

PLANNING AND ZONING

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This chapter regulates land use and parcel identification of land in the Village of Rock Springs.

7.01 PURPOSE OF ZONING

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

- (1) **INTENT.** It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Village; and to provide for the administration and enforcement of this chapter and to provide penalties for its violation.
- (2) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- (3) **INTERPRETATION.** The provisions of this chapter shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

7.02 DEFINITIONS

- (1) **ACCESSORY USE OR STRUCTURE.** A use of detached structure subordinate to the principal use of structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure. When an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building.
- (2) **ALLEY.** A special public right of way affording only secondary access to abutting properties, said right of way being less than twenty-one (21) feet wide.
- (3) **AUTOMOBILE SERVICE STATION.** A building or place of business where gasoline, oil and gases, batteries, tire and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail and where minor repair service is rendered.
- (4) **BASEMENT.** That portion of any structure located partly below the average adjoining lot grade which if occupied as living quarters, shall be counted a story for purposes of height measurements.
- (5) **BED AND BREAKFAST ESTABLISHMENT.** A building that provides four (4) 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 is occupied by the owner at the time of the rental.
- (6) **BOARDINGHOUSE.** 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 twelve (12) persons and not open to transient customers.
- (7) **BUILDING.** Any structure used, designed or intended for protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by un-pierced walls extending from the ground up, each part shall be deemed a separate building.
- (8) **BUILDING AREA.** The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.
- (9) **CLOTHING REPAIR SHOPS.** Shops where clothing is repaired, such as shoe repair shops, seamstresses, tailor shops, shoe shine shops and clothes pressing shops, but non employing over five (5) persons.
- (10) **CLOTHING STORES.** Retail stores where clothing is sold, such as department stores, dry goods and shoe stores and dress, hosiery and millinery shops.
- (11) **CORNER LOT.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 or less, measured on the lot side.
- (12) **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, accessory uses, the placement or mobile homes, mining dredging, filling, grading, paving, excavation or drilling operations, deposition of materials.

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- (13) DWELLING, ONE-FAMILY. A detached residence designed for or occupied by one family only.
- (14) DWELLING, TWO-FAMILY. A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
- (15) DWELLING, MULTIPLE-FAMILY. A residence designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each, including row houses, apartment houses and apartment hotels.
- (16) EMERGENCY SHELTER. Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare or fire, flood, windstorm, riots and invasions.
- (17) ESSENTIAL SERVICES. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, 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.
- (18) FAMILY. Any number of persons related by blood, adoption or marriage, or not more than two (2) unrelated persons, living together in one dwelling as a single housekeeping entity. (Any number of individuals customarily living together as a single household unit or complete domestic establishment.)
- (19) FENCE. A structure providing enclosure or serving as a barrier but not protecting against the elements.
- (20) FRONTAGE. All property abutting on one side of a street between two (2) intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
- (21) FRONT YARD. The smallest dimension of a lot abutting a public street measured along a street line.
- (22) GARAGE. A building or space for the storage, service or sale of automotive vehicles.
 - (A) Private. A garage with a capacity for not more than two (2) automotive vehicles for storage only, in which space for not more than one (1) vehicle may be rented to persons not occupants of the premises. Only one (1) commercial vehicle of not over two and one half (2 ½) tons capacity may be stored in a private garage. A private garage may exceed a two (2) vehicle capacity provided that the area of the lot on which such private garage is located shall be not less than three thousand (3000) square feet for each vehicle stored.
 - (B) Public. A garage other than a private garage used for the housing or care of automotive vehicles or where such vehicles are equipped for operation, serviced or kept for remuneration, hire or sale.
 - (C) Storage. A garage other than a private garage used exclusively for the storage of automotive vehicles and where no service or repair facility is maintained.
- (23) HEIGHT OF BUILDING. The vertical distance from the mean elevation of the finished grade

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along the front of the building to highest point of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip and gambrel roofs, but not including church spires, belfries, cupolas, domes, monuments, water towers, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials, or parapet walls.

- (24) HOME OCCUPATION. Any occupation for gain or support conducted within buildings by resident occupants which is incidental to the principal use of the premises, does not exceed twenty-five percent (25%) of the area of any floor, and no stock in trade is kept or sold except that made on the premises, and that no sign other than one name plate not more than four (4) square feet in area is installed. A household occupation includes uses such as baby sitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios.
- (25) HOTEL. A building in which there are more than five (5) sleeping rooms designed for occupancy as the temporary residence of transient guests for compensation, who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.
- (26) JUNK YARD. An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operational condition. Storage of three (3) or more unlicensed vehicles on the same premises shall be evidence of operation of a junk or salvage yard.
- (27) LARGE ANIMAL RESCUE FACILITY. A not for profit business licensed by the United States Department of Agriculture, which provides care for large animals such as lions, tigers and leopards formerly owned by exhibitions, zoos and individuals.
- (28) LOADING AREA. A completely off-street space or berth on the same or of the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.
- (29) LODGING HOUSE. A building other than a hotel where lodging only is provided for compensation to three (3) or more persons.
- (30) LOT. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the area and other open space provisions of this chapter.
- (31) LOT, CORNER. A lot situated at a jurisdiction of two (2) or more streets, and having a width not greater than seventy five (75) feet and a depth not greater than one hundred fifty (150) feet.
- (32) LOT, DEPTH OF. The mean horizontal distance between the front and rear lines.
- (33) LOT, INTERIOR. A lot other than a corner lot.
- (34) LOT, THROUGH. An interior lot having frontage on two (2) non-intersecting streets.
- (35) LOT LINES AND AREA. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (36) LOT WIDTH. The width of a parcel of land measured at the building setback line.

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- (37) **MOBILE HOMES.** All mobile units intended for occupancy as a year-round permanent residence and so placed as to be permanently affixed to the site upon a foundation.
- (38) **MOTEL.** A series of attached, semi-attached or detached sleeping units for the accommodation of three (3) or more transient guests.
- (39) **MUNICIPAL LIMITS:** Village boundaries.
- (40) **NONCONFORMING USES OR STRUCTURES.** Any structure, land or water, lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (41) **OCCUPIED.** Already occupied or intended, designed or arranged to be used or occupied.
- (42) **PARKING LOT.** A structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.
- (43) **PARKING SPACE.** A graded or surfaced area of not less than one hundred eighty (180) square feet, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (44) **PARTIES IN INTEREST.** Includes all abutting property owners, all property owners within one hundred (100) feet and all property owners of opposite frontages.
- (45) **PLANNED DEVELOPMENT GROUP.** A group of three (3) or more principal buildings designed to be maintained and operated as a unit in single ownership or control and which has certain facilities in common such as yards, open spaces, recreation areas, garages and parking areas.
- (46) **PROFESSIONAL HOME OFFICE.** A residence of a clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician or persons in other recognized professions used to conduct their professions where the office does not exceed twenty-five percent (25%) of the area of any one floor of the residence and no more than one nonresident person is employed. Only one name plate not exceeding four (4) square feet in area containing the name and profession of the occupant shall be exhibited.
- (47) **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 on the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.
- (48) **SETBACK.** The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.
- (49) **SIDE YARD.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

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- (50) **SIGNS.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks 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 street or highway.
- (51) **STORY.** That portion of a building included between the surface of a floor and surface of the floor next above it or, if there be no floor above it, then the space between the floor and ceiling above it. A basement or cellar having one-half (2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (52) **STORY, HALF.** The space under any roof except a flat roof which if occupied for residential purposes, shall be counted as a full story.
- (53) **STREET.** All property dedicated or intended for public or private street purposes or subject to public easements therefor and twenty-one (21) feet or more in width providing access to abutting properties.
- (54) **STREET LINE.** A dividing line between a lot, tract or parcel of land and a contiguous street.
- (55) **STREET YARD.** A yard extending across the full width of the lot, the depth of which shall be minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.
- (56) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure such as foundation, bearing walls, columns, beams or girders.
- (57) **STRUCTURE.** Any erection of construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment which requires a more or less permanent location on or in the ground.
- (58) **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either of the following:
- (A) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or,
 - (B) Any alteration of a structure or side documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.
 - (C) Ordinary repairs are not considered structural repairs, modifications or additions; such maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.
- (59) **TEMPORARY STRUCTURE.** A moveable structure not designed for permanent human occupancy for the purpose that would commonly be expected to be relatively short term.
- (60) **TRAILERS.** Units, including camp trailers, intended for temporary occupancy and not affixed to the ground.

- (61) UTILITIES. Any public or private water supply or waste collection and/or disposal system, including, but not limited to septic systems, private and public wells and their attendant facilities, public sewage collection systems, and treatment facilities.
- (62) VISION CLEARANCE. An unoccupied triangular space at the street corner or a corner lot which is bounded by the street lines and a setback line connecting points specified by measurements for the same lot with a building, unoccupied at the corner of each line.
- (63) YARD. An open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- (64) TOURIST CAMP. Any lot parcel or tract of land upon which are or may be located two (2) or more camp cabins, automobile trailers, house cars, or tent houses used as living or sleeping quarters for or without a fee.
- (65) Zero lot line lot. A lot created with no side yard setback on one side of the lot to create a shared building envelope between the two lots. This shared building envelope shall only be used to build or divide a duplex where the common wall between the two units is built, or determined to be, the common boundary line to create two separate attached single-family dwelling units.

7.03 JURISDICTION

The jurisdiction of this chapter shall include all lands and waters within the boundaries of the Village.

7.04 COMPLIANCE

No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable local, County and State regulations.

7.05 ZONING CHANGE

Applications for a zoning change shall be made in duplicate to the Village Board and shall include the following, where applicable:

- (1) Names and addresses of the applicant, the owner of the site, the architect, the professional engineer or the contractor.
- (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing site and proposed operation or use of the structure including number of employees; and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the subject site, the existing and proposed easements, streets or other public ways, off-street parking, loading areas, driveways, existing highway access restrictions, existing and proposed street, side and rear yards. In addition, the plat of the survey shall show the location, elevation and use of any abutting lands and their structures within 40 feet of the subject site and the location of existing sewer and water lines. Additional information as may be required by the appropriate body of the community.

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- (4) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall be approved by an appropriate professionally licensed authority who shall certify in writing that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, County and State Board of Health regulations.
- (5) Proposed water supply plan if municipal water service is not available. This plan shall be approved by an appropriate professionally licensed authority who shall certify, in writing, that an adequate and safe supply of water will be provided.

7.06 SITE RESTRICTIONS

- (1) No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Village Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Village Board may affirm, modify or withdraw its determination of unsuitability.
- (2) All lots shall abut upon a public street and each fan-shaped lot shall have a minimum street frontage of sixty (60) feet at the building setback line.
- (3) No zoning reclassification shall be considered for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (4) In any district where a public water supply or public sewerage service is not available, the lot area shall be determined in accordance with Wis. Adm. Code H65.

7.07 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- (1) **PRINCIPAL USES.** Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- (2) **ACCESSORY USES.** Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
- (3) **LIMITED NUMBER OF BUILDINGS.** There shall be not more than one (1) principal dwelling and two (2) accessory structures on each lot in any Residential District.
- (4) **UNCLASSIFIED USES.** Unclassified or unspecified uses may be permitted by the Board of Zoning Appeals after the Plan Commission has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.

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- (5) TEMPORARY USES. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Village Board.

7.08 REDUCTION OR JOINT USE

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

7.09 NONCONFORMING USES

- (1) EXISTING LAWFUL USES. The existing lawful use of a building or premises at the time of the enactment of this chapter or any amendment thereto may be continued although such use does not conform with the provisions of this chapter for the district in which it is located, but such nonconforming use shall not be extended.
- (2) STRUCTURAL ALTERATION. If no structural alterations are made a nonconforming use of a building may be changed to another classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use, such use shall not thereafter be changed to a less restricted use.
- (3) DISCONTINUATION OF USE. If a nonconforming use of a building or premises is discontinued for a period of twelve (12) months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
- (4) DAMAGE TO NONCONFORMING BUILDING. When a building containing a nonconforming use is damaged by fire, explosion, act of God or public enemy to the extent of more than fifty percent (50%) of its current equalized value, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not, during its life, exceed fifty percent (50%) of the current equalized assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to conforming use.
- (5) FLOODWAY DISTRICT, FLOOD FRINGE DISTRICT AND FLOOD PLAIN DISTRICT OVERLAY.
- (A) General: Insofar as the standards in this section are not inconsistent with the provisions of Wis. Stat. § 62.23(7)(h) they shall apply to all nonconforming uses. The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this chapter may be continued subject to compliance with other provisions herein and Wis. Admin. Code NR 116 and NR 117.

7.10 ZONE REGULATIONS

No person shall use land or any building or structure or erect, construct, reconstruct, move or structurally alter a building, structure or part thereof except in conformance with these regulations. Permitted uses in each zone shall be mutually exclusive except as otherwise indicated.

7.11 GENERAL PROVISIONS

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- (1) **VALIDITY OF CERTAIN BUILDING PERMITS.** Nothing herein contained shall require any change in plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this chapter or amendments thereto, and construction of which shall have been started within six (6) months from the date of the permit.
- (2) **OFF-STREET PARKING REQUIREMENTS.** All apartment houses, theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide acceptable parking space of sufficient size. (See Sec. 17.37 of this chapter)
- (3) **CORNER LOT VISION CLEARANCE.** On a corner lot, in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impeded vision between a height of two and one-half (2½) and twelve (12) feet above the sidewalk of such corner lot and a line adjoining points along such street lines twenty (20) feet from the point of intersection.
- (4) **FRONTAGE ON CORNER LOTS.** The minimum front yard shall be provided on each street in accordance with this chapter.

7.12 ZONING DISTRICTS

- (1) **FOUR DISTRICTS.** The Village of Rock Springs is hereby divided into four (6) districts known as:
 - (A) Residence District
 - (B) Residence-Agricultural District
 - (C) Business District
 - (D) Industrial District
 - (E) Village Governmental Property District
 - (F) Restricted Development District

The boundaries of such districts are shown on the map attached hereto and made a part of this ordinance, being designated as the Zoning Map of the Village of Rock Springs and the said map and all notations, references and other things shown thereon shall be as much a part of this ordinance as if the matter and things set forth by the said map were fully described herein.

- (2) **RESTRICTIONS.**
 - (A) No building shall be erected or altered, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
 - (B) No building shall be erected or altered to exceed in height the limit herein established for the district in which such building is located.
 - (C) No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations hereby established for the district in which such building or land is located.
- (3) **RESIDENCE DISTRICT.**
 - (A) **Permitted Uses.**
 - (i) One-family dwelling.

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- (ii) Two-family dwellings.
- (B) Conditional Uses. Churches, schools, public libraries, parks, museums, hospitals, sanitariums, clinics, philanthropic, eleemosynary institutions, telephone offices, gaming and truck gardening, except chicken fur and stock farms and farms operated for the disposal of garbage, rubbish or offal, private clubs, fraternities and lodges, excepting those whose chief activity is a service customarily carried on as a business, accessory buildings occupying not more than twenty (20) percent of the required rear yard including one (1) private stable when located not less than seventy-five (75) feet from the front lot lines; boardinghouse.
- (C) Uses customarily incident to and of the above uses when located on the same lot and not involving the conduct of a business; including home occupations not involving the conduct of a business on the premises and the office of a physician, surgeon, dentist, musician, or artist when situated in the dwelling; provided no name plate exceeding two (2) square feet in area, nor a sign exceeding four (4) square feet in area pertaining to the lease, hire or sale of a building or premises, nor advertising sign of any other character shall be permitted in the Residence District. All such permitted signs shall be located within the lot lines and at least five (5) feet from the inside sidewalk line.
- (D) Height and Area. In the Residence District the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:
- (i) Height and square feet. No building hereafter erected or structurally altered shall exceed thirty-five (35) feet or two and one-half (2½) stories. Residences shall have a minimum width of 20 feet and have at least 800 square feet of living space on the first floor. See Section (9)
 - (ii) Rear Yard. There shall be a rear yard having a minimum depth of twenty-five (25) feet. No accessory building located in a rear yard shall be nearer than five (5) feet to any lot line.
 - (iii) Side Yard. There shall be a side on each side of a building. For buildings not over one and one-half (1½) stories, the aggregate width of the side yard shall be not less than eighteen (18) feet and no single side yard shall be less than eight (8) feet in width. For buildings from one and one-half (1½) to two and one-half (2½) stories high, the aggregate width of the side yard shall be not less than twenty-two (22) feet and no single side yard shall be less than nine (9) feet in width.
 - (iv) Provided, however, that on single lots less than fifty (50) feet in width and so recorded at the time of the passage of this ordinance, the aggregate width of the side yard for each foot of lot width as measured on the setback line, provided, that no single side yard shall be less than 6 feet in width, and provided further that the effect of the side yard regulation shall not be such as to reduce the buildable width of any such lot to less than seventeen and one-half (17½) feet.
- (E) Lot and Area. Every building hereafter erected or structurally altered shall provide a lot area of not less than eight thousand (8000) square feet per family and no such lot shall be less than sixty (60) feet in width.
- (F) Setback. Unless otherwise provided, there shall be a setback line of not less than twenty-five (25) feet, provided that:
- (i) Where forty percent (40%) or more of all the property, according to front footage, abutting upon one side of a street between two (2) intersecting streets is built up with buildings having an average setback line of more or of less, than twenty-

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five (25) feet, no building hereafter erected or structurally altered shall project beyond the average setback line so established.

- (ii) On corner lots of record at the time of the passage of this ordinance, where reversed frontage exists, the setback on the side street shall be not less than fifty (50) percent of the setback required on the lot in the rear and no accessory building shall project beyond the setback line of the lots in the rear.
- (iii) Nothing in this regulation shall be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street, and so recorded at the time of the passage of this ordinance, to less than twenty-four (24) feet.

(4) RESIDENCE-AGRICULTURAL DISTRICT

(A) Permitted Uses.

- (i) All permitted uses in the Residence District
- (ii) Lodging and boarding houses
- (iii) Nurseries and greenhouses, agricultural and general farming excepting farms operated for the disposal of garbage, sewage, rubbish or offal; horse farms, mink farms, dairying, livestock raising, poultry raising.
- (iv) Power transmission lines.

(B) Conditional Uses.

- (i) Churches, libraries, schools, cemeteries, hospitals, home occupations, incinerators, pumping stations, restaurants, taverns, grocery stores, mobile home parks, campgrounds, mobile trailer parks, multiple family buildings.
- (ii) Tourist camps when such camps provide not less than eight hundred (800) square feet of lot area for each cabin, trailer, tent or housecar and when such camp is clearly bounded by a fence or hedge; provided, however, that no person, persons or party other than the owner shall occupy any tourist camp more than ninety (90) days in any one year.
- (iii) Roadside stand provided that, for the purposes of this ordinance, such roadside stand shall not be construed to be a business but as an accessory to the agricultural use.
- (iv) Quarries and businesses manufacturing and processing of natural mineral resources indigenous to the Village of Rock Springs.
- (v) Large animal rescue facility.

(C) Height and Area. In the Residence-Agricultural District for buildings or parts of buildings hereafter erected or altered for human habitation, the height, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

- (i) Height. No building hereafter erected or structurally altered shall exceed thirty-five (35) feet or two and one-half (2½) stories.
- (ii) Rear yard. There shall be a rear yard having a minimum depth of twenty-five (25) feet. No accessory building located in a rear yard shall be nearer than five (5) feet to any lot line. See Section VIII.
- (iii) Side yard. There shall be a side yard on each side of a building. For buildings not over one and one-half (1½) stories high, the aggregate width of the side yards shall be not less than eighteen (18) feet and no single side yard shall be less than eight (8) feet in width. For buildings from one and one-half (1½) to two and one-half (2½) stories high, the aggregate width of the side yards shall be not

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less than twenty-two (22) feet and no single side yard shall be less than nine (9) feet in width.

Provided, however, that on single lots less than fifty (50) feet in width and so recorded at the time of the passage of this ordinance, the aggregate width of the side yards shall be not less than three-tenths (0.3) of a foot of side yard for each foot of lot width as measured on the setback line, provided that no single side yard shall be less than six (6) feet in width, and provided further that the effect of the side yard regulation shall not be such as to reduce the buildable width of any such lot to less than seventeen and one-half (17½) feet.

- (D) Lot Area Per Family. Every building hereafter erected or structurally altered shall provide a lot area of not less than eight thousand (8000) square feet per family and no such lot shall be less than sixty (60) feet in width.
- (E) Setback. Unless otherwise provided, there shall be a setback line of not less than twenty-five (25) feet, provided that:
 - (i) Where forty percent (40%) or more of all the property, according to front footage, abutting upon one side of a street between two (2) intersecting streets is built up with buildings having an average setback line of more or of less, than twenty-five (25) feet, no building hereafter erected or structurally altered shall project beyond the average setback line so established.
 - (ii) On corner lots of record at the time of the passage of this ordinance, where reversed frontage exists, the setback on the side street shall be not less than fifty percent (50%) of the setback required on the lot in the rear and no accessory building shall project beyond the setback line of the lots in the rear.
 - (iii) Nothing in this regulation shall be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street, and so recorded at the time of the passage of this ordinance, to less than twenty-four (24) feet. See Section VIII.

(5) BUSINESS DISTRICT.

(A) Permitted Uses.

- (i) Any use permitted in the Residence and Residence-Agriculture Districts.
- (ii) Restaurants, cafes, theaters, banks, taverns, grocery stores, convenience stores, postal facilities, gas and automobile service stations, general retail stores, including packaged beverage stores, clothing stores, card shops, jewelry stores, shoe stores, appliance stores and repair facilities.
- (iii) Commercial Uses. Except the following which shall be conditional uses:
 - (a) A bakery, laundry or dry cleaning establishment employing more than five (5) persons.
 - (b) Blacksmith and horseshoeing shop.
 - (c) Storage yards or warehouses for building material, lumber, carting, express, hauling, contractor's plan, coal, coke, wood, oil, rags, bottles, or junk.
 - (d) Bottling or cooperage works.
 - (e) Ice manufacturing plant or storage house of more than five (5) ton capacity.
 - (f) Livery stable.

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- (g) Machine shop.
 - (h) Milk distributing station, creamery, or cheese factory.
 - (i) Stone yard or monumental works.
 - (j) Job printing shop generating its own power and employing more than five (5) persons.
 - (k) Wholesale outlets, second hand stores.
 - (l) Sexually oriented adult entertainment establishments.
- (B) Height and Area. In the Business District the height of buildings, the minimum dimensions of yards and minimum lot area per family shall be as follows:
- (i) Height. No buildings hereafter erected or structurally altered shall exceed three (3) stories or forty (40) feet in height.
 - (ii) Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet. See Section VIII.
 - (iii) Side yard. For buildings or parts of buildings hereafter erected or structurally altered for residential use, the side yard regulations of the Residence District shall apply.
- (C) Lot Area per Family. Except as otherwise provided, buildings or parts of buildings hereafter erected or altered for human habitation shall provide not less than eight thousand (8000) square feet of lot area per family.
- (D) Setback. Unless otherwise provided, where parts of the frontage on one side of a street between two intersecting streets are designated on the "Zoning Map of the Village of Rock Springs" as a Residence District and a Business District, the setback regulations of the Residence District shall apply to the Business District.
- (6) INDUSTRIAL DISTRICT.
- (A) Permitted Uses.
- (i) All uses permitted in the Business District.
 - (ii) Bottling works and non-alcoholic beverage manufacture.
 - (iii) Blacksmith, tinsmith, welding, fabrication, and sheet metal working.
 - (iv) Cleaning, pressing and dyeing establishments.
 - (v) Enameling and painting, manufacturing wholesaling.
 - (vi) Food processing, packing and manufacturing.
 - (vii) Laboratories.
 - (viii) Manufacturing of cigarettes, cigars, cosmetics, home appliances, jewelry, leather goods, office appliances, paper products, smoking tobacco, sporting goods, wood products, and woven goods.
 - (ix) Materials and solid fuel storage, except the storage of junk.
 - (x) Printing and publishing.
 - (xi) Storage and warehousing except for inflammable and explosive materials.
 - (xii) Repair, service and assembly of bicycles, farm machinery and motor propelled vehicles except the wrecking of automobiles and the storage of junk.
 - (xiii) Wholesale business.
- (B) Conditional Uses.
- (i) Incinerators, sanitary landfill operations and sewage disposal plants.

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- (C) Height and Area. In the Light Industrial District the height of buildings and the minimum dimensions of yards shall be as follows:
- (i) Height. No buildings hereafter erected or structurally altered shall exceed three (3) stories or forty (40) feet in height. See Section VIII.
 - (ii) Rear Yard. There shall be a rear yard of not less than fifteen (15) feet. Where such rear yard opens onto a street or alley, one-half ($\frac{1}{2}$) the width of such street or alley may be assumed to be a portion of the required rear yard. Provided, however, that buildings or parts of buildings hereafter erected or altered for commercial or industrial purposes shall provide adequate loading space on the same lot with the building. See Section VIII.
 - (iii) Side Yard. A side yard, if provided, shall be not less than ten (10) feet in width.
- (D) Setback. Unless otherwise provided, where parts of the frontage on one side of a street between two (2) intersecting streets are designated on the "Zoning Map of the Village of Rock Springs" as a Residence District and Light Industrial District, the setback regulations of the Residence District shall apply to the Light Industrial District.
- (E) Vision Clearance. There shall be a vision clearance of not less than ten (10) feet extending from the curb level to the ceiling line of the ground story, but in no case shall such vision clearance be less than twelve and one-half ($12\frac{1}{2}$) feet high.
- (7) VILLAGE GOVERNMENTAL PROPERTY DISTRICT.
- (A) Permitted Uses.
- (i) Village Hall
 - (ii) Village Fire Station
 - (iii) Rock Springs Fire Department drafting site
 - (iv) Village Parks
 - (v) Village Community Center
 - (vi) Village Water Reservoir
 - (vii) Village Wellhead and Pumping Station
- (8) RESTRICTED DEVELOPMENT DISTRICT
- (A) Permitted Uses.
- (i) Parks, playgrounds and ball fields
 - (ii) Designated snowmobile and bicycle trail corridor
 - (iii) Outdoor art festivals by permit
 - (iv) Picnic shelter construction
 - (v) Outdoor showing of movies by permit
 - (vi) Individual garden plots by permit
 - (vii) Snow sculpting and ice skating and snow storage
- (9) HEIGHT AND AREA EXCEPTIONS.

The foregoing regulations relating to the height of buildings and structures and the area of yards, courts and other open spaces shall be subject to the following exceptions and regulations:

- (A) Height.

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- (i) Public buildings, hospitals and sanitariums may be erected to a height not exceeding sixty (60) feet when setback an additional foot on all sides for each foot such building exceeds the height limitations of the district in which it is located.
 - (ii) Residences in the Residence District may be increased in height by not more than ten (10) feet when all yards and other open spaces are increased by one (1) foot for each foot which such building exceeds the height limit of the district in which it is located.
 - (iii) Parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, penthouses, stacks, scenery lofts, water towers, radio towers, monuments, cupolas, domes and spires and necessary mechanical appurtenances may be erected, as to their height, in accordance with existing or hereafter adopted ordinances of the Village of Rock Springs and the laws of the State of Wisconsin.
 - (iv) On through lots one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots of more than one hundred fifty (150) feet in depth the height may be determined from the street permitting the greater height, but such height shall not extend to a depth of more than 150 feet from the street.
- (B) Area.
- (i) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space in lieu of such required rear yard.
 - (ii) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, eaves or ornamental features; provided, however, that no such projection shall project into a court more than six (6) inches and into a yard more than twenty-four (24) inches.
 - (iii) Open or enclosed fire escapes, and fire towers, may project into a required yard not more than five (5) feet and into a required court not more than three and one-half (3½) feet, provided they be so located as not to obstruct light and ventilation.
 - (iv) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record at the time of the passage of this ordinance, such lot may be occupied by one (1) family. This regulation shall not apply to lots located in the Heavy Industrial District.
- (10) Zero lot line lots, locations & standards.
- (A) Zero lot line lots are permitted in the Residence District.
 - (B) Zero lot line lots are subject to the following standards:
 - (i) Lot width at minimum building setback line: The aggregate widths of both lots that a duplex occupies shall total not less than 80 feet. No single lot width shall be less than 40 feet.
 - (ii) Lot area (each unit): Minimum 5,000 square feet for duplexes.
 - (iii) Principal building setback – side yard: Zero feet on side yard(s) that includes the common wall(s) of the structure; the opposite side yard shall be the same as for other residences in the zoning district.

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- (iv) Each new unit shall have a separate water lateral connection, meter and curb stop. The size, type, and installation of water, sewer, electric and telecommunication services shall be in accordance with plans and specifications approved by the Village Building Inspector.
 - (v) The common wall between the units shall meet the requirements of the current Wisconsin Building Code and shall extend from the basement floor to the top of the roof. Compliance with such standards shall be confirmed in writing before the building permit shall be issued.
- (C) Developers of zero lot line lots shall prior to first occupancy, record a maintenance agreement to ensure that equal and reasonable maintenance and repair standards are in place for both single family attached residential units; covering the common wall and common lateral, utility service and other common features.

7.13 **CONDITIONAL USES**

- (1) **STATEMENT OF PURPOSE.** The development and execution of the paragraph 7.13 is based upon the division of the village into districts, within which districts the uses of land and buildings, and bulk location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land or public facilities and of public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.
- (2) **AUTHORITY OF PLANNING COMMISSION.** The Village Board, after a public hearing, shall, within a reasonable time, grant or deny any application for a conditional use. Prior to the granting of a conditional use, the Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (3) **INITIATION OF CONDITIONAL USE.** Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses provided for in this section in the zoning district in which such land is located.
- (4) **APPLICATION FOR CONDITIONAL USE.** An Application for a conditional use shall be filed with the Building Inspector on a form prescribed by the Building Inspector, Village Board or the Planning Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth hereinafter. Application for conditional use permits shall be submitted to the Building Inspector and shall be accompanied by the same information as is required for a building permit. The Village Board may require such other information as may be necessary to determine and provide for enforcement of this chapter, including a plan showing contours, soil types, high water mark, groundwater conditions, bedrock, vegetative cover and specifications for area of proposed filling, grading, and lagooning.

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- (5) PUBLIC HEARING AND APPLICATION. Upon receipt of the application and statement referred to in subparagraph (4) above, the Village Board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Board. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Board shall, by rule, prescribe from time to time.
- (6) NOTICE OF PUBLIC HEARING. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 notice under the Wisconsin Statutes in the official village paper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Building Inspector, members of the Village Board, and the owners of record, as listed in the office of the Village Assessor, who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected, said notice to be sent at least 10 days prior to the date of such public hearing.
- (7) STANDARDS.
- (A) No application for a conditional use shall be granted by the Village Board unless such Board shall find that all of the following conditions are present:
- (i) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (ii) The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
 - (iii) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (iv) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (v) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (vi) The conditional use shall, except for year requirements, conform to all applicable regulations of the district in which it is located.
 - (vii) The proposed use does not violate floodplain regulations governing the site.
- (B) When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (8) DENIAL OF APPLICATION. When a conditional use application is denied, the Village Board shall furnish the applicant, in writing, when so requested, those standards that are not met and enumerate reasons the Board has used in determining that each standard was not met.
- (9) CONDITIONS AND GUARANTIES. The following shall apply to all conditional uses:
- (A) Prior to the granting of any conditional use, the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health,

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safety and general welfare of the community and to secure the compliance with the standards and requirements specified in subparagraph (7) above. In all cases in which conditional uses are granted, the Board shall require such evidence and guaranties as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with, Such conditions may include specifications for, without limitation because of specific enumeration:

- (i) Landscaping;
- (ii) Type of construction;
- (iii) Construction commencement and completion dates;
- (iv) Sureties;
- (v) Lighting;
- (vi) Fencing;
- (vii) Operational control;
- (viii) Hours of operation;
- (ix) Traffic circulation;
- (x) Deed restrictions;
- (xi) Access restrictions;
- (xii) Setbacks and yards;
- (xiii) Type of shore cover;
- (xiv) Specified sewage disposal and water supply systems;
- (xv) Planting screens;
- (xvi) Piers and docks;
- (xvii) Increased parking; or
- (xviii) Any other requirements necessary to fulfill the purpose and intent of this chapter.

- (B) The Village Board shall evaluate each application and may request assistance from any source which can provide technical assistance.
- (C) No alteration of a conditional use shall be permitted unless approved by the Village Board.

(10) **VALIDITY OF CONDITIONAL USE PERMIT.** Where the Village Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the Board's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted.

(11) **COMPLAINTS REGARDING CONDITIONAL USES.** The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Building Inspector to order the removal or discontinuance of any unauthorized alterations of an approved conditional use and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code.

- (A) Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in subparagraph (7) above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in subparagraph (6) above. Any person may appear at such hearing and testify in person or represented by an agent or attorney.

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- (B) The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Subsec. (7) or conditions previously imposed by the Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Subsecs. (A) and (B) in Subsec. (7) will be met, the Board may revoke the subject conditional approval and direct the Building Inspector and the Village Attorney to seek elimination of the subject use.
- (C) Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

(12) PLANNED UNIT DEVELOPMENTS

- (A) Planned unit developments (PUD) are permitted as conditional uses in all residential zones. Planned developments are intended to provide for innovative large-scale residential development.
- (B) A PUD must contain a minimum of two (2) contiguous acres under one ownership or control.

7.14 **SIGNS**

- (1) Restriction on signs within the Village are permitted but shall be informational and reasonable in size.
 - (A) No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at any access point or intersection.
 - (B) No sign shall contain, include or be illuminated by flashing light.
 - (C) No sign shall contain, include or be composed of any conspicuous animated part.
 - (D) Any sign which becomes a nonconforming sign at the effective date of this section, or which becomes a nonconforming sign at any future date, may be continued provided that no increase in size, illumination or flashing of such sign shall be made. Further, any sign including structures and all supporting members shall be discontinued and removed not more than five (5) years after the date that such sign becomes a nonconforming sign unless such nonconforming sign shall be made to conform to all of the regulations of the District in which it is located

7.15 **NON-CONFORMING USES**

- (1) The lawful use of a building or premises existing at the time of the adoption of this ordinance may be continued, although such use does not conform with provisions of this ordinance. Such non-conforming use may not be extended.
- (2) The total structural repairs or alterations in a non-conforming building shall not, during its life, exceed fifty percent (50%) of the assessed value of the building unless it be permanently changed to a conforming use.
- (3) Whenever a non-conforming use of a building or premises has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- (4) If a non-conforming use be discontinued for a period of twelve (12) months, any future use of such building or premises shall conform to the regulations of the district in which it is situated.

7.16 **BOARD OF ZONING APPEALS**

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- (1) **STRUCTURE.** There shall be a Board of Appeals consisting of five (5) members appointed by the President, subject to confirmation by the Board of Trustees, for terms of three (3) years, except that of those first appointed, one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The members of the board shall serve without compensation. The President shall designate one of the members chairman. The board may employ a secretary and other employees. The President may appoint, for a term of three (3) years, an alternate member of such board, in addition to the five (5) members above provided for, who shall act, with full power, only when a member of the board refuses to vote because of interest.
- (2) **APPEALS.** Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by an officer, department or board of the Village affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time by filing with the person from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall transmit to the board all papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest
- (3) **HEARING APPEALS.**
 - (A) The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publishing in the official newspaper of the Village not less than ten (10) days prior to the hearing a notice specifying the date, time and place of hearing and the matters to come before the Board, and mail notices to the parties in interest including the appropriate regional office of the Department of Natural Resources when the Floodplain or Shoreline/Wetland Districts are involved.
 - (B) A decision regarding the appeal shall be made as soon as practicable.
- (4) **POWERS OF THE BOARD OF ZONING APPEALS.** The Board shall have the following powers:
 - (A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Village Board.
 - (B) To hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass.
 - (C) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship and so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.
 - (D) The Board of Zoning Appeals may reverse or affirm wholly or in part, or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all of the powers of the Village Board. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from, or to decide in favor of the applicant on any other matter on which it is required to pass or to effect any variation in the requirements of this chapter.
 - (E) In addition to the foregoing, the Board shall have the following specific powers:

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- (i) Grant a permit for a temporary building for business or industry which is incidental to residential development, such permit to be issued for a period of not more than one year.
 - (ii) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan as shown on the Zoning Map accompanying and made a part of this chapter where the street layout actually on the ground varies from the street layout on the aforesaid map.
 - (iii) In the exercise of the foregoing process, the Board may, when granting a permit, stipulate appropriate conditions and safeguards in harmony with general purpose and intent of this chapter, and any failure to carry out such stipulation shall be deemed a violation of this chapter.
 - (iv) The Board shall have the power to call on any other Village department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.
- (F) Except as specifically provided, no action of the Board shall have the effect of permitting in any district uses prohibited in that district, or permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit standards lower than those required by State law.
- (G) In addition to the foregoing powers and duties, the Board shall have the sole and exclusive power to hear any appeal from the denial by the Village Board of a permit to move a building. An appeal of the denial of such a permit shall be denied by the Board unless, by a concurring vote of four (4) members, the Board finds that the nature and type of building to be moved is substantially similar to the buildings in the proposed relocation area and will not be detrimental thereto.

7.17 **CHANGES AND AMENDMENTS**

- (1) The Village Board may, from time to time, on its own motion or on petition amend, supplement or change the district boundaries or the regulations herein or subsequently established upon giving notice as required by Wis. Stat. § 62.23(7)(d) of the proposed amendment, supplement or change, or hearing thereof, and an opportunity to any person interested to be heard.
- (2) In case of protest against such change duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas or land included in such proposed amendment, supplement or change, or by the owners of 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 amendment, supplement or change shall not become effective except by favorable vote of three-fourths (3/4) of the members of the Village Board.
- (3) Any amendments to, or affecting the Flood Fringe and/or the Floodway Districts shall be approved by the Department of Natural Resources before action is taken by the Village Board or before such regulations become effective.

7.18 **VIOLATIONS AND PENALTIES**

- (1) Violations. It shall be unlawful to use or improve any structure or land or to use water or air in violation of any of the sections of this chapter. For any violation, the Village Board or any property owner who would be specifically damaged by such violation may cause appropriate action or proceedings to be instituted to enforce a violation of this chapter or cause a structure to be vacated or removed.

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- (2) Remedial action. Whenever an order of the Village Board has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Village Board, or the Village Attorney may institute appropriate legal action or proceedings.
- (3) Penalties. Any person, firm, or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500, and costs of prosecution, for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.