned by different persons.
- (203) **Qualified Nutrient Management Planner.** A person qualified under ATCP 50.48, Wis. Adm. Code.
- (204) **Quarrying.** The removal of mineral aggregates, topsoil or other natural materials from the earth by excavating, stripping or any other mining process.
- (205) **Racetrack.** A facility or track operated where vehicles of any type competitively race, whether for compensation or not.

- (206) **Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
- (207) **Rear Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- (208) **Reasonable Accommodation.** Allowing a disabled person to deviate from the strict requirements of the Village's zoning ordinances if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.
- (209) **Recreational Vehicle.** Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications:
- Is not used as the permanent residence of the owner or occupant;
 - Is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities;
 - Is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities;
- Examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pickup campers, camping buses, and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations. Manufactured or mobile homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "recreational vehicles". The term "recreational vehicle" does not include a temporarily placed "manufactured" or "mobile" home.
- (210) **Recreational Vehicle Camp.** A part, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any recreational vehicles as defined herein, and upon which said recreational vehicles are parked.
- (211) **Recycling Center.** A facility designed to be a collection point where only recyclable materials are sorted and temporarily stored prior to shipment to others who will use those materials for reuse and/or processing into new products. This shall not include junk yards.
- (212) **Regional Flood.** This regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years; this means that in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence.

- (213) **Related Livestock Facilities.** Livestock facilities that are owned or managed by the same person, and related to each other in at least one (1) of the following ways:
 - a. They are located on the same tax parcel or adjacent tax parcels of land. (Note: A mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities).
 - b. They use one (1) or more of the same livestock structures to collect or store manure.
 - c. At least a portion of their manure is applied to the same landscaping acreage.
- (214) **Restaurant.** A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.
- (215) **Restaurant, Drive-in.** A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to be eaten either off the premises or within automobiles parked on the premises.
- (216) **Retail.** The sale of goods or merchandise in small quantities to the consumer.
- (217) **Roadside Stand.** A building or part of a building no more than five hundred (500) square feet used for the retail sale of agricultural and related incidental products, excluding livestock, produced on the farm where the stand is located. There shall be no more than one (1) such stand on any one premises.
- (218) **Sanitary Landfill.** A land disposal facility where solid waste is disposed on land by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to its smallest practical volume, and to cover it with a layer of earth or other approved material as required.
- (219) **School, Private.** An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for the mentally handicapped or a college or other institution of higher learning.
- (220) **School, Commercial.** A school limited to special instruction such as business, art, music trades, handicraft, dancing or riding.
- (221) **Seat.** Furniture upon which to sit having a linear measurement not less than twenty-four (24) inches across the surface used for sitting.
- (222) **Separate Species Facility.** A livestock facility that meets all of the following criteria:
 - a. It has only one (1) of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related. (Note: See also definition for "related livestock facility"):
 - 1. Cattle.
 - 2. Swine.
 - 3. Poultry.

4. Sheep.
 5. Goats.
 - b. It has no more than five hundred (500) animal units.
 - c. Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
 - d. It meets one (1) of the following criteria:
 1. Its livestock housing and manure storage structures, if any, are located at least seven hundred and fifty (750) feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
 2. It and the other livestock facilities to which it is related have a combined total of fewer than one thousand (1,000) animal units.
- (223) **Setback.** The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. Any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.
- (224) **Signs.** Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (225) **Site Plan.** Includes but is not limited to a drawing to scale of not less than one (1) inch equals fifty (50) feet, showing all physical aspects such as buildings, setback dimensions, sidewalks, driveways, playgrounds, parking, and so forth which pertain to the proposed development and its relation to the surrounding area in conformance to the zoning of the area in which the development will exist.
- (226) **Stable, Commercial.** A building or land where horses are kept for remuneration, hire, sale, boarding, riding or show.
- (227) **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (228) **Story, Half.** That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three

- (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (229) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (230) **Street Yard.** A yard extending across the full width of the lot, the depot of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) street yards.
- (231) **Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (232) **Structural Component.** Any part of the framework of a building or other structure. The structural components of a building's exterior walls include the vertical studs, top and bottom plates, and window and doorsills and headers. A structural component may be non-loadbearing, such as the framework of a wall at the gable end of a one-story house. Wall coverings, such as siding on the exterior and dry wall on the interior, are not included in the definition of structural component.
- (233) **Structural Erosion Control Measure.** A retaining wall or other man-made structure whose primary function is to control erosion.
- (234) **Structure.** Any man-made object with form, shape and utility, that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, a river bed, stream bed or lake bed or upon another structure. Structure includes swimming pools, hot tubs, patios, decks and retaining walls, but does not include landscaping or earthwork such as graded areas, filled areas, ditches, berms or earthen terraces. Structure does not include small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, birdhouses and birdbaths.
- (235) **Substantial Evidence.** Facts and information, other than merely personal preferences or speculations, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. [Secs. 60.62(4e)(a)2. and 62.23(7)(de)1.b., Wis. Stats.]
- (236) **Temporary Structure.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (237) **Tent or Hoop-Supported Structure.** Any structure, building, enclosure, canopy, or tent top, with or without full sidewalls, temporary or permanent, primarily constructed of a frame of any material covered by a fabric of natural or synthetic material, whether opaque, translucent, or transparent, but does not include:
- a. Family or individual camping tents used by the resident of the lot and the resident's non-paying guests for camping activities.
 - b. Party tents or canopies erected for a party or event.

- c. Screen tents or picnic canopies of the type usually used to shelter a family picnic table or outdoor furniture.
- (238) **Tourist Camp.** A tract or parcel of land on which one (1) or more automobile trailers, tents or camp cabins are located, open to the public free or for a fee.
- (239) **Transmission Services.** Electric power lines, telephone and telegraph lines, communication towers, cables, sewage lift stations, sewer and water pipes, and other pipes, conduits and accessory structures that are used to transport power, convey information or transport material between two (2) points, other than wireless communication service facilities.
- (240) **Use.** The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (241) **Use, Accessory.** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- (242) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (243) **Use, Principal.** The main use of land or building as distinguished from subordinate or accessory use.
- (244) **Utilities.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (245) **Utility Building or Structure.** An accessory building used for storage of gardening or home-related supplies of limited size not exceeding ten by fourteen (10 x 14) feet and no greater than nine (9) feet in height.
- (246) **Utility Room.** A room or area in the home used for the mechanicals of the home (furnace, water heater, water softener).
- (247) **Value Added Agriculture.** A small commercial, manufacturing or service operation, which is accessory to an agricultural use. Examples of value added agriculture include, but are not limited to, small scale food processing, handcrafting, agriculture-related product packaging and marketing, and agricultural tourism. These farm-based activities cannot exceed a certain size and scale, but may involve new structures. Additional permits and licenses may be required to carry on these activities.
- (248) **Variance.** A relaxation of the terms of this Chapter by the Board of Appeals where the literal enforcement of this Chapter would deny to the property owner a use of his/her property enjoyed as a right by other property owners within the same zoning district.

- (249) **Vehicle, Motor.** Every device in, upon or by which any person or property is or may be transported.
- (250) **Vending Machine.** A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.
- (251) **Vision Setback Area.** An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from this intersection as specified in this Chapter.
- (252) **Wall, Retaining.** A structure designed to resist the lateral displacement of soil or other materials.
- (253) **Waste.** Manure, milking center waste, and other organic waste generated by a livestock facility.
- (254) **Waste Storage Facility.** One (1) or more waste storage structures, and includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.
- (255) **Waste Storage Structure.** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. Pursuant to the purposes of ATCP 51.12(2) and 51.14, Wis. Adm. Code, "waste storage facility" does not include any of the following:
- a. A structure used to collect and store waste under a livestock housing facility.
 - b. A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.
- (256) **Winter Grazing Area.** Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. "Winter grazing area" does not include any of the following:
- a. An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
 - b. An area which at any time has an average of more than four (4) livestock animal units per acre.
 - c. An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
 - d. An area in which manure deposited by livestock causes nutrient levels to exceed the standards in ATCP 51.16, Wis. Adm. Code.

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- (257) **WPDES Permit.** A Wisconsin pollutant discharge elimination permit issued by the Wisconsin Department of Natural Resources under NR 243, Wis. Adm. Code.
- (258) **Yard.** An open space on the same lot with a building, unobstructed by structures except as otherwise provided herein.
- (259) **Yard, Front.** A yard extending the full width of the lot between the front lot line and the nearest part of the principal building excluding uncovered steps. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimensions.
- (260) **Yard, Rear.** A yard extending the full width of the lot between the rear lot line to the nearest part of the principal building.
- (261) **Yard, Side.** A yard on each side of the principal building extending from the building to the lot line and from the front yard line to the rear yard line.
- (262) **Yard, Street.** Yard abutting a street.
- (263) **Yard, Transitional.** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.
- (264) **Zero Lot Line.** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.
- (265) **Zoning Permit.** A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.

Title 13 ► Chapter 2

Comprehensive Plan

13-2-1 Comprehensive Plan Adoption

Sec. 13-2-1 Comprehensive Plan Adoption.

(a) **Authority' Background.**

- (1) Pursuant to Secs. 60.22(3) and 62.23(2)-(3), Wis. Stats., the Village of Elk Mound is authorized to prepare and adopt a comprehensive plan as defined in Secs. 66.1001(1)(a) and 66.1001(2), Wis. Stats.
- (2) The Village Board of the Village of Elk Mound, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a Comprehensive Plan as required by Sec. 66.1001(4)(a), Wis. Stats.
- (3) The Plan Commission of the Village of Elk Mound, by majority vote of the Plan Commission recorded in its official minutes, has adopted a resolution recommending to the Village Board the adoption of the document entitled the *Village of Elk Mound Comprehensive Plan* containing all of the elements specified in Sec. 66.1001(2), Wis. Stats.
- (4) The Village Board has held at least one (1) public hearing on the Plan and this ordinance, in compliance with the requirements of Sec. 66.1001(4)(d), Wis. Stats.

- (b) **Adoption.** The Village of Elk Mound Board, does, by enactment of this Section, formally adopt the document entitled the *Village of Elk Mound Comprehensive Plan*, pursuant to Sec. 66.1001(4)(c), Wis. Stats.