

**Title 17**

**ZONING**

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**Title 17**

**ZONING**

**(RESERVED)**

## Chapter 17.04

### INTERPRETATION AND PURPOSES

#### Sections:

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#### **17.04.010 Authority.**

These regulations are adopted under the authority granted by Wisconsin Statutes Section 62.23(7). The board of the village does ordain as follows. (Ord. 221 § 1 (part), 2004)

#### **17.04.020 Short title.**

This title shall be know as, referred to, or cited as the "Zoning Ordinance, Village of Cecil, Wisconsin." (Ord. 221 § 1 (part), 2004)

#### **17.04.030 Purpose.**

The purpose of this title is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community. (Ord. 221 § 1 (part), 2004)

#### **17.04.040 Intent.**

It is the general intent of this title 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 light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the 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 community; and to provide for the administration and enforcement of this title and to provide penalties for its violation. (Ord. 221 § 1 (part), 2004)

#### **17.04.050 Abrogation and greater restrictions.**

It is not intended by this title to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this title imposes greater restrictions, the provisions of this title shall govern. (Ord. 221 § 1 (part), 2004)

#### **17.04.060 Interpretation.**

The provisions of this title shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. (Ord. 221 § 1 (part), 2004)

#### **17.04.070 Severability.**

If a section, clause, provision or portion of this title is adjudged unconstitutional, or invalid by a court of competent jurisdiction, such

17.04.080

judgment shall not affect the remainder of this title. (Ord. 221 § 1 (part), 2004)

**17.04.080 Repeal.**

All other ordinances or parts of ordinances of the village inconsistent or conflicting with this title, to the extent of the inconsistency only, are hereby repealed. (Ord. 221 § 1 (part), 2004)

**17.04.090 Effective date.**

This title shall be effective after a public hearing, adoption by the village board and publication or posting as provided by law. (Ord. 221 § 1 (part), 2004)

**17.04.100 Village planning commission.**

Pursuant to Wisconsin Statutes 61.35 and 62.23, there is created a village planning commission, which is invested with all of the authority and powers specified and delegated to village planning commissions pursuant to the provisions of Wis. Stats, 62.23.

A. Membership. The commission shall consist of the village president, a village trustee, the zoning administrator of the village, and four citizen members so that the commission at all times has seven members. Citizen members shall be persons of recognized experience and qualification. The chairperson shall be elected by the commission for a term of one year.

B. Terms of Members. The trustee member of the commission shall be elected annually by a two-thirds vote of the village board for a one-year term commencing May 1. The citizen members shall be appointed by the village president subject to confirmation by the village board for two-year terms commencing May 1.

C. Duties and Responsibilities. The village planning commission will have final review and approval authority on all applications for additions, alterations, moving or construction of single-family, multiple-family homes and commercial and industrial projects.

The village planning commission shall review all applications submitted to the zoning administrator and approve, conditionally approve or deny each application based on the following criteria:

1. The proposed structure(s), addition(s), alteration(s) or use(s) will meet the minimum standard within this title and the district in which it is located;

2. The proposal is consistent with the village master plan;

3. The proposed design, layout, exterior appearance and other features of any new, addition or alteration shall, in the opinion of the village planning commission, be compatible with existing properties and uses in the immediate area;

4. The proposed use(s), structure(s), addition(s) or alteration(s) will not create a nuisance for or adversely affect in a substantial way the property values of neighboring properties;

5. The mass, volume and/or setback of any proposed structure(s), addition(s), or alteration(s) will be compatible with existing buildings in the immediate area and will preserve, as much as possible and practical, the natural features and qualities of the immediate area. (Ord. 221 § 1 (part), 2004)

**17.04.110 Definitions of words or phrases.**

The following words, phrases and terms, wherever they occur in this title, shall be interpreted as defined in this section:

“Abutting” means having a common property line or district line.

“Accessory use or structure” means a use or detached structure subordinate to the principal use of a structure, land or water and which is located on the same lot serving a purpose customarily incidental to the principal use or the principal structure.

“Adult-oriented establishment” means any premise to which public patrons are invited or omitted for the purposes of viewing adult-orientated exhibitions, presentations, performances or other media or materials that can be characterized by actual or simulated sexual acts and/or depicting, describing or displaying in a sexual or erotic manner anatomical areas such as genitalia and female breasts. An adult-orientated establishment includes, but is not limited to, adult entertainment clubs (public or private), adult book and/or novelty stores and adult motion picture theaters.

“Alley” means a street or thoroughfare less than twenty-one (21) feet wide and affording only secondary access to abutting property.

“Animal hospital or pounds” means land or buildings devoted to the care, feeding, or examination of animals by a veterinarian or person charged with the responsibility of caring for impounded animals.

“Apartment” means a portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

Apartment House. See Dwelling, Multi-Family.

“Automotive heavy repair and upholstery” means land or buildings devoted to the welding, reconstruction, motor overhaul, re-upholstery, painting or repainting of vehicles.

“Automotive wrecking yard” means any premises on which more than one automotive vehicle, not in running or operating condition, is stored in the open.

“Basement” means a building story which is wholly or partly below the grade level. If headroom in a below grade story is less than five feet, then it is crawl space.

“Billboard” means an advertising sign which displays information regarding goods, products, facilities or services not necessarily on the premises where the sign is located and/or directs persons to a location that may be different from where the sign is located, or billboard, a sign used to advertise goods or services of establishments, companies, or organizations located outside of the village limits.

Boarding House. See Rooming House.

“Building” means any structure which is built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

“Building, detached” means a detached building surrounded by open space on the same lot.

“Building height” means the vertical distance from the curb level, or its equivalent, opposite the center of the front of a building to the highest point of the top side of the roof, in the case of a flat roof, to the deck line of a mansard roof; and to the mean level of the underside of the rafters, between the eaves and the ridge of a gable, hip or gambrel roof.

“Building inspector” means the officer or other designated authority charged with the administration and enforcement of this title, or his or her duly authorized representative.

“Certificate of occupancy” means a written statement issued by the building inspector which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this title for the specified use and occupancy.

“Clubs, fraternities, lodges, and meeting places of a non-commercial nature” means a non-profit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests.

“Commercial entertainment facilities” means a use of a structure, building or land devoted to one or more of the following uses: tavern, bar, supper club, or similar use, but not including those uses listed under commercial recreation facilities.

“Concession stand” means a structure devoted to the sale of confections, snacks or other light meals and providing no inside seating nor drive-in service for the customers.

“Conditional use” means a use of a special nature so as to make impractical its pre-determination as a principal use within a district.

“Day care center” means a dwelling licensed as a day care center by the Department of Health and Social Services where care is provided for not more than eight children.

“Directional sign” means any sign containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. In accordance with Trans Chapter 201.05 of the Wisconsin Administrative Code, directional signs shall be within fifty (50) air miles of the activity.

“Dwelling unit” means a group of rooms constituting all or part of a dwelling, which are so arranged and intended for use as a single habitable living quarters containing per-

manently installed kitchen and bath facilities, with designed spaces for living, eating, cooking and sleeping by one family.

“Dwelling, detached” means a residential building which is entirely surrounded by open space on the same lot.

“Dwelling, duplex (two-family)” means a residential building containing two dwelling units.

“Dwelling, multiple-family (apartment)” means a building containing three or more dwelling units.

“Dwelling, single-family” means a residential building containing one dwelling unit.

“Family” means two or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.

“Farm” means land consisting of five acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.

“Farm sign” means a sign located on farm property which identifies the farm or advertises a farm product produced on that farm.

“Floodplain” means the land adjacent to a body of water, which is subject to periodic overflows therefrom.

“Floodway” means the channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.

“Floor area” means:

1. For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of unfinished and unheated porches, balconies, garages and basements qualified for living area under the State Building Code, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units;

2. For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the center line of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

“Foundation” means the structural members below grade level, or below the first tier of beams above grade level, which transmit the load of a superstructure to the ground.

“Frontage” means all the property abutting on one side of a street between two 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.

“Fur farm” means a tract of land or buildings devoted in whole or part to the raising of fur bearing animals for commercial purposes.

Garage.

1. “Private” means an accessory building or space for the storage only of not more than three motor-driven vehicles per dwelling. A carport is considered a garage.

2. “Public” means any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

3. “Storage” means any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold. No commercial motor vehicle exceeding two tons capacity shall be stored in any storage garage.

Ground story. Synonymous with “first story,” means the first story lying wholly above the ground level, or a basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.

“Home occupation” means a gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, and that no person other than a member of the immediate family on the premises is employed.

“Hotel” means a building containing lodging rooms, a common entrance lobby, halls and stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies and where more than fifty (50) percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than thirty (30) days.

“Junk yard” means an open area where waste or scrap material is bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A “junk yard” includes a wrecking yard, but does not include uses established entirely within enclosed buildings.

“Loading space” means an off-street space or berth on the same lot with a building or contiguous to a group of buildings and abutting on or affording direct access to a public street or alley for the temporary parking of a commercial vehicle while loading or unloading cargo.

“Lot” means a parcel of land, whether legally described or subdivided as one or more lots or parts of lots, and which is occupied or intended for occupancy by one principal building or principal use, together with any accessory buildings and such open spaces as

are required by this title and having its principal frontage upon a street or road.

“Lot area” means the area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.

“Lot, corner” means a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

“Lot depth” means the mean horizontal distance measured between the front and rear lot lines.

“Lot, interior” means a lot other than a corner lot, reversed corner lot or through lot.

“Lot, reversed corner” means 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.

“Lot, through” means a lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot.

“Lot, width” means the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth.

“Manufactured dwelling” means a dwelling structure or component thereof as defined in Wis. Adm. Code Com. 20.07(52) which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with Wis. Adm. Code Com. Ch. 20 Subch. V.

“Manufactured home” means a dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufacturing Housing Construction Standards.

Mineral Extraction. See Quarrying.

“Mobile home” means mobile units, or modified mobile units including units with or without wheels or means of mobility designed to be transported to a site, and designed for permanent living, sleeping or commercial purposes.

“Mobile home park” means any premises on which are parked two or more mobile homes for temporary or permanent habitation.

“Motel” means a building or series of buildings in which lodging only is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access, and adjoining parking, for each rental unit.

“Municipality” means a county, city, village or town.

“Nonconforming off-premise sign” means any off-premise sign which does not conform to the requirements of this title.

“Nonconforming use” means any use of land, buildings, or structures which does not comply with all of the regulations of this title or of any amendment hereto governing use for the zoning district in which such use is located.

“Nursing home” means 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.

“Parking stall” means an off-street space, available for the parking of a motor vehicle and which in this title is held to be an area ten (10) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereof and giving access thereto.

“Planned residential development” means a type of development that may be condition-



ally allowed in residential districts to achieve greater design flexibility.

“Professional home office” means the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in an RS 8 district, a professional office shall be incidental to the residential occupation, and not more than twenty-five (25) percent of the floor area of only one story of a dwelling unit shall be occupied by such office. Only one person may be employed who is not a resident of the home.

“Recreation area” means and includes a park, play-ground, ball field, ski hill, sport field, swimming pool, riding stables or riding academies or other facilities and areas constructed for recreational activities and open for uses by the public or private organizations.

“Rest home” means a structure or structures devoted to the housing of the aged, infirm or physically handicapped on an organized basis. For purposes of this chapter, rest home shall not be a nursing home.

“Retail stores and shops offering convenience goods and services” means and includes retail stores and shops which offer goods and services similar, but not necessarily limited to, the following: shoe shops, clothes shops, hardware stores, barber shops, beauty parlors, or drug stores.

“Roadside stand” means a farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for sale of farm products.

“Rooming house” means a building other than a hotel or motel where meals or lodging are furnished for compensation for three or more persons not members of a family, but not exceeding twelve (12) persons. For pur-

poses of this title, rooming house shall include boarding house and tourist home.

“Setback” means the minimum horizontal distance between the foundation line of a building or structure and the property line.

“Shopping center” means a group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

“Sign” means any structure or device displaying advertising in the form of lettering, pictures, symbols or other media.

“Site plan” means, for purposes of this title, that plan as outlined, including all specifications as listed or as required by the planning commission.

“Story” means that portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.

“Street line” means a dividing line between a lot, tract or parcel of land and a contiguous street.

“Structural alterations” means any change, other than incidental repairs, to the supporting members of a building, such as bearing walls, columns, beams, girders or foundations or any change that would increase or decrease the floor area or height of a building.

“Structure” means anything constructed or erected, the use of which requires permanent location on the ground.

“Temporary off-premise sign” means any sign, device, or display not permanently attached to the ground and is transportable. Examples are: temporary signs which are port-

able, inflatable, vehicular, banners, seasonal, and short-term signs.

“Townhouse” means three or more single-family dwellings attached by party walls with other single-family dwellings and orientated so that all exits open to the outside with private entries maintained to each individual dwelling, considered a multi-family dwelling; See Community Commercial Districts.

“Use” means the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

“Use, conditional” means a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such conditional use may or may not be granted.

“Use, permitted” means a use which may be lawfully permitted in a particular district or districts, provided it conforms with all requirements, regulations and standards of such district.

“Utilities” means public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, electric power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

“Vehicle sales, service, washing and repair stations” shall not include automotive heavy repair and upholstery as defined in this section.

“Vision clearance” means an unoccupied triangular space at the street corner of a corner

lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

“Work in respect to waterways” means and includes the following activities:

1. To construct, dredge, commence or do any work with respect to any artificial waterway, channel, ditch, lagoon, pond, lake or similar waterway where the purpose is ultimate connection with an existing navigable stream, lake or other body of navigable water, or where any part of such artificial waterway is located within five hundred (500) feet of the normal high-water mark of an existing navigable lake or flowage, or three hundred (300) feet of navigable streams, rivers, channels or canals;

2. To connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway with an existing body of navigable water;

3. To change or alter the course of a river or stream;

4. To remove materials from the bed of navigable waters;

5. To deposit any material or to place any structure upon the bed of any navigable water where no bulkhead line has been established, or beyond a lawfully established bulkhead line.

“Yard” means an open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

“Yard, front” means a yard extending along the full width of the front lot line between side lot lines.

“Yard, rear” means the portion of the yard on the same lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot.

“Yard, side” means a yard extending along a side lot line between the front and rear yards.

“Zero lot line” means the locating/placement of a building in such a manner that one or more of its sides rests directly on the lot line.

“Zoning district” means an area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

“Zoning permit” means a permit stating that the placement of and the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this title for the zone in which it is to be located. (Ord. 242 § 1, 2008; Ord. 221 § 1 (part), 2004)

## Chapter 17.08

### GENERAL PROVISIONS

#### Sections:

- 17.08.010** Compliance.
- 17.08.020** Permits.
- 17.08.030** Use restrictions and regulations.
- 17.08.040** Nonconforming uses, structures and lots.
- 17.08.050** Area restrictions and regulations.
- 17.08.060** Height regulations and exceptions.
- 17.08.070** Livestock regulations.
- 17.08.080** Sewage disposal and water requirements.
- 17.08.090** Shoreland provision.
- 17.08.100** Moving buildings.
- 17.08.110** Annexations.
- 17.08.120** Violation and penalties.

#### **17.08.010** 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 title and all other applicable village, county and state regulations. (Ord. 221 § 2 (part), 2004)

#### **17.08.020** Permits.

A. Purpose of Permits. The primary purpose of issuing permits is to insure compliance with provisions of this title.

B. Building Permit. No structure shall be built, moved or structurally altered, until a building permit has been approved by the planning commission, and issued by the building inspector.

C. Conditional Use Permit. When the use being applied for is listed as a “conditional use”, the building inspector shall issue a conditional use permit in lieu of the building permit.

This permit shall be issued only after approval from the planning commission, after a public hearing and after provisions of the conditional use chapter of this title have been complied with. The planning commission may attach certain conditions that shall be met as a condition of approving the permit.

D. Application Procedure. Applications for a building permit or a conditional use permit shall be made in duplicate to the building inspector on forms furnished by his or her office and shall include the following, where applicable:

1. Names and addresses of the applicant, owner of the site, architect, professional engineer, and/or 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 and proposed operation or use of the structure or site; number of occupants or employees and the zoning district within which the subject site lies;

3. Location drawing of suitable scale and description prepared by the applicant if the subject site is part of a recorded subdivision or plat of survey prepared by registered land surveyor if subject site is not part of a recorded subdivision, showing the location, boundaries, dimensions, uses and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; and existing and proposed street, side, and rear yards;

4. Proposed sewage disposal plan if village sewerage service is not available. This

plan shall be approved by the building inspector who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site in accordance with applicable local, county, and state regulations;

5. Proposed water supply plan if municipal water service is not available. This plan shall be approved by the building inspector who shall certify in writing that an adequate and safe supply of water will be provided;

6. Additional information as may be required by the village planning commission or the building inspector;

7. Fee receipt from the village clerk-treasurer in the amount of (see current fee schedule).

E. Expiration. An application for a building permit shall be granted or denied in writing by the building inspector within thirty (30) days for all residential, and within sixty (60) days for all commercial, industrial or multi-family. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. The permit shall expire within six months unless substantial work has commenced. Any permit issued in conflict with the provisions of this title shall be null and void.

F. Certificate of Compliance. No building, or addition thereto, constructed after the effective date of the ordinance codified in this title and no addition, alteration, reconstruction, extension, enlargement, conversion or structural alteration to a previously existing building shall be occupied or used for any purpose until a certificate of zoning compliance has been issued by the office of the building inspector. No change in a use shall be made until a certificate of zoning compliance has been issued by the office of the building inspector. Every certificate of zoning compliance shall

state that the use or occupancy complies with all provisions of this title.

No certificate of zoning compliance for a building, or portion thereof, constructed after the effective date of this title, shall be issued until construction is substantially completed and the premises inspected and certified by the office of the building inspector to be in conformity with the plans and specifications upon which the building permit was issued. (Ord. 221 § 2 (part), 2004)

#### **17.08.030 Use restrictions and regulations.**

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

1. Accessory Uses. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's and watchman's quarters not for rent; private swimming pools; and private emergency shelters. Accessory buildings shall not occupy more than thirty percent (30%) of the required area for the rear yard.

2. Accessory Buildings. Detached uses and structures are permitted after approval by the planning commission. They shall not be closer than ten (10) feet to the principal structure; shall not exceed sixteen (16) feet in height; and shall not occupy more than twenty (20) percent of the yard area. They shall not be closer than three feet to any lot line, nor five feet to an alley line.

An accessory building, structure or use on a corner lot, a reversed corner lot or a through lot, shall be set back from the property line

adjoining a street the distance required for a front yard unless otherwise required herein for a specific permitted or conditional use.

3. **Unclassified or Unspecified Uses.** Unclassified or unspecified uses may be permitted by the village board after the planning commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

4. **Temporary Uses.** Temporary uses such as real estate sales field offices or shelters for material and equipment being used in the construction of a permanent structure may be permitted by the planning commission. (Ord. 221 § 2 (part), 2004)

**17.08.040 Nonconforming uses, structures and lots.**

A. **Existing Nonconforming Uses.** The lawful nonconforming use of a structure, land or water existing at the time of the adoption of the ordinance codified in this title may be continued although the use does not conform with the provisions of this title, provided, however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this title.

2. The total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this title.

3. Substitution of new equipment may be permitted by the planning commission if such equipment will reduce the incompatibility of

the nonconforming use with the neighboring uses.

B. **Abolishment or Replacement of Existing Nonconforming Use.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water shall conform to the provisions of this title. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than fifty (50) percent of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this title. From the date of adoption of this title a current file of all nonconforming uses shall be maintained by the clerk-treasurer, listing the following:

1. Owner's name and address;
2. Use of the structure, land or water;
3. Assessed value at the time of its becoming a nonconforming use.

C. **Existing Nonconforming Structures.** Any lawful nonconforming structures existing at the time of the adoption or amendment of this title may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this title. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this title unless a variance is first obtained from the village board, after the planning commission has made a review and recommendation.

1. **Changes and Substitutions.** Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the village board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted

use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the planning commission and the village board.

2. Existing Vacant Substandard Lots. An existing lot which does not contain sufficient area to conform to the dimensional requirements of this title, but which is at least fifty (50) feet wide and five thousand (5,000) square feet in area, may be used as a single-family building site provided that the use is permitted in the zoning district and the lot is of record in the county register of deed's office prior to the effective date of the ordinance codified in this title and further provided, that the lot is in separate ownership from abutting lands. If two or more vacant substandard lots with continuous frontage have the same ownership as of the effective date of the ordinance codified in this title, the lots involved shall be considered to be an individual parcel for the purpose of this title. Substandard lots shall be required to meet the setbacks and other yard requirements of this title. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after recommendation of the planning commission of a variance and approval of the village board. (Ord. 221 § 2 (part), 2004)

**17.08.050 Area restrictions and regulations.**

**A. Yard Reduction or Joint Use.**

1. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this title, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

2. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this title shall be included as a part of a yard or other open space required for another building.

3. No lot in the village which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such a lot.

B. Street Yard Restrictions. With the approval of the planning commission, the required street yards may be decreased in any residential, business or industrial district to the average of the existing street yards of the abutting structures on each side.

C. Site Restrictions. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a platted lot and in no case shall there be more than one principal building on one platted lot unless approved by the planning commission.

D. Yard Regulations. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut and the district boundary line.

E. Zero Lot Lines. Zero lot lines may be permitted in residential and commercial (multi-family) districts under the conditional use provisions, provided that each residence will be owner occupied.

F. Street Yard Modifications. The yard requirements stipulated elsewhere in this title may be modified as follows:

1. Cul-De-Sac and Curve Restrictions. Residential lot frontage on cul-de-sacs and curves in RS-8 districts and for single-family residences in the RS-12 district may be less than eighty (80) feet provided the width at the

building setback line is at least eighty (80) feet and the street frontage is not less than forty-five (45) feet. Residential lot frontage on cul-de-sacs and curves for two-family and multi-family residences in RS-12 districts may be less than one hundred (100) feet provided the width at the building setback line is at least one hundred (100) feet and the street frontage is not less than fifty-five (55) feet.

G. Unobstructed Yards. Every part of a required yard shall be open and unobstructed to the sky except for its primary building, any accessory building in a rear yard, landscaping such as trees, shrubs or decorative vegetation.

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

I. Storage Limitation. No required side yard or front yard in the commercial or industrial districts shall be used for storage or for the purpose of conducting business, unless specifically approved by the zoning and planning commission under the permitted or conditional use provisions for the district.

J. Vision Clearance. No obstructions such as structures, parking or vegetation shall be permitted in any district other than the community commercial district between the height of two and a half and ten (10) feet above a plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of thirty-five (35) feet from their intersection. Official signs, utility poles, tree trunks and wire fences may be permitted within each segment of an intersection traffic visibility area.

K. Buildings on Through Lots. The requirements for a rear yard for buildings on

through lots and extending from street to street may be waived by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.

L. Lot Grade. Lot grades may not be raised above all adjacent lots without planning commission approval.

M. Lots Abutting Different Grades. Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade plus twelve (12) inches to the top of the basement wall.

N. Corner Lots. On corner lots, the side yard facing the street is not to be less than twenty-five (25) feet.

O. Performance Standards. See Chapter 17.12, Performance standards.

P. Parking and Loading Restrictions. See Chapter 17.60, Traffic, parking and access.

Q. Uncovered Stair Restrictions. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six feet and be not closer than three feet to any lot line.

R. Fence Restrictions. For reasons of suitability, aesthetics and public safety, a building permit is required for all fences.

For the purpose of this title, a fence is defined as a structure or barrier of wood, metal, planting or stone erected on or near the dividing line between adjoining properties for the purpose of separating, screening and protecting of lands. The erection of barred wire and electrical fences in a residential district is prohibited.

All fences shall be constructed within generally accepted building practices and of sub-



stantial materials reasonably suited for its intended purpose. Posts of any permitted fence shall be placed on the interior side of the fence. No fence will be constructed outside of the property lines. The owner must maintain the fence in a safe and suitable condition and maintain the yard between the fence and the property line.

No fence shall be constructed to a height of more than six feet directly above the existing or finished grade of the side or rear yard of the property. Fences within the front of any street yard setback must be of an ornamental type, shall be constructed to a height of no more than forty-two (42) inches above the existing or finished grade of the property and consist of no more than fifty (50) percent solid material equally distributed throughout the entire length of the fence. Fences in shoreline or floodplain districts are not allowed within the required building setbacks from the ordinary high water mark.

Security type fences are permitted in commercial, agricultural and industrial districts, but shall not be located more two feet from the property line and shall not exceed more than eight feet in height.

All below ground swimming pools are required to provide safeguards for uncontrolled access. Fences shall be at least four feet in height and constructed so that they are not easily climbable. All fence openings or points of entry into the pool enclosure must have gates or doors equipped with self-closing and self-latching devices.

Fences for special purposes and fences differing in construction, height or length may be permitted in any district. In such instances, a conditional use permit may be granted based on whether the fence is necessary to protect, buffer or improve the property. (Ord. 221 § 2 (part), 2004)

#### **17.08.060 Height regulations and exceptions.**

Chimneys, Towers, Lofts, Etc. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, windmills, stacks, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances exceeding the height regulations of this title may be permitted as conditional uses by the planning commission. (Ord. 221 § 2 (part), 2004)

#### **17.08.070 Livestock regulations.**

No poultry or livestock shall be housed or confined within one hundred fifty (150) feet of any residential structure. (Ord. 221 § 2 (part), 2004)

#### **17.08.080 Sewage disposal and water requirements.**

Sewage disposal facilities shall be connected to the sewage disposal system of the village. In any district where public sewage service is not available, no building permit shall be issued unless the width and area of the lot be sufficient to permit the use of an onsite sewage disposal system designed in accordance with Chapter H65 of the Wisconsin Administrative Code. In no case, however, is the minimum lot size required in the zoning district, in which such structure is to be located, to be reduced below the specified minimum.

A. Proposed Sewage Disposal Plan if Village Sewerage Service is Not Available. This plan shall be approved by the building inspector who shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site in accordance with applicable local, county, and state regulations.

B. Proposed Water Supply Plan if Municipal Water Service is Not Available. This

plan shall be approved by the building inspector who shall certify in writing that an adequate and safe supply of water will be provided.

C. Additional information as may be required by the village planning commission or the building inspector. (Ord. 221 § 2 (part), 2004)

#### **17.08.090 Shoreland provision.**

A. Building Setback from the Ordinary High Watermark.

1. All principal structures shall be set back seventy-five (75) feet from the ordinary high watermark unless:

a. Principal structures on the two adjoining lots have a lesser setback; the setback shall be the average of the setbacks of these structures, but no less than fifty (50) feet; or

b. Where only one adjoining lot is occupied by a principal structure, the setback shall be the average of the setback of that principal structure and seventy-five (75) feet, but no less than fifty (50) feet.

2. Boat houses and all other accessory structures shall be set back from the ordinary high water mark using the same rules as for principal structures listed above.

3. All structures shall conform to the side yard and street/highway setback requirements of the zoning district in which they are located.

4. All structures and uses of land must also comply with state, federal, or local rules and regulations.

B. Shoreline Protective Measures.

1. A shoreline may be protected by rip-rapping or other protective measures after application for a permit and inspection by the Department of Natural Resources.

2. No material shall be placed on the bed of any navigable body of water. (Ord. 221 § 2 (part), 2004)

#### **17.08.100 Moving buildings.**

A. General. No person shall move any building or structure upon any of the public right-of-ways of the municipality without first obtaining permit therefore from the building inspector and upon the payment of the required fee. Every such permit issued by the building inspector for moving a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which the moving operations shall be continued.

B. Moving Damaged Buildings. No building shall be repaired, altered or moved within or into the municipality that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty (50) percent or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the municipality. Furthermore, if the equalized assessed value of the building is not within twenty (20) percent of the surrounding buildings within one thousand (1,000) feet of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within twenty (20) percent of the lowest equalized value of any of the surrounding buildings.

C. Continuous Movement. The movement of buildings shall be a continuous operation during all hours of the day, and day-by-day and at night until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed

to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to a fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night. With prior approval and at the discretion of the planning and zoning committee, buildings may be allowed to be staged on streets etc. on a limited/temporary basis.

D. Street Repair. Every person receiving a permit to move a building shall, within one day after the building reaches its destination, report the fact to the building inspector who shall thereupon, in the company of the municipal road committee chairperson, inspect the streets and the highways over which the building has been moved and ascertain the condition. If the removal of the building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the permittee to do so within ten (10) days thereafter to the satisfaction of the governing body, the body shall repair the damage done to such street and hold the person obtaining such permit and the sureties on his or her bond responsible for payment of same.

E. Conformance with Code. No permit shall be issued to move a building within or into the municipality and to establish it upon a location within the municipality until the building inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that the building is in a sound and stable condition and of such construction that it will meet the requirements of this building code in all respects. A complete plan of all further repairs, improvements and remodeling,

with reference to such building, shall be submitted to the building inspector, and the building inspector shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this building code and that when same are completed, the building, as such, will comply with the building code. In the event a building is to be moved from the municipality to some other point outside of the boundaries thereof, the provisions, with respect to the furnishing of the plans and specifications for proposed alterations to such building, may be disregarded.

F. Bond.

1. Before a permit is issued to move any building over any public way in this municipality, the party applying for the permit shall make a cash deposit to the municipality in a sum, to be fixed by the municipality, which sum shall not be less than five hundred thousand dollars (\$500,000.00). The cash deposit shall be held for indemnification of the municipality for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued.

2. The bond required by subsection (F)(1) of this section shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the building inspector and reasonably adopted or calculated to prevent the occurrences set forth in this section. The building inspector may waive the timelines in this section of the building inspector, after investiga-

tion, determines that the excavation exposed by the removal of such building from its foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly children under twelve (12) years of age.

G. Insurance. The building inspector shall require, in addition to the bond above indicated, public liability insurance covering injury to one person in the sum of not less than five hundred thousand dollars (\$500,000.00) and for one accident, aggregate not less than one million dollars (\$1,000,000.00), together with property damage insurance in a sum not less than five hundred thousand dollars (\$500,000.00), or such other coverage as deemed necessary.

H. Planning Commission.

1. Before any permit to relocate a building may be issued, the planning commission shall examine the application for the permit and approve the application by a majority vote.

2. The application shall include exterior elevations of the building at its proposed new location; accurate photographs of all sides and views of the same; in case it is proposed to alter the exterior of the building, plans and specifications of such proposed alterations, and a site plan showing the location of the building on the final resting site.

3. The planning commission shall not grant a permit unless the board has taken a view of the site at which it is to be located.

4. The planning commission may not issue a permit for relocation of a building if it finds that the exterior appearances and design of the building to be moved, or moved and altered, will not be consistent with the exterior appearance and design of the buildings already constructed, or in the course of construction in the immediate neighborhood, or

with the character of the applicable district established by the zoning ordinances of the municipality. No permit shall be granted if the relocation will cause a substantial depreciation of the property values of the neighborhood to which the building is proposed to be relocated.

5. In case the applicant proposes to alter the exterior of the building after moving the same, he or she shall submit, with his or her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall deposit a cash bond of not less than (\$5,000.00) with the municipality to secure the timely completion of all proposed exterior alterations to the building, as set forth in the plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the municipality.

6. No occupancy permit shall be issued for the building until the exterior alterations proposed to be made have been completed.

7. Whenever an application for relocation of a building is made to the building inspector, the building inspector shall request a meeting of the planning commission to consider the application. The building inspector shall inform the planning commission whether or not the application complies, in all respects, with all other ordinances of the municipality. The planning commission may, if it desires, hold a public hearing on the permit. (Ord. 221 § 2 (part), 2004)

#### **17.08.110 Annexations.**

A. Any area annexed to the village shall, as a part of the annexation ordinance, be temporarily designated as part of the F-D future development district. The area annexed shall

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immediately be referred to the planning commission with the direction to consider its most appropriate use consistent with the adopted community development plan and to prepare an amendment to the zoning district map setting forth the permanent zoning district classification(s) for the area. Such recommendation for permanent zoning district classification shall be submitted to the board within ninety (90) days after passage of the annexation ordinance.

B. Prior to the board enacting any annexation ordinance or resolution pursuant to W.S.A. ss. 66.021, 66.023, 66.024 and 66.025, the village clerk, zoning administrator and village attorney shall review all the necessary and required documentation to be sure that all of the documentation meets with statutory requirements, and said officials shall notify the village board that there has been compliance with all necessary procedures prior to the adoption of said ordinance. (Ord. 221 § 2 (part), 2004)

**17.08.120 Violation and penalties.**

A. Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this title shall be deemed an unlawful building, structure or use. The zoning administrator shall promptly report all such violations to the village attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

B. Any person, firm, or corporation who fails to comply with the provisions of this title shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for each violation

and in default of payment of such forfeiture and costs shall be imprisoned in the Shawano County jail until payment thereof, for a period not to exceed thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. (Ord. 221 § 2 (part), 2004)

## Chapter 17.12

### PERFORMANCE STANDARDS

#### Sections:

- 17.12.010 Compliance.**
- 17.12.020 Air pollution.**
- 17.12.030 Fire and explosive hazards.**
- 17.12.040 Glare and heat.**
- 17.12.050 Liquid or solid wastes.**
- 17.12.060 Noise and vibration.**
- 17.12.070 Odors.**
- 17.12.080 Radioactivity and electrical disturbances.**

#### **17.12.010 Compliance.**

This chapter permits specific uses in specific districts. These performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following performance standards. (Ord. 221 § 3 (part), 2004)

#### **17.12.020 Air pollution.**

No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than no. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718 in the industrial districts. (Ord. 221 § 3 (part), 2004)

#### **17.12.030 Fire and explosive hazards.**

All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. (Ord. 221 § 3 (part), 2004)

#### **17.12.040 Glare and heat.**

No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial districts which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises. (Ord. 221 § 3 (part), 2004)

#### **17.12.050 Liquid or solid wastes.**

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property. (Ord. 221 § 3 (part), 2004)

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**17.12.060 Noise and vibration.**

There shall be no noise or vibration over seventy (70) decibels emanating from any un-sanctioned activities beyond the boundaries of the immediate site determined to be a nuisance by the building inspector. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this section. (Ord. 221 § 3 (part), 2004)

**17.12.070 Odors.**

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises. (Ord. 221 § 3 (part), 2004)

**17.12.080 Radioactivity and electrical disturbances.**

No activity shall emit radio activity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises. (Ord. 221 § 3 (part), 2004)

## Chapter 17.16

### ZONING DISTRICTS AND MAPS

#### Sections:

- 17.16.010** Establishment of districts.
- 17.16.020** O-N open natural resource preservation district.
- 17.16.030** F-P floodplain district.
- 17.16.040** A-G general agriculture district.
- 17.16.050** R-S residential districts.
- 17.16.060** F-D future development district.
- 17.60.070** C-C community commercial district.
- 17.60.080** I-D industrial district.
- 17.16.090** A-E adult entertainment district.
- 17.16.100** Incorporation of maps.
- 17.16.110** Boundaries of districts.

#### **17.16.010** Establishment of districts.

In order to carry out the purpose and provisions of this chapter, the following districts are established, and may be known by the accompanying abbreviated symbols. (Ord. 221 § 4 (part), 2004)

#### **17.16.020** O-N open natural resource preservation district.

See Chapter 17.20.

Purpose. The (O-N) open natural resource preservation district is designed to encourage the preservation, conservation and recreational purposes. Generally, this district includes swamps, marshlands, rivers, lakeshores and other land of natural aesthetic value. (Ord. 221 § 4 (part), 2004)

#### **17.16.030** F-P floodplain district.

See Chapter 17.24.

Purpose. The (F-P) floodplain district is designed for land which lies adjacent to, in or on a natural watercourse, and land that is subject to periodic inundation. The land within the floodplain should be maintained in a state which will serve its natural function as a secondary channel of a river or stream. This district is intended to provide for both floodway and floodplain regulations. (Ord. 221 § 4 (part), 2004)

#### **17.16.040** A-G general agriculture district.

See Chapter 17.28.

Purpose. The (A-G) general agriculture district is designed to provide for and encourage agricultural uses of land, related uses, and farm residential uses in a rural environment. Large scale agricultural uses of land related to the growing of crops and the raising of livestock are encouraged. (Ord. 221 § 4 (part), 2004)

#### **17.16.050** R-S residential districts.

See Chapters 17.32 and 17.36.

A. Purpose. The (R-S) residential districts are designed to:

1. Protect the residential character of the included areas by excluding commercial activities;
2. Encourage a suitable environment for family life by permitting, under certain conditions, such neighborhood facilities as churches, schools, and playgrounds;
3. Permit, under certain conditions, appropriate institutions to be located in residential neighborhoods;
4. Preserve openness of the areas and avoid overcrowding by requiring certain



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minimum yards, open spaces, and site area; and

5. Make available a variety of dwelling types and densities and a variety of locations to serve a wide range of individual requirements.

B. Districts. The following districts are included in this chapter to carry out the purposes listed above:

1. RS-8 Residential Single-family District. This district provides for moderate size lot (eight thousand (8,000) square feet minimum) single-family residential development in a suitable environment.

2. RS-12 Residential Single-family District. This district provides for large lot (twelve thousand (12,000) square feet minimum) single-family residential development in a suitable environment. (Ord. 221 § 4 (part), 2004)

**17.16.060 F-D future development district.**

See Chapter 17.40.

Purpose. This district is intended to provide for the continuation of agricultural uses zoning that is currently permitted by the municipality of the annexed area and very low density residential development in peripheral area of the village until they are needed for non-agricultural development and a full range of village services can be economically provided. (Ord. 221 § 4 (part), 2004)

**17.60.070 C-C community commercial district.**

See Chapter 17.44.

Purpose. The (C-C) community commercial district is designed to facilitate the development of commercial uses in accordance to the future growth and development of the village and to provide for a wide range of com-

mercial uses of land. This district is designed to permit development for the respective purposes outlined and to protect nearby residential areas by requiring that certain minimum yard, area, parking and loading requirements be met. (Ord. 221 § 4 (part), 2004)

**17.60.080 I-D industrial district.**

See Chapter 17.48.

A. Purpose. The (I-D) industrial district is intended for any manufacturing or industrial operation, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the village as a whole by reason of noise, dirt, smoke, odor, traffic, physical appearance or other similar factors. The zoning ordinance provides for a wide range of industrial uses and locations. The (I-D) industrial district provisions are to encourage the location and design of industrial areas protected from residential encroachment, according to the following principles:

1. Access. Industrial district should be located where they will have convenient access to railroads and/or major arterial highways, and airports; and wherever possible such areas should be located between railroads and major highways.

2. Dispersal. Industrial district should be located in various quadrants of the village in order to reduce the time, cost of travel to work, as well as to spread peak-hour traffic loads over many thoroughfares.

3. Nuisances. Modern zoning should be used to control location of industries on the basis of their characteristics. Industries of such nature that nuisance factors cannot yet be satisfactorily eliminated should be located so as to be of minimum detriment to other land uses.

4. Traffic. Industrial district should be so located that it is not necessary to route the traffic generated by industrial uses through residential or commercial districts.

5. Site Characteristics. Industrial district should exhibit reasonably level physical characteristics, be well drained, and have suitable soil bearing capacities. Industrial land should ordinarily be designated in compact areas of adequate depth. (Ord. 221 § 4 (part), 2004)

**17.16.090 A-E adult entertainment district.**

See Chapter 17.52.

Purpose. The (A-E) adult entertainment district is designed to provide an area suitable for all adult entertainment businesses which are regulated by municipal code under ordinances 162 through 168. (Ord. 221 § 4 (part), 2004)

**17.16.100 Incorporation of maps.**

The locations and boundaries of the zoning districts are shown on the village zoning map, and referred to by references as the official zoning map of Cecil, Wisconsin.

The map, together with all explanatory matter and regulations thereon, is an integral part of this title.

Official copies of the zoning map, together with a copy of this title, shall be kept by the building inspector and shall be available for public inspection during office hours. The map shall be certified by the president of the village and attested by the village clerk. Any changes or amendments affecting district boundaries or explanatory matter shall be recorded on the applicable map. No change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map. (Ord. 221 § 4 (part), 2004)

**17.16.110 Boundaries of districts.**

When uncertainty exists with respect to the boundaries of the various districts as shown on the map, the following rules shall apply:

When width or length of boundaries are not clear, the scale of the map shall determine the approximate dimensions;

District boundaries are normally lot lines, center lines of streets, highways, railroads or alleys;

The planning commission, in accordance with the provisions of this chapter, shall hear and recommend to the village board, and the village board shall decide the precise location of a district boundary line when such line cannot otherwise be determined. (Ord. 221 § 4 (part), 2004)

17.20.010

**Chapter 17.20**

**O-N OPEN NATURAL  
RESOURCE PRESERVATION  
DISTRICT**

**Sections:**

- 17.20.010 Purpose.**
- 17.20.020 General provisions.**
- 17.20.030 Lot size regulations.**
- 17.20.040 Height regulations.**
- 17.20.050 Yard and setback regulations.**
- 17.20.060 Performance standards.**
- 17.20.070 Signs.**
- 17.20.080 Permitted uses.**
- 17.20.090 Conditional uses.**

**17.20.010 Purpose.**

This district provides for the conservation and protection of natural resources. Generally, this district includes swamps, marshlands, rivers, lakeshores and other land of natural aesthetic value. (Ord. 221 § 5 (part), 2004)

**17.20.020 General provisions.**

See Chapter 17.08.  
(Ord. 221 § 5 (part), 2004)

**17.20.030 Lot size regulations.**

Minimum area	1 acre
Minimum width	150 feet

(Ord. 221 § 5 (part), 2004)

**17.20.040 Height regulations.**

Maximum height	35 feet
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(Ord. 221 § 5 (part), 2004)

**17.20.050 Yard and setback regulations.**

Minimum front yard	80 feet
Minimum side yard	25 feet
Minimum rear yard	50 feet
Minimum water setback	75 feet

(Ord. 221 § 5 (part), 2004)

**17.20.060 Performance standards.**

See Chapter 17.12.  
(Ord. 221 § 5 (part), 2004)

**17.20.070 Signs.**

See Chapter 17.56.  
(Ord. 221 § 5 (part), 2004)

**17.20.080 Permitted uses.**

The following are permitted uses:

1. Agriculture including animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture;
2. Fish hatcheries and farm ponds;
3. Preservation of scenic, historic or scientific areas;
4. Wildlife preserves.

(Ord. 221 § 5 (part), 2004)

**17.20.090 Conditional uses.**

The following are conditional uses:

1. Dwelling, single-family, only as accessory to a principal use;
2. Filling over five hundred (500) square feet;
3. Golf course;
4. Grading over five hundred (500) square feet;
5. Recreation areas;

6. Utilities;
7. Work in respect to waterways.  
(Ord. 221 § 5 (part), 2004)

**Chapter 17.24**

**F-P FLOODPLAIN  
DISTRICT**

**Sections:**

- 17.24.010 Purpose.**
- 17.24.020 General provisions.**
- 17.24.030 Special provisions.**
- 17.24.040 Performance standards.**
- 17.24.050 Signs.**
- 17.24.060 Permitted uses.**
- 17.24.070 Conditional uses.**

**17.24.010 Purpose.**

A. The purpose of the floodplain district is to allow for the safe discharge of floodwaters; to preserve the storage capacity of the floodplain in order to protect the public health, safety and general welfare; to minimize property damage and the cost of flood prevention; and for flood relief. This district is intended to provide for both floodway and floodplain regulations.

B. The establishment by this chapter of floodplain district boundaries for the purpose of regulating future development to fulfill the purpose of this chapter is not intended nor shall it be construed to imply or assure owners, occupants or prospective purchasers of property that no flood of greater magnitude will occur in the future. (Ord. 221 § 6 (part), 2004)

**17.24.020 General provisions.**

See Chapter 17.08.  
(Ord. 221 § 6 (part), 2004)

**17.24.030 Special provisions.**

No use or modification of an existing use shall be permitted that will:

- A. Involve dumping;

B. Result in accelerated streambank erosion;

C. Obstruct the flow of flood waters, retard the movement of flood waters, as to increase flow velocities, increase the floodstage, or substantially reduce the flood storage capacity of the floodplain, except public water measurement and control facilities. (Ord. 221 § 6 (part), 2004)

**17.24.040 Performance standards.**

See Chapter 17.12.  
(Ord. 221 § 6 (part), 2004)

**17.24.050 Signs.**

See Chapter 17.56.  
(Ord. 221 § 6 (part), 2004)

**17.24.060 Permitted uses.**

The following are permitted uses:

1. Agricultural uses such as cultivation of crops, grazing, horticulture, truck farming and viticulture;
2. Boat docks serving residences;
3. Forestry;
4. Irrigation pumps and water transmission pipes;
5. Navigation;
6. Outdoor plant nurseries;
7. Public water measurement and control facilities;
8. Recreation uses, such as bicycle, bridle, motorcycle and snowmobile trails, hunting, fishing, camping and trapping;
9. Regulated hunting grounds and game reserves. (Ord. 221 § 6 (part), 2004)

**17.24.070 Conditional uses.**

The following are conditional uses:

1. Boat launching ramps, boat liveries and marinas;
2. Bridges;

3. Campgrounds;
4. Filling over five hundred (500) square feet;
5. Grading over five hundred (500) square feet;
6. Golf courses;
7. Navigation structures;
8. Private and organizational campgrounds;
9. Recreation areas;
10. Storage of buoyant materials of an inert nature such as logs, boats and building materials;
11. Storage of dangerous materials that are flammable, explosive or injurious to human, animal or plant life;
12. Utilities;
13. Work in respect to waterways.

(Ord. 221 § 6 (part), 2004)

17.28.010

**Chapter 17.28**

**A-G GENERAL  
AGRICULTURE DISTRICT**

**Sections:**

- 17.28.010 Purpose.**
- 17.28.020 General provisions.**
- 17.28.030 Lot size regulations.**
- 17.28.040 Height regulations.**
- 17.28.050 Yard and setback regulations.**
- 17.28.060 Performance standards.**
- 17.28.070 Off-street parking and loading.**
- 17.28.080 Signs.**
- 17.28.090 Permitted uses.**
- 17.28.100 Conditional uses.**

**17.28.010 Purpose.**

The general agriculture district provides exclusively for agricultural uses. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services. (Ord. 221 § 7 (part), 2004)

**17.28.020 General provisions.**

See Chapter 17.08.  
(Ord. 221 § 7 (part), 2004)

**17.28.030 Lot size regulations.**

Lot area minimum	5 acres
Lot frontage minimum	200 feet

(Ord. 221 § 7 (part), 2004)

**17.28.040 Height regulations.**

Building height maximum	35 feet (with exception of farm silo)
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(Ord. 221 § 7 (part), 2004)

**17.28.050 Yard and setback regulations.**

Residence:	
Yard and building requirements	Same as RS-8 district
Farm buildings:	
Front yard minimum	80 feet
Side yard minimum	30 feet
Rear yard minimum	30 feet
Water setback minimum	75 feet

(Ord. 221 § 7 (part), 2004)

**17.28.060 Performance standards.**

See Chapter 17.12.  
(Ord. 221 § 7 (part), 2004)

**17.28.070 Off-street parking and loading.**

See Chapter 17.60.  
(Ord. 221 § 7 (part), 2004)

**17.28.080 Signs.**

See Chapter 17.56.  
(Ord. 221 § 7 (part), 2004)

**17.28.090 Permitted uses.**

The following are permitted uses:

1. Agriculture including animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, greenhouses, orchards and wild crop harvesting, truck farming, horticulture or viticulture;

2. General farming, except fur farms and farms operated for the disposal of garbage, rubbish, sewage, offal or contaminated soil;
3. Farm dwelling, single or two family;
4. Home occupations;
5. Uses customarily accessory to a permitted agricultural use;
6. Roadside stands;
7. Signs not over eight square feet in area which advertise the sale of farm products produced on the premises, provided such signs are located on the farm and comply with the setback regulations. (Ord. 221 § 7 (part), 2004)

**17.28.100 Conditional uses.**

The following are conditional uses:

1. Airport, airstrips, and landing field;
2. Amusement and recreational facilities;
3. Animal hospital or pound;
4. Cemetery;
5. Christmas tree sales;
6. Churches or other places of worship;
7. Clubs or lodges;
8. Farm equipment sales and/or service;
9. Filling over five thousand (5,000) square feet;
10. Fur and fish farming;
11. Garden or nursery stores;
12. Governmental and cultural uses such as:
  - a. Community centers,
  - b. Fire stations and police stations,
  - c. Libraries,
  - d. Public emergency shelters,
  - e. Public and private elementary and secondary schools,
  - f. Parks and playgrounds;
13. Grading over five thousand (5,000) square feet;
14. Grain elevators storage bins;
15. Housing for migrant workers;

16. Incinerator, public;
  17. Livestock feeding pens or yards;
  18. Maple syrup processing plants;
  19. Mineral extraction;
  20. Mini storage sheds;
  21. Quarrying;
  22. Racing facility:
    - a. ATV racing,
    - b. Kart racing,
    - c. Lawn mower racing,
    - d. Snowmobile racing;
  23. Radio or TV broadcasting studio and/or tower;
  24. Sanitary landfill;
  25. Sewage disposal plant;
  26. Utilities;
  27. Work in respect to waterways.
- (Ord. 221 § 7 (part), 2004)



17.32.010

**Chapter 17.32**

**RS-8 RESIDENTIAL  
SINGLE-FAMILY DISTRICT**

**Sections:**

- 17.32.010 Purpose.**
- 17.32.020 General provisions.**
- 17.32.030 Lot size regulations.**
- 17.32.040 Height regulations.**
- 17.32.050 Yard and setback regulations.**
- 17.32.060 Performance standards.**
- 17.32.070 Off-street parking and loading.**
- 17.32.080 Signs.**
- 17.32.090 Permitted uses.**
- 17.32.100 Conditional uses.**

**17.32.010 Purpose.**

This district is intended to provide a suitable environment for single-family residential development on moderate size lots. (Ord. 221 § 8 (part), 2004)

**17.32.020 General provisions.**

See Chapter 17.08.  
(Ord. 221 § 8 (part), 2004)

**17.32.030 Lot size regulations.**

Lot area minimum	8,000 sq. feet
Lot frontage minimum	75 feet

(Ord. 221 § 8 (part), 2004)

**17.32.040 Height regulations.**

Building height maximum	35 feet
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(Ord. 221 § 8 (part), 2004)

**17.32.050 Yard and setback regulations.**

**Residence:**

Front yard minimum	25 feet
Side yard minimum	8 feet
Rear yard minimum	25 feet
Water setback minimum	75 feet

**Accessory buildings:**

Front yard minimum	25 feet
Side yard minimum	3 feet
Rear yard minimum	3 feet
Building height maximum	16 feet
Garage size maximum	800 sq. feet
Garden shed size maximum	160 sq. feet
Water setback minimum	75 feet

(Ord. 221 § 8 (part), 2004)

**17.32.060 Performance standards.**

See Chapter 17.12.  
(Ord. 221 § 8 (part), 2004)

**17.32.070 Off-street parking and loading.**

See Chapter 17.60.  
(Ord. 221 § 8 (part), 2004)

**17.32.080 Signs.**

See Chapter 17.56.  
(Ord. 221 § 8 (part), 2004)

**17.32.090 Permitted uses.**

- The following are permitted uses:
1. Agricultural uses including field crops, forestry, orchards and wild crop harvesting, horticulture or viticulture.
  2. Dwelling, single-family:

Floor area minimum	1200 sq. feet
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(Ord. 221 § 8 (part), 2004)

**17.32.100 Conditional uses.**

The following are conditional uses:

1. Cemeteries;
2. Churches or other places of worship;
3. Clubs, fraternities, lodges and meeting places of a non-commercial nature;
4. Day care center;
5. Dwelling, duplex (two-family);
6. Filling over five thousand (5,000) square feet;
7. Fish farming;
8. Golf courses;
9. Governmental and cultural uses such as:
  - a. Community centers,
  - b. Fire stations and police stations,
  - c. Libraries,
  - d. Public emergency shelters,
  - e. Public and private elementary and secondary schools,
  - f. Parks and playgrounds;
10. Grading over five thousand (5,000) square feet;
11. Home occupations;
12. Man-made lakes and ponds with less than seventy-five (75) foot setbacks may be permitted;
13. Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops, storage yards, penal or correctional institutions and asylums;
14. Nursing homes;
15. Planned residential development;
16. Public and parochial schools;
17. Public recreational and community center buildings;
18. Rest homes;
19. Rooming or boarding houses;

20. Telephone buildings, exchanges and lines, electric substations and transformers, provided there is no service garage or storage yard, and telephone, telegraph and power transmission poles and lines and necessary appurtenances, provided microwave radio relay structures are not permitted unless the location thereof has first been approved by the village board. The setback requirements of this section shall not be applied to the necessary and customary construction, reconstruction, maintenance and repair of public utility poles and lines;

21. Utilities;

22. Work in respect to waterways.

(Ord. 221 § 8 (part), 2004)

**Chapter 17.36**

**RS-12 RESIDENTIAL  
SINGLE-FAMILY DISTRICT**

**Sections:**

- 17.36.010 Purpose.**
- 17.36.020 General provisions.**
- 17.36.030 Lot size regulations.**
- 17.36.040 Height regulations.**
- 17.36.050 Yard and setback regulations.**
- 17.36.060 Performance standards.**
- 17.36.070 Off-street parking and loading.**
- 17.36.080 Signs.**
- 17.36.090 Permitted uses.**
- 17.36.100 Conditional uses.**

**17.36.010 Purpose.**

This district is intended to provide a suitable environment for single-family residential development on large lots. (Ord. 221 § 9 (part), 2004)

**17.36.020 General provisions.**

See Chapter 17.08.  
(Ord. 221 § 9 (part), 2004)

**17.36.030 Lot size regulations.**

Lot area minimum	12,000 sq. feet
Lot frontage minimum	90 feet

(Ord. 221 § 9 (part), 2004)

**17.36.040 Height regulations.**

Building height maximum	35 feet
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(Ord. 221 § 9 (part), 2004)

**17.36.050 Yard and setback regulations.**

Residence:

Front yard minimum	25 feet
Side yard minimum	10 feet
Rear yard minimum	40 feet
Water setback minimum	75 feet

Accessory buildings:

Front yard minimum	25 feet
Side yard minimum	3 feet
Rear yard minimum	3 feet
Building height maximum	16 feet
Garage size maximum	1,200 sq. feet
Garden shed size maximum	160 sq. feet
Water setback minimum	75 feet

(Ord. 221 § 9 (part), 2004)

**17.36.060 Performance standards.**

See Chapter 17.12.  
(Ord. 221 § 9 (part), 2004)

**17.36.070 Off-street parking and loading.**

See Chapter 17.60.  
(Ord. 221 § 9 (part), 2004)

**17.36.080 Signs.**

See Chapter 17.56.  
(Ord. 221 § 9 (part), 2004)

**17.36.090 Permitted uses.**

- The following are permitted uses:
1. Agricultural uses including field crops, forestry, orchards and wild crop harvesting, horticulture or viticulture;
  2. Dwelling, single-family:

Floor area minimum	1400 sq. feet
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(Ord. 221 § 9 (part), 2004)

**17.36.100 Conditional uses.**

The following are conditional uses:

1. Cemeteries;
2. Churches or other places of worship;
3. Dwelling, duplex (two-family);
4. Day care center;
5. Filling over five thousand (5,000) square feet;
6. Fish farming;
7. Golf courses;
8. Governmental and cultural uses such as:
  - a. Community centers,
  - b. Fire stations and police stations,
  - c. Libraries,
  - d. Public emergency shelters,
  - e. Public and private elementary and secondary schools,
  - f. Parks and playgrounds;
9. Grading over five thousand (5,000) square feet;
10. Home occupations;
11. Man-made lakes and ponds with less than seventy-five (75) foot setbacks may be permitted;
12. Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops, storage yards, and penal or correctional institutions and asylums;
13. Planned residential development;
14. Public and parochial schools;
15. Public recreational and community center buildings;
16. Rooming or boarding houses;
17. Telephone buildings, exchanges and lines, electric substations and transformers, provided there is no service garage or storage yard, and telephone, telegraph and power

transmission poles and lines and necessary appurtenances, provided microwave radio relay structures are not permitted unless the location thereof has first been approved by the village board. The setback requirements of this section shall not be applied to the necessary and customary construction, reconstruction, maintenance and repair of public utility poles and lines;

18. Utilities;

19. Work in respect to waterways.

(Ord. 221 § 9 (part), 2004)

17.40.010

**Chapter 17.40**

**F-D FUTURE  
DEVELOPMENT DISTRICT**

**Sections:**

- 17.40.010 Purpose.**
- 17.40.020 General provisions.**
- 17.40.030 Lot size regulation.**
- 17.40.040 Height regulations.**
- 17.40.050 Yard and setback regulations.**
- 17.40.060 Performance standards.**
- 17.40.070 Off-street parking and loading.**
- 17.40.080 Signs.**
- 17.40.090 Permitted principal uses and structures.**
- 17.40.100 Permitted accessory uses and structures.**
- 17.40.110 Permitted uses.**

**17.40.010 Purpose.**

Future development district is intended to provide for the continuation of agricultural uses and very low density residential development in peripheral areas of the village until they are needed for non-agricultural development and a full range of village services can be economically provided. (Ord. 221 § 10 (part), 2004)

**17.40.020 General provisions.**

The planning commission may recommend and the village board may, upon the request of the owners, establish future development districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and mixed compatible uses. (Ord. 221 § 10 (part), 2004)

**17.40.030 Lot size regulation.**

No minimum lot area required. (Ord. 221 § 10 (part), 2004)

**17.40.040 Height regulations.**

Building height maximum 35 feet

(Ord. 221 § 10 (part), 2004)

**17.40.050 Yard and setback regulations.**

Residence:

Front yard minimum	25 feet
Side yard minimum	25 feet
Rear yard minimum	25 feet
Water setback minimum	75 feet

Accessory buildings:

Front yard minimum	25 feet
Side yard minimum	25 feet
Rear yard minimum	25 feet
Building height minimum	16 feet
Garage size maximum	1,200 sq. feet
Garden shed size maximum	160 sq. feet
Water setback minimum	75 feet

(Ord. 221 § 10 (part), 2004)

**17.40.060 Performance standards.**

See Chapter 17.12. (Ord. 221 § 10 (part), 2004)

**17.40.070 Off-street parking and loading.**

See Chapter 17.60. (Ord. 221 § 10 (part), 2004)

**17.40.080 Signs.**

See Chapter 17.56.  
(Ord. 221 § 10 (part), 2004)

**17.40.090 Permitted principal uses  
and structures.**

Agricultural uses, including general farming, outdoor plant nurseries, horticulture, viticulture, sod farming and single-family detached dwellings. Feedlots or confinement operations shall be prohibited. (Ord. 221 § 10 (part), 2004)

**17.40.100 Permitted accessory uses  
and structures.**

Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures, home occupations subject to registration with the zoning department, and not more than two roomers or boarders in addition to the resident family. (Ord. 221 § 10 (part), 2004)

**17.40.110 Permitted uses.**

Permitted uses shall be the same as for RS-8 sewer area, RS-12 area without sewer, residential single-family and C-C community commercial districts. (Ord. 221 § 10 (part), 2004)

17.44.010

**Chapter 17.44**

**C-C COMMUNITY  
COMMERCIAL DISTRICT**

**Sections:**

- 17.44.010 Purpose.**
- 17.44.020 General provisions.**
- 17.44.030 Lot size regulations.**
- 17.44.040 Height regulations.**
- 17.44.050 Yard and setback regulations.**
- 17.44.060 Performance standards.**
- 17.44.070 Off-street parking and loading.**
- 17.44.080 Signs.**
- 17.44.090 Permitted uses.**
- 17.44.100 Conditional uses.**

**17.44.010 Purpose.**

This district is intended to provide an area for the business and commercial needs of the village. (Ord. 221 § 11 (part), 2004)

**17.44.020 General provisions.**

See Chapter 17.08.  
(Ord. 221 § 11 (part), 2004)

**17.44.030 Lot size regulations.**

Lot area minimum	None
Lot frontage minimum	None

(Ord. 221 § 11 (part), 2004)

**17.44.040 Height regulations.**

Building height maximum	35 feet
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The planning commission may approve a greater height based upon site and construction data which the planning commission may

require to be submitted. (Ord. 221 § 11 (part), 2004)

**17.44.050 Yard and setback regulations.**

<b>Main building:</b>	
Front yard minimum	None
Side yard minimum	None (except same as adjoining districts)
Rear yard minimum	10 feet
Water setback minimum	75 feet

**Accessory buildings:** Subject to and established by site plan review and approval based on compatibility with adjacent properties.

(Ord. 221 § 11 (part), 2004)

**17.44.060 Performance standards.**

See Chapter 17.12.  
(Ord. 221 § 11 (part), 2004)

**17.44.070 Off-street parking and loading.**

See Chapter 17.60.  
(Ord. 221 § 11 (part), 2004)

**17.44.080 Signs.**

See Chapter 17.56.  
(Ord. 221 § 11 (part), 2004)

**17.44.090 Permitted uses.**

- The following are permitted uses:
1. Animal hospitals;
  2. Banks and similar services;

3. Bed and breakfast places;
4. Business and professional offices and studios;
5. Clubs, fraternities, lodges and meeting places;
6. Commercial recreation facilities such as:
  - a. Arcades,
  - b. Bowling alleys,
  - c. Dance halls,
  - d. Gymnasiums,
  - e. Marinas,
  - f. Miniature golf,
  - g. Physical fitness and wellness,
  - h. Pool and billiard halls,
  - i. Turkish baths,
  - j. Skating rinks,
  - k. Theaters;
7. Cottages;
8. Day care centers:
  - a. For more than eight children;
9. Dental and medical clinics;
10. Department stores;
11. Dwelling, single-family, only as accessory to principal use;
12. Funeral homes;
13. Furniture upholstery shops;
14. Furniture stores;
15. Garages for storage of vehicles used in conjunction with a permitted use;
16. Heating supply shops;
17. Hotels;
18. Laundromats;
19. Laundry and dry-cleaning establishments employing not over seven persons;
20. Newspaper offices and press rooms;
21. Office supply;
22. Pawn shops;
23. Pet shops;
24. Plumbing supplies stores;
25. Printing shops;

26. Private clubs, fraternities, lodges and meeting places;
27. Private schools;
28. Publishing shops and offices;
29. Radio broadcasting studios;
30. Restaurants;
31. Retail stores and shops offering convenience goods and services;
32. Second hand stores;
33. Sign shops;
34. Television broadcasting studios;
35. Trade and contractor's offices;
36. Variety stores;
37. Vehicle sales, service, washing and repair stations.

(Ord. 221 § 11 (part), 2004)

#### **17.44.100 Conditional uses.**

The following are conditional uses:

1. Cemeteries;
2. Churches or other places of worship;
3. Dwelling, single-family, multi-family, or duplex;
4. Farm machinery sales and services;
5. Filling over five thousand (5,000) square feet;
6. Governmental and cultural uses such as:
  - a. Community centers,
  - b. Fire stations and police stations,
  - c. Libraries,
  - d. Public emergency shelters,
  - e. Public and private elementary and secondary schools,
  - f. Parks and playgrounds;
7. Grading over five thousand (5,000) square feet;
8. Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops, storage yards, and penal or correctional institutions and asylums;



17.44.100

9. Public parking garages and lots;
  10. Public recreational and community center buildings;
  11. Public transportation terminals, such as bus and rail depots, except airports, airstrips and land strips;
  12. Taxi stands;
  13. Telephone buildings, exchanges and lines, electric substations and transformers, provided there is no service garage or storage yard, and telephone, telegraph and power transmission poles and lines and necessary appurtenances, provided microwave radio relay structures are not permitted unless the location thereof has first been approved by the village board. The setback requirements of this section shall not be applied to the necessary and customary construction, reconstruction, maintenance and repair of public utility poles and lines;
  14. Tourist homes;
  15. Utilities;
  16. Work in respect to waterways.
- (Ord. 221 § 11 (part), 2004)

**Chapter 17.48**

**I-D INDUSTRIAL DISTRICT**

**Sections:**

- 17.48.010 Purpose.**
- 17.48.020 General provisions.**
- 17.48.030 Lot size regulations.**
- 17.48.040 Height regulations.**
- 17.48.050 Yard and setback regulations.**
- 17.48.060 Performance standards.**
- 17.48.070 Off-street parking and loading.**
- 17.48.080 Signs.**
- 17.48.090 Permitted uses.**
- 17.48.100 Conditional uses.**

**17.48.010 Purpose.**

This district is intended for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the village as a whole by reason of noise, dirt, smoke, odor, traffic, physical appearance or other similar factors. (Ord. 221 § 12 (part), 2004)

**17.48.020 General provisions.**

See Chapter 17.08. (Ord. 221 § 12 (part), 2004)

**17.48.030 Lot size regulations.**

Lot area minimum	None
Lot frontage minimum	None

(Ord. 221 § 12 (part), 2004)

**17.48.040 Height regulations.**

Building height maximum 35 feet

The planning commission may approve a greater height based upon site and construction data which the planning commission may require to be submitted. (Ord. 221 § 12 (part), 2004)

**17.48.050 Yard and setback regulations.**

**Main building:**

Front yard minimum	25 feet
Side yard minimum	20 feet
Rear yard minimum	30 feet
Water setback minimum	75 feet

**Accessory buildings:**

Subject to and established by site plan review and approval based on compatibility with adjacent properties.

(Ord. 221 § 12 (part), 2004)

**17.48.060 Performance standards.**

See Chapter 17.12. (Ord. 221 § 12 (part), 2004)

**17.48.070 Off-street parking and loading.**

See Chapter 17.60. (Ord. 221 § 12 (part), 2004)

**17.48.080 Signs.**

See Chapter 17.56. (Ord. 221 § 12 (part), 2004)

17.48.090

**17.48.090 Permitted uses.**

The following are permitted uses:

1. Automotive heavy repair and upholstery;
2. Cleaning, pressing and dyeing establishments;
3. Commercial bakeries;
4. Commercial greenhouses;
5. Distributors;
6. Farm machinery sales and/or service;
7. Food locker plants;
8. Laboratories;
9. Machine shops;
10. Manufacture and bottling of nonalcoholic beverages;
11. Manufacture, fabrication, processing, packaging, and packing of:
  - a. Confections,
  - b. Cosmetics,
  - c. Electrical appliances,
  - d. Electronic devices,
  - e. Food except cabbage, fish, and fish products, meat and meat products,
  - f. Jewelry,
  - g. Instruments,
  - h. Pharmaceuticals,
  - i. Tobacco,
  - j. Toiletries;
12. Manufacture, fabrication, packing, packaging and assembly of products from:
  - a. Furs,
  - b. Glass,
  - c. Leather,
  - d. Metals,
  - e. Paper,
  - f. Plaster,
  - g. Plastics,
  - h. Textiles,
  - i. Tobacco,
  - j. Wood;

13. Office, storage, power supply and other such uses normally incidental to the principal use;

14. Printing or publishing;

15. Storage and sale of machinery and equipment;

16. Trade and contractor's offices;

17. Warehousing and wholesaling.

(Ord. 221 § 12 (part), 2004)

**17.48.100 Conditional uses.**

The following are conditional uses:

1. Airport, airstrips and landing fields;

2. Animal hospitals or pounds;

3. Any manufacturing industry which by their nature can exhibit characteristics harmful, noxious or detrimental to surrounding uses of the land;

4. Commercial service facilities such as restaurants and fueling stations if oriented towards serving the surrounding industrial uses;

5. Fairgrounds;

6. Filling over five thousand (5,000) square feet;

7. Governmental and cultural uses such as:

a. Community centers,

b. Fire stations and police stations,

c. Libraries,

d. Public emergency shelters,

e. Parks and playgrounds;

8. Grading over five thousand (5,000) square feet;

9. Public passenger transportation terminals, such as heliports, bus and rail depots, except airports, airstrips, and land strips;

10. Sewage disposal plants;

11. Telephone buildings, exchanges and lines, electric substations and transformers, provided there is no service garage or storage yard, and telephone, telegraph and power transmission poles and lines and necessary

appurtenances, provided microwave radio relay structures are not permitted unless the location thereof has first been approved by the village board. The setback requirements of this section shall not be applied to the necessary and customary construction, reconstruction, maintenance and repair of public utility poles and lines;

12. Utilities;

13. Work in respect to waterways.

(Ord. 221 § 12 (part), 2004)

17.52.010

**Chapter 17.52**

**A-E ADULT  
ENTERTAINMENT DISTRICT**

**Sections:**

- 17.52.010 Purpose.**
- 17.52.020 General provisions.**
- 17.52.030 Lot size and setback regulations.**
- 17.52.040 Height regulations.**
- 17.52.050 Performance standards.**
- 17.52.060 Off-street parking and loading.**
- 17.52.070 Signs.**
- 17.52.080 Permitted uses.**

**17.52.010 Purpose.**

The adult entertainment district is designed to provide an area suitable for all adult entertainment businesses which are regulated by municipal code under ordinances 162 through 168. (Ord. 221 § 13 (part), 2004)

**17.52.020 General provisions.**

See Chapter 17.08.  
(Ord. 221 § 13 (part), 2004)

**17.52.030 Lot size and setback regulations.**

Adult entertainment district shall consist of a parcel of at least forty (40) acres in size located within the A-G general agriculture district. A set back of eight hundred (800) feet from the roadway and six hundred (600) feet from any dwelling shall be required. (Ord. 221 § 13 (part), 2004)

**17.52.040 Height regulations.**

Building height maximum            35 feet

The planning commission may approve a greater height based upon site and construction data which the planning commission may require to be submitted. (Ord. 221 § 13 (part), 2004)

**17.52.050 Performance standards.**

See Chapter 17.12.  
(Ord. 221 § 13 (part), 2004)

**17.52.060 Off-street parking and loading.**

See Chapter 17.60.  
(Ord. 221 § 13 (part), 2004)

**17.52.070 Signs.**

See Chapter 17.56.  
(Ord. 221 § 13 (part), 2004)

**17.52.080 Permitted uses.**

Any adult entertainment business use which is regulated by the chapters as set forth in this title, shall be allowed. (Ord. 221 § 13 (part), 2004)

## Chapter 17.56

### SIGNS

#### Sections:

<b>17.56.010</b>	<b>Permit required.</b>
<b>17.56.020</b>	<b>Signs excepted.</b>
<b>17.56.030</b>	<b>Signs permitted.</b>
<b>17.56.040</b>	<b>Facing and traffic.</b>
<b>17.56.050</b>	<b>Existing signs.</b>
<b>17.56.060</b>	<b>Billboards.</b>

#### **17.56.010 Permit required.**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a permit, except those signs excepted below, and without bring in conformity with the provisions of this section. The sign shall also meet all structural requirements of the building code. (Ord. 221 § 14 (part), 2004)

#### **17.56.020 Signs excepted.**

All signs are prohibited in the RS-8, RS-12 and C-C districts, except the following:

1. Signs over show windows or doors of a nonconforming business establishment announcing, without display or elaboration, only the name and occupation of the proprietor and, not to exceed two feet in height and ten (10) feet in length;
2. Real estate signs not to exceed eight square feet in areas which advertise the sale, rental or lease of the premises upon which said signs are temporarily located;
3. Name, occupation and warning signs not to exceed four square feet located on the premises;
4. Bulletin boards for public, charitable or religious institutions not to exceed eight square feet in area, located on the premises;

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

6. Official signs such as traffic control, parking restrictions, information and notices;

7. Temporary signs or banners when authorized by the plan commission. (Ord. 221 § 14 (part), 2004)

#### **17.56.030 Signs permitted.**

Signs are permitted in the C-C and I-D districts, subject to the following restrictions:

1. Wall signs placed against the exterior walls of buildings shall not extend more than fifteen (15) inches outside of a building's wall surface, shall not exceed five hundred (500) square feet in area for any one premises, and shall not exceed twenty (20) feet in height above the mean center line street grade;

2. Projecting signs fastened to, suspended from or supported by structures shall not:

- a. Exceed one hundred (100) square feet in area for any one premise,
- b. Extend more than six feet into any required yard,
- c. Extend into any public right of way,
- d. Be less than ten (10) feet from all side lot lines,
- e. Exceed a height of twenty (20) feet above the mean centerline street grade,
- f. Be less than nine feet above the sidewalk nor fifteen (15) feet above a driveway or an alley;

3. Ground signs shall not exceed forty (40) feet in height above the mean center line street grade, shall meet all yard requirements for the district in which it is located, shall not exceed one hundred (100) square feet on one side nor two hundred (200) square feet on all sides for any one premises;

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

5. Window signs shall be placed only on the inside of business buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed;

6. Combinations of any of the above signs shall meet all requirements for the individual sign. (Ord. 221 § 14 (part), 2004)

**17.56.040 Facing and traffic.**

A. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices;

B. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices;

C. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape;

D. No sign shall be placed so as to obstruct or interfere with traffic visibility. (Ord. 221 § 14 (part), 2004)

**17.56.050 Existing signs.**

Signs lawfully existing at the time of the adoption or amendment of this section may be continued although the use, size or location does not conform with the provisions of this section. However, it shall be deemed a non-conforming use or structure and the provisions of Section 17.08.040 of this title shall apply. (Ord. 221 § 14 (part), 2004)

**17.56.060 Billboards.**

All billboards from nonlocal establishments (establishments not headquartered within the jurisdiction of the village of Cecil) are banned within the village limits. Billboards will only be allowed in industrial, and commercially zoned districts in accordance with Wisconsin State Statutes Section 84.30. They must be located within four thousand (4,000) feet (measured along the highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way) of: a corridor that is adjacent to S.T.H. 117, S.T.H. 22 and County Trunk Highway "R," and that extends parallel along those rights-of-way the entire length that is located within the village limits and extends perpendicular from those rights-of-way a distance of two hundred (200) feet. Billboards are not permitted within the highway right-of-way.

A. Billboards shall be set back a minimum of twenty-five (25) feet from the right-of-way.

B. Billboards shall not be located within two thousand (2,000) feet of another billboard, as measured along the highway right-of-way.

C. Billboards shall not be located within five hundred (500) feet of a residential district, as measured along the highway right-of-way.

D. Billboards shall not exceed fifty (50) feet in height above the centerline of the adjacent street pavement and shall have a minimum clearance of eight feet from ground level to the bottom of the sign. Billboards shall not exceed a maximum area per side of six hundred seventy-five (675) square feet and a total area of one thousand three hundred fifty (1,350) square feet. Billboards shall have no more than two sides.

E. No billboard shall be located within eight hundred (800) feet of an existing residence, park, school, church, hospital, cemetery, government building or within two thousand (2,000) feet of an intersection right-of-way, or interchange right-of-way (measured along the highway from the nearest point of beginning or ending of pavement widening at the exit from or entrance of the main traveled way).

F. Illumination of billboards shall be shaded, shielded or directed so that the light intensity or brightness will be minimized to the surrounding areas. Such illumination shall be direct and the source of light shall not be exposed when facing a residential zone. There shall be no direct illumination upon a roadway and no glare or source of light shall be visible.

G. No billboard shall be erected without first obtaining a zoning permit from the planning commission/zoning administrator or its designee. Billboards shall be maintained in a safe structural condition. Any billboard found not to be structurally safe will cause the applicable sign permit to be revoked; and, if the necessary repairs are not completed in a timely manner, the billboard may be removed by the village and all costs of that removal shall be charged to the billboard owner.

H. Combinations of any of the above billboards shall meet all of the requirements for the individual billboard. (Ord. 242 § 2, 2008)



**Chapter 17.60**

**TRAFFIC, PARKING  
AND ACCESS**

**Sections:**

- 17.60.010 Loading requirements.**
- 17.60.020 Parking requirements.**
- 15.60.030 Driveways.**
- 17.60.040 Highway access.**

**17.60.010 Loading requirements.**

In all business and industrial districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way. (Ord. 221 § 15 (part), 2004)

**17.60.020 Parking requirements.**

In all districts and in connection with every use, except in the C-C community commercial district, there shall be provided at the time any use or building is erected, enlarged, extended or increased off-street parking stalls for all vehicles in accordance with the following:

**6. Number of Parking Stalls Required.**

Single-family and two-family dwellings	2 stalls per dwelling unit
Multi-family dwellings	2 stalls per dwelling unit
Hotels and motels	1 stall per guest room plus 1 stall per 3 employees
Hospitals, clubs, lodges, sororities, dormitories, lodging and boarding houses	1 stall per 2 beds plus 1 stall per 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall per 5 beds plus 1 stall per 3 employees
Medical and dental clinics	3 stalls per doctor plus 1 stall per employee
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall per 5 seats

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

2. Size. The size of each parking space shall be not less than ten (10) feet by twenty (20) feet, exclusive of the space required for ingress and egress;

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

4. Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked;

5. Curbs or Barriers. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot line;

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Colleges, secondary and elementary schools	1 stall per 2 employees plus 1 stall per student auto permitted
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall per 150 square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall per 2 employees
Financial institutions and businesses, governmental and professional offices	1 stall per 200 square feet of floor area plus 1 stall per 2 employees
Funeral homes	1 stall per 4 seats plus 1 stall per vehicle used in the business
Bowling alleys	5 stalls per alley

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

Parking stalls are not required to be provided in the C-C district, but when they are provided, they shall conform to requirements of size, access, surfacing and barriers, but not number of stalls or location as specified above. (Ord. 221 § 15 (part), 2004)

school, church, hospital, park, playground, library or public emergency shelter or other place of public assembly. (Ord. 221 § 15 (part), 2004)

**17.60.040 Highway access.**

No direct private access shall be permitted to the existing or proposed rights of way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction. (Ord. 221 § 15 (part), 2004)

**15.60.030 Driveways.**

All driveways installed, altered, changed, replaced or extended after the effective date of the ordinance codified in this title shall meet the following requirements:

1. Openings for vehicular ingress and egress shall not exceed twenty-four (24) feet at the street line and thirty (30) feet at the roadway. This requirement shall not apply in the following zoning districts:

- a. C-C community commercial district,
- b. I-D industrial district;

2. Vehicular entrances and exits to drive-in banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than one hundred (100) feet from any pedestrian entrance or exit to a

## Chapter 17.64

### SITE PLAN REQUIREMENTS

#### Sections:

- 17.64.010**    **Submission.**  
**17.64.020**    **Requirements.**  
**17.64.030**    **Approval.**

#### **17.64.010**    **Submission.**

A preliminary site plan shall be submitted in sufficient quantity to the zoning administrator who shall enter the date of receipt upon the copy of the site plan to be retained in his or her files. (Ord. 221 § 16 (part), 2004)

#### **17.64.020**    **Requirements.**

The preliminary site plan shall contain maps and drawings of a suitable scale to indicate the following items, as applicable or as required by the planning commission:

1. Names and addresses of the applicant, owner of the site, architect, professional engineer and/or contractor;
2. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; and the zoning district within which the subject site lies;
3. Location sketch prepared by applicant if the subject site is part of a recorded subdivision or plat of survey prepared by registered land surveyor if subject site is not part of a recorded subdivision. The sketch should also include the following:
  - a. The location on the site of all proposed structures and location of all buildings on the subject property including underground and surface storage areas, sanitary facilities and the location of all structures and buildings

within one hundred (100) feet on adjoining properties,

- b. The exact location of the lot lines and the area of the lot;
4. Type of structure; existing and proposed operation or use of the structure or site; number of occupants or employees;
5. Height of all structures where height standards prevail;
6. Topography of the site including slopes, drainage courses, adjacent navigable waters, wetland areas and elevations of the proposed building site;
7. The normal high water elevation of abutting navigable waters and the proposed waterline;
8. The engineering design for all work in respect to waterways or to flood proofing;
9. The location and dimensions of areas to be filled including the original and final elevations and the type of fill material to be used;
10. The dimensions and location of areas to be graded including the original and final elevations of the area;
11. Existing tree and other vegetative cover;
12. Landscaping including proposed tree cutting and/or walls or fences used for screening;
13. Design of ingress and egress (location of driveways);
14. Off-street parking, and loading areas;
15. The location and types of all signs;
16. Location and widths of existing and proposed right-of-ways or easements;
17. Proposed sewage disposal plan if village sewerage service is not available. This plan shall be approved by the building inspector who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site in accordance with local, county, and state regulations;

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18. Proposed water supply plan if municipal water service is not available. This plan shall be approved by the building inspector who shall certify in writing that an adequate and safe supply of water will be provided;

19. Additional information as may be required by the village planning commission and/or the zoning administrator;

20. A copy of the permit fee receipt from the village clerk. (Ord. 221 § 16 (part), 2004)

**17.64.030 Approval.**

A site plan may be approved or conditionally approved or denied by the zoning administrator provided the site plan conforms to all applicable provisions of this chapter and the administrative policies of the village planning commission. (Ord. 221 § 16 (part), 2004)

## Chapter 17.68

### CONDITIONAL USES

#### Sections:

- 17.68.010**    **General.**
- 17.68.020**    **Procedure.**
- 17.68.030**    **Public hearing.**
- 17.68.040**    **Determination.**
- 17.68.050**    **Mapping and recording.**
- 17.68.060**    **Termination.**
- 17.68.070**    **Conditions for selected conditional use permits.**

#### **17.68.010**    **General.**

Uses listed as permitted by conditional permit may be authorized in the district in which permitted upon application to the planning commission and subject to the commission's authorization of a conditional use permit.

The planning commission shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the village and of the immediate area in which such use should be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke, or odor and other factors. (Ord. 221 § 17 (part), 2004)

#### **17.68.020**    **Procedure.**

A request for a conditional use permit shall be submitted in writing to the zoning administrator or his/her designees. The scheduled fee for the conditional use permit must be paid with the filing of the application. At least one week prior to public hearing, the applicant

must submit scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the building structure, or any other information as outlined in this chapter or that may be requested by the planning commission or zoning administrator.

Upon consideration of the factors listed above, the planning commission may require such conditions, in addition to those listed elsewhere in this title, as it deems necessary in furthering the purpose of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration, landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, increased setbacks and yards, type of shore cover, specific sewage disposal and water supply systems, planting screens, piers and docks, signs, or any other requirements necessary to fulfill purpose and intent of this title. (Ord. 221 § 17 (part), 2004)

#### **17.68.030**    **Public hearing.**

The planning commission shall hold a public hearing on the proposed conditional use. Notice of the time and place of such hearing shall be published as a class I notice not less than fifteen (15) nor more than thirty (30) days preceding such hearing in one or more newspaper of general circulation in the village. The clerk-treasurer shall notify all abut-

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ting or opposite property owners, as listed by the developer in the original application, of the time, date and subject matter of the hearing, but failure to do so shall not invalidate any previous or subsequent action on the application. (Ord. 221 § 17 (part), 2004)

**17.68.040 Determination.**

The planning commission shall report its decision within ninety (90) days after the filing of the application. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and any and all conditions made applicable thereto. (Ord. 221 § 17 (part), 2004)

**17.68.050 Mapping and recording.**

When a conditional use is approved, an appropriate record shall be made of the land use and building permits, and such grant shall be applicable solely to the structures, use and property so described. (Ord. 221 § 17 (part), 2004)

**17.68.060 Termination.**

Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional grant shall be terminated by action of the planning commission and may be considered by the commission as a violation of this title. (Ord. 221 § 17 (part), 2004)

**17.68.070 Conditions for selected conditional use permits.**

Conditions for selected conditional use permits are as follows:

1. Airport, Airstrips, and Landing Fields. Airports, airstrips and landing fields shall have a lot area of not less than twenty (20) acres;

2. Animal Hospital or Pound. Animal hospitals or pounds shall have a lot area not less than three acres, and all principal structures and uses shall be not less than one hundred (100) feet from any residential district;

3. Animal Reduction. All principal structures and uses involving animal reduction shall be located at least six hundred (600) feet from residential, public and semi-public, and commercial districts;

4. Bag Cleaning. All principal structures and uses involving bag cleaning shall be located at least six hundred (600) feet from residential and public and semi-public districts;

5. Bleacheries. Bleacheries shall be located at least six hundred (600) feet from residential and public and semi-public districts;

6. Boat Launching Ramps, Boat Liveries and Marinas. Marinas and boat liveries may be permitted provided that they are designed and constructed as to not interfere with adjacent riparian owner's uses of the water for swimming, fishing or boating; nor interfere or obstruct the public's free navigation. The minimum lot area of marinas and boat liveries shall be not less than one acre and not more than twenty thousand (20,000) square feet respectively;

7. Camping Areas. Camping areas may be permitted provided that:

a. The minimum size of a camping area shall be five acres,

b. The maximum number of camping sites shall be five per acre,

c. Minimum dimensions of a camping site shall be fifty (50) feet wide by forty (40) feet long,

d. Each camping site shall be separated from other camping sites by a yard not less than fifteen (15) feet wide,

e. There shall be one and one-half automobile parking spaces for each camping site,

f. There shall be a minimum setback for each camping site of forty (40) feet from all other exterior lot lines,

g. Soil absorption sewage disposal systems or private sewerage disposal plants shall be located not less than three hundred (300) feet from navigable waters and one hundred (100) feet from any residential property line;

8. Canneries. All principal structures and uses involving canning shall be located at least six hundred (600) feet from residential, public and semi-public, and commercial districts;

9. Churches (in public and semi-public districts). Churches shall have a lot area not less than two acres and shall have all principal structures and uses not less than fifty (50) feet from any lot line;

10. Clubs, Fraternities, Lodges and Meeting Places of a Non-Commercial Nature. Clubs, fraternities, lodges and meeting places of a non-commercial nature shall have all principal structures and uses not less than twenty-five (25) feet from any lot line;

11. Colleges and Universities. Colleges and universities shall have all principal structures and uses not less than fifty (50) feet from any lot line;

12. Day Care Center. Day care centers shall have all principal structures and uses not less than fifty (50) feet from any lot line;

13. Drive-In Theaters. Drive-in theaters shall have a planting screen at least fifty (50) feet wide along any side abutting a residential district;

14. Electric and Steam Generating Plants. Electric and steam generating plants shall be located at least six hundred (600) feet from residential and public and semi-public districts;

15. Electroplating. All principal structures and uses involving electroplating shall be lo-

cated at least six hundred (600) feet from residential and public and semi-public districts;

16. Enameling. All principal structures and uses involving enameling shall be located at least six hundred (600) feet from residential and public and semi-public districts;

17. Filling. Filling may be permitted provided that the fill material:

a. Shall be suitable for its intended use; no fill intended for supporting buildings shall consist of junk, wood, paper, muck, peat or any similar materials which could cause subsidence,

b. Is protected from erosion so as not to cause siltation of adjacent lands or navigable waters. The use of a temporary ground cover or other conservation practices such as sediment catch; basins or diversion terraces may be required in order to prevent erosion,

c. Shall rest on a firm bottom and is stabilized according to accepted engineering standards,

d. Shall not impede the drainage from adjacent lands as to create significant harm without the adjacent landowners' written consent,

e. Shall not in any manner alter the course of a waterway on property belonging to persons other than the applicant;

18. Forges. Forges shall be at least six hundred (600) feet from residential and public and semi-public districts;

19. Foundries. Foundries shall be at least six hundred (600) feet from residential and public and semi-public districts;

20. Funeral Homes. Funeral homes shall have all principal structures and uses not less than twenty-five (25) feet from any lot line;

21. Fur Farm. Fur farms shall have all principal and accessory structures and uses not less than six hundred (600) feet from residen-

tial, commercial, and public and semi-public districts;

22. Governmental and cultural uses such as:

- a. Community centers,
- b. Fire stations and police stations,
- c. Libraries,
- d. Public emergency shelters,
- e. Public and private elementary and secondary schools,
- f. Parks and playgrounds;

Public, parochial, and private elementary and secondary schools in the residential and public and semi-public districts shall have a lot area of not less than two acres and shall have all principal structures and uses not less than fifty (50) feet from any lot line;

23. Grading. Grading of an area greater than the specified area may be permitted provided that:

- a. The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical,
- b. Precautions shall be taken to prevent erosion and sedimentation through the use of silting basins, diversion, terraces or similar practices used individually or in combination where circumstances warrant such;

24. Home Occupations. Home occupations may be permitted provided:

- a. The occupation is conducted only by members of the family, within their place of residence,
- b. That no article is sold or offered for sale on the premises except such as is produced by such occupation,
- c. That no stock in trade is kept or sold,
- d. That no mechanical equipment is used other than such as is permissible for purely domestic purposes;

25. Hospitals. Hospitals shall have all principal structures and uses not less than fifty (50) feet from any lot line;

26. Incinerators. Public incinerators shall be located at least six hundred (600) feet from residential, and public and semi-public districts;

27. Junk Yards. No junk or salvage shall be permitted in the village except in conformance with a plan approved by the village planning commission. Such yards shall comply with the following requirements:

- a. Junk or salvage materials shall not be located within six hundred (600) feet of public roads, streets and highways, and all establishments of this kind shall have minimum side and rear yards of one hundred (100) feet each,

- b. Junk or salvage material shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or planting screen shall be kept in good repair,

- c. Junk or salvage materials shall not be piled higher than the height of the fence, or planting screen, nor against the fence or planting screen,

- d. For fire protection, an unobstructed firebreak shall be maintained, one rod in width and completely surrounding the salvage or junk yard;

28. Lacquering. All principal structures and uses involving lacquering shall be located at least six hundred (600) feet from residential and public and semi-public districts;

29. Lithographing. All principal structures and uses involving lithographing shall be located at least six hundred (600) feet from residential and public and semi-public districts;



30. Livestock Feeding Pens or Yards. Livestock feeding pens or yards shall be at least six hundred (600) feet from residential and public and semi-public districts;

31. Manufacturing and Bottling of Alcoholic Beverages. Manufacturing and bottling of alcoholic beverages shall be located at least six hundred (600) feet from residential and public and semi-public districts;

32. Manufacturing and processing of:

Abrasives,  
Acetylene,  
Acid,  
Alkalis,  
Ammonia,  
Asbestos,  
Asphalt,  
Batteries,  
Bedding,  
Bleach,  
Bone,  
Cabbage,  
Candles,  
Carpeting,  
Celluloid,  
Cement,  
Cereals,  
Charcoal,  
Chemicals,  
Chlorine,  
Coal,  
Coffee,  
Coke,  
Cordage,  
Creosote,  
Dextrine,  
Disinfectant,  
Dye,  
Excelsior,  
Felt,  
Fish,  
Fuel,

Furs,  
Gelatin,  
Glucose,  
Gypsum,  
Hair Products,  
Ice,  
Insecticide,  
Ink,  
Lampblack,  
Lime,  
Lime products,  
Linoleum,  
Matches,  
Meat,  
Oil cloth,  
Paint,  
Paper,  
Peas,  
Perfume,  
Pickles,  
Plaster of Paris,  
Plastics,  
Poison,  
Polish,  
Potash,  
Pulp,  
Pyroxylin,  
Radium,  
Rope,  
Rubber,  
Sausage,  
Shoddy,  
Shoe and lamp blacking,  
Size,  
Starch,  
Stove polish,  
Textiles,  
Varnish;

Manufacturing and processing of the above listed materials shall be located at least six hundred (600) feet from residential and public and semi-public districts;

33. Manufacturing, processing, and storage of:

- Building materials,
- Explosives,
- Dry ice,
- Fat,
- Fertilizer,
- Flammables,
- Gasoline,
- Glue,
- Grains,
- Grease,
- Lard,
- Plastics,
- Radioactive materials,
- Shellac,
- Soap,
- Turpentine,
- Vinegar,
- Yeast;

Manufacturing, processing and storage of the above listed materials shall be located at least six hundred (600) feet from residential, commercial, and public and semi-public districts;

34. Mineral Extraction. Mineral extraction operations must meet the same conditions as required under quarrying, Section 17.68.070(A)(40);

35. Mobile Home Parks. Mobile home parks are permitted as conditional uses in the multi-family residential district provided:

- a. The minimum size of a mobile home park shall be five acres,
- b. The maximum number of mobile homes shall be ten (10) per acre,
- c. Minimum dimensions of a mobile home site shall be fifty (50) feet wide by eighty-five (85) feet long,
- d. All drives, parking areas and walkways shall be hard surfaced,

e. There shall be a minimum yard setback of forty (40) feet at all lot-lines of the mobile home park,

f. It shall conform to the requirements of Chapter 77 Wisconsin Administrative Code,

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

h. Each mobile home site shall be separated from other mobile home spaces by a yard not less than fifteen (15) feet wide,

i. There shall be two surfaced automobile parking spaces for each mobile home,

j. Unless adequately screened by existing vegetative cover it shall be screened by:

A temporary planting of fast growing material, capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar; and a permanent evergreen planting, such as white or Norway pine, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent to opacity to a solid fence or wall. Such permanent plantings shall be grown or maintained to a height of not less than fifteen (15) feet;

36. Nursing Homes. Nursing homes shall have all principal structures and uses not less than fifty (50) feet from any lot line;

37. Penal and Correctional Institutions. Penal and correctional institutions shall have all principal structures and uses not less than fifty (50) feet from any lot line;

38. Planned Residential Developments. Planned unit developments are permitted as conditional uses in all residential districts. Planned unit developments are intended to provide for innovative large-scale residential development. A planned unit development must contain at least ten (10) contiguous acres under one ownership or control. The following requirements must be met:

a. A site plan shall be submitted and approved in accordance with the procedures established under Chapter 17.64, site plan requirements,

b. The overall density of the project, defined as the number of living units per acre, shall not exceed the district regulations for the district in which the project is to be developed,

c. Paved streets and sidewalks adequate to serve the needs of the area will be provided,

d. Adequate access to public streets and proper internal circulation will be provided,

e. Adequate sewer and water facilities will be provided,

f. The development shall constitute a reasonable extension of the living areas in the village, and will be compatible with surrounding land uses,

g. Adequate safeguards shall be taken to insure that the parks and other open spaces shown on the plan are permanently reserved as parks and open spaces;

39. Public Transportation Terminals, such as Heliports, Bus and Rail Depots, except Airports, Airstrips, and Landing Strips. Public transportation terminals such as heliports, bus and rail depots, except airports, airstrips, and landing strips, shall have all principal structures and uses not less than one hundred (100) feet from any residential district boundary;

40. Quarrying. Applications requesting planning commission approval of a proposed quarrying activity shall be accompanied by:

a. A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified,

b. A legal description of the proposed site,

c. A topographic map (at a minimum contour interval of five feet) of the proposed site and the area extending beyond the site to a minimum distance of three hundred (300) feet on all sides,

d. A restoration plan as hereinafter required,

e. Consideration of compatibility; in reviewing a proposal for a quarrying activity, the planning commission shall take into consideration:

i. The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing,

ii. The possibility of soil erosion as a result of the proposed operation,

iii. The most suitable land use for the area, and its effect on the land use in adjacent areas,

f. No grant to carry on a quarrying operation shall be given until the planning commission approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as provided in the conditional use permit or within six months after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the district attorney,

g. Conditions of Approval. The planning commission may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required,

h. Duration of Conditional Grant. The initial grant to carry on a quarrying operation shall not be effective for more than five years.

Authorization may be extended for three additional years, subject to conditions specified by the planning commission,

i. Existing Quarry Operation.

i. Within six months after the effective date of this chapter, the owners of all existing quarrying operations shall submit to the planning commission the names of the quarry owners and operators and information regarding its operation,

ii. Within one year after adoption of this chapter, the owners shall submit to the planning commission a plan for restoration of the quarrying site in accordance with subsection (f) of this section. The restoration plan shall not impose requirements which are economically or engineeringly unreasonable with respect to conditions resulting from operation prior to enactment of this chapter,

iii. Within three years after the effective date of this chapter, any such existing operation shall be subject to the provision of subsections (f) and (h) of this section;

41. Recreation Areas. Recreation areas may be permitted provided that:

a. Compatibility. The area shall be compatible with adjacent land or water uses,

b. Access. Entrances and exits are designed and located as to not interfere with the public's or adjacent landowner's access to public waters,

c. Illumination. Any lighting facilities are designed as to minimize reflection of glare on or over the water except navigation aids,

d. Sanitary Systems. Sanitary systems are adequately designed for the intensity of use, and are located as to not cause water pollution,

e. Screening. Bleachers, spectator stands, motor driven rides, concession stands, maintenance and storage buildings, parking lots and sanitary facilities are effectively screened

from the water and adjacent properties by vegetative growth;

42. Rest Homes. Rest homes shall have all principal structure and uses not less than fifty (50) feet from any lot line;

43. Road Test Facilities. Road test facilities shall be located at least six hundred (600) feet from residential, commercial, and public and semi-public districts;

44. Sanitariums. Sanitariums shall have all principal structures and uses not less than fifty (50) feet from any lot line;

45. Sawmills. Sawmills shall have all principal structures and uses located at least six hundred (600) feet from residential and public and semi-public districts;

46. Sewage Disposal Plant. Sewage disposal plants shall be located at least five hundred (500) feet from residential and public and semi-public districts;

47. Slaughterhouses. Slaughterhouses shall have all principal and accessory structures and uses located at least six hundred (600) feet from residential, commercial, and public and semi-public districts;

48. Smelting. Smelting operations shall have all principal and accessory uses and structures at least six hundred (600) feet from residential, commercial, and public and semi-public districts;

49. Stockyards. Stockyards shall have all principal and accessory uses and structures at least six hundred (600) feet from residential, commercial, and public and semi-public districts;

50. Storage of Buoyant Materials of an Inert Nature, such as Logs, Boats, and Building Materials. Storage of buoyant materials of an inert nature such as logs, boats and building materials may be permitted as an accessory use providing that such materials are removed, or restrained from floating during period of

high-water. Failure to prevent such material from floating off the immediate premises shall constitute a violation of this chapter;

51. Storage of Dangerous Materials that are Flammable, Explosive or Injurious to Human, Animal or Plant Life. The storage of dangerous materials or materials that are flammable, explosive or injurious to human, animal or plant life may be permitted providing that such materials are stored within a flood-proofed building or structure; or in a flood-proofed underground tank. Failure to confine such material to the storage area during period of high water shall constitute a violation of this chapter;

52. Tanneries. Tanneries shall have all principal and accessory structures and uses located at least six hundred (600) feet from residential and public and semi-public districts;

53. Utilities. Utilities shall have all principal structures and uses not less than forty (40) feet from any residential lot line;

54. Vehicle Sales, Service, Washing and Repairing Stations. Vehicle sales, service, washing and repairing stations shall have all gas pumps not less than thirty (30) feet from any side or rear lot line and twenty (20) feet from any existing or proposed street line;

55. Work in Respect to Waterways.

a. Shall not impede the drainage of adjacent lands without the written consent of the adjacent landowners,

b. Shall not result in a change or alteration in the direction of flow or a reduction in normal volumes of water that would be detrimental to adjacent landowners or to the public interest,

c. Shall not result in degrading water quality in navigable waters including the capability to sustain fish and other aquatic life,

d. Shall not create detrimental affects upon the wildlife habitat on lands belonging to persons other than the applicant,

e. Shall not be incompatible with adjacent land uses, create a safety hazard or a nuisance,

f. Shall have the walls of artificial channels or water courses stabilized to prevent slumping and erosion;

56. Wrecking Yards. Wrecking yards shall meet the same requirements as those specified for junk yards. (Ord. 221 § 17 (part), 2004)

**Chapter 17.72**

**BOARD OF  
ZONING APPEALS**

**Sections:**

- 17.72.010 Establishment.**
- 17.72.020 Membership.**
- 17.72.030 Organization.**
- 17.72.040 Powers.**
- 17.72.050 Appeals and applications.**
- 17.72.060 Hearings.**
- 17.72.070 Findings.**
- 17.72.080 Decision.**
- 17.72.090 Review by court of record.**

**17.72.010 Establishment.**

There is established a board of zoning appeals for the village of Cecil for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this zoning title in harmony with the purpose and intent of the zoning title. (Ord. 221 § 18 (part), 2004)

**17.72.020 Membership.**

The board of zoning appeals shall consist of five members appointed by the village president and confirmed by the village board.

1. Terms. Terms shall be staggered three-year periods. No member of the board of appeals shall serve for two consecutive terms;

2. Chairman. Chairman shall be designated by the village president;

3. Alternate. An alternate member may be appointed by the village president for a term of three years and shall act only when a regular member is absent or refuses to vote because of interest;

4. Secretary. Secretary shall be the village clerk;

5. Administrator. The zoning administrator shall attend all meetings for the purpose of providing technical assistance when requested by the board of appeals;

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

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

8. Legal Counsel. Legal counsel representing the village shall be in attendance at meetings, as the board deems necessary. (Ord. 221 § 18 (part), 2004)

**17.72.030 Organization.**

The board of zoning appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

1. Meetings. Meetings shall be held at the call of the chairman and shall be open to the public;

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

3. Vote. The concurring vote of four members of the board of appeals shall be necessary to correct an error, grant a variance, make an interpretation, and permit a temporary use. (Ord. 221 § 18 (part), 2004)

**17.72.040 Powers.**

The board of zoning 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 the village board;

2. Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted;

3. Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the village planning commission has made a review and recommendation;

4. Temporary Uses. To hear and grant applications for temporary uses, in the district, provided that such uses are of a temporary nature, and are compatible with the neighboring uses and the village planning commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the board of zoning appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this chapter shall be required;

5. Permits. The board of appeals may reverse, affirm or partly modify the requirements appealed from, and may issue or direct the issue of a permit;

6. Assistance. The board of appeals may request assistance from other village officers, departments, commissions and boards;

7. Oaths. The chairman may administer oaths and compel the attendance of witnesses. (Ord. 221 § 18 (part), 2004)

**17.72.050 Appeals and applications.**

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

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

2. Information. All information required for a building permit;

3. Additional Information. Additional information required by the village planning commission, zoning administrator, village board or board of zoning appeals;

4. Fee Receipt. Fee receipt from the village clerk in the amount of (see current fee schedule). (Ord. 221 § 18 (part), 2004)

**17.72.060 Hearings.**

The board of zoning appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior, 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. (Ord. 221 § 18 (part), 2004)

**17.72.070 Findings.**

No variance to the provisions of this chapter shall be granted by the board of appeals unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicate in the minutes of its proceedings.

1. Exceptional Circumstances. 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 title should be changed;

2. Preservation of Property Rights. 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. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest. (Ord. 221 § 18 (part), 2004)

**17.72.080 Decision.**

The board of zoning appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the board's decision to the appellant, zoning administrator and village board.

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

2. Variances. Variances or use permits granted by the board shall expire within six months unless substantial work has commenced pursuant to such grant. (Ord. 221 § 18 (part), 2004)

**17.72.090 Review by court of record.**

Any person or persons aggrieved by any decision of the board of zoning appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying that grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board of zoning appeals. (Ord. 221 § 18 (part), 2004)



## Chapter 17.76

### CHANGES AND AMENDMENTS

#### Sections:

- 17.76.010 Authority.**
- 17.76.020 Initiation.**
- 17.76.030 Petitions.**
- 17.76.040 Recommendations.**
- 17.76.050 Hearings.**
- 17.76.060 Village board's action.**
- 17.76.070 Protest.**

#### **17.76.010 Authority.**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the village board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the village planning commission. (Ord. 221 § 19 (part), 2004)

#### **17.76.020 Initiation.**

A change or amendment may be initiated by the village board, village planning commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed. (Ord. 221 § 19 (part), 2004)

#### **17.76.030 Petitions.**

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

1. Plat Plan. Plat plan drawn to a scale of one inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned;

2. Owners. Owner's name and addresses of all property lying within two hundred (200) feet of the area proposed to be rezoned;

3. Additional Information. Additional information required by the village planning commission of village board;

4. Fee Receipt. Fee receipt from the village clerk in the amount of three hundred dollars (\$300.00). (Ord. 221 § 19 (part), 2004)

#### **17.76.040 Recommendations.**

The village planning commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied.

The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the village board. (Ord. 221 § 19 (part), 2004)

#### **17.76.050 Hearings.**

The village planning commission shall hold a public hearing upon each recommendation, giving at least ten (10) days prior notice by publication at least three times during the preceding thirty (30) days, listing the time, place, and the changes or amendments proposed. The village planning commission shall also give at least ten (10) days prior written notice to the clerk of any municipality and property owners within one thousand (1,000) feet of any land to be affected by the proposed

17.76.060

change or amendment. (Ord. 221 § 19 (part), 2004)

**17.76.060 Village board's action.**

Within thirty (30) days following such hearing and after careful consideration of the village planning commission's recommendations, the village board shall vote on the passage of the proposed change or amendment.

The village planning commission's recommendations may only be overruled by a three-fourths vote of the full village board's membership. (Ord. 221 § 19 (part), 2004)

**17.76.070 Protest.**

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the village board membership. (Ord. 221 § 19 (part), 2004)