

VILLAGE OF MOUNT CALVARY
Fond du Lac County, Wisconsin

ZONING ORDINANCE

An ordinance under the provisions of Wis. Stat. §§ 61.35 and 62.23, as amended from time to time, to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purposes to divide the Village of Mount Calvary, Fond du Lac County, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

The Village Board of the Village of Mount Calvary, Fond du Lac County, Wisconsin, does ordain as follows:

ARTICLE I

SECTION 1.0 INTERPRETATION AND PURPOSES.

1.1 The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Mount Calvary, Fond du Lac County, Wisconsin.

1.2 It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

ARTICLE II

SECTION 2.0 DISTRICTS.

2.1 For the purposes of this ordinance, the Village of Mount Calvary, Fond du Lac County, Wisconsin, is hereby divided into 4 districts as follows:

- (1) R-Residence District
- (2) A-Agricultural District
- (3) B-Business District
- (4) I-Industrial District.

2.2 The boundaries of the aforesaid districts are hereby established as shown on the map entitled "District Map for the

Village of Mount Calvary, Fond du Lac County, Wisconsin," dated October 20, 2002, which map is made a part of this ordinance and is on file in the office of the Clerk of said village. All notations and references shown on the district map are as much a part of this ordinance as though specifically described herein.

2.21 The district boundaries, unless otherwise indicated, are street or highway center lines, railroad right-of-way lines or such lines extended, lines parallel or perpendicular to such street, highway or railroad lines, the shore line of lakes or streams, lot or alley lines, section lines, quarter section lines, or quarter quarter section lines, and when the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundary lines.

2.22 The district boundaries, where no otherwise designated, shall be determined by the use of the scale shown on the district map.

ARTICLE III

SECTION 3.0 GLOSSARY OF TERMS.

3.1 General Terms. For the purposes of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the State of Wisconsin Building Code Comm 20-25. (Definitions Comm 20.07) as amended from time to time.

3.2 Definitions.

3.21 Airport, Public. Any airport which complies with the definition contained in Wis. Stat. §114.002, or any airport which serves or offers to serve common carriers engaged in air transport.

3.22 Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

3.23 Automobile Wrecking Yard. Any premises on which one or more automotive vehicles, not in operating condition, are stored in the open.

3.24 Boarding House. A building other than a hotel where meals, or lodging and meals, are furnished for compensation for 5 or more persons not members of a

family.

- 3.25 Boathouse. Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.
- 3.26 Building. Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- 3.27 Building, Accessory. A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
- 3.28 Building, Height Of. The vertical distance from the finished grade at the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- 3.29 Building, Main. A building constituting the principal use of a lot.
- 3.30 Center Line. A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
- 3.31 Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.
- 3.32 Dwelling, One Family. A detached building designed for or occupied exclusively by one family.
- 3.33 Dwelling, Two Family. A detached or semidetached building designed for and occupied exclusively by two families.
- 3.34 Dwelling, Multiple. A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
- 3.35 Family. (a) an individual; or (b) 2 or more persons related by blood, marriage, or adoption; or (c) maximum of 5 persons not so related; together with his or their domestic servants and gratuitous guests maintaining common household in a dwelling unit or lodging unit.

- 3.36 Frontage. All the property abutting on one side of a road or street between 2 intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.
- 3.37 Garage, Private. An accessory building or space for the storage of motor-driven vehicles.
- 3.38 Garage, Public. Any building or premises, other than a private, or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- 3.39 Garage, Storage. Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.
- 3.40 Home Occupation. 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, that no sign other than one unlighted name plate nor more than 2 feet square is installed and that no person other than a member of the immediate family living on the premises is employed.
- 3.41 Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- 3.42 Junk Yard. A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale or parts there from.
- 3.43 Lodging House. A building other than a hotel where lodging only is provided for compensation for 3 or more persons not members of the family.
- 3.44 Lot, Zoning Lot. A single property, parcel, unit, tract, plot or otherwise designated to be used, as a unit under single ownership or control, and which may be occupied by 1 or more structures and the accessory

structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "zoning lot" may or may not coincide with a lot of record.

3.45 Lot Corner. A lot located:

- 3.451 At the junction of and abutting 2 or more intersecting streets; or
- 3.452 At the junction of and abutting a street and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
- 3.453 At the junction of and abutting 2 or more storm or flood water runoff channels or basins; or
- 3.454 At and abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.

3.46 Lot Depth. The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.

3.47 Lot, Interior. A lot other than a corner lot.

3.48 Lot Width. The distance between side lines of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot 75 feet from the waterline.

3.49 Manufactured Home. A structure certified and labeled as a manufactured home under §42 USC §§5401-5426, which, when placed on the site:

- (1) Is set on an enclosed continuous foundation in accordance with Wis. Stat. §70.43(1), and ILHR 21, Subchapters III, IV, and V, Wisconsin Administrative Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
- (2) Is installed in accordance with the manufacturer's instructions;
- (3) Is properly connected to utilities; and
- (4) Meets other applicable standards of this ordinance.

- 3.50 Mobile Home. That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. For purposes of this section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as defined above.
- 3.51 Mobile Home Park. Any plot or tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
- 3.52 Motel. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients.
- 3.53 Nonconforming Use. A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or amendments thereto.
- 3.54 Professional Office. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in the R-Residence or A-Agricultural District, a professional office shall be incidental to the residential occupation, not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office and only one unlighted name plate, not exceeding 2 square feet in area, containing the name and profession of the occupant of the premises, shall be exhibited.
- 3.55 Roadside Stand. A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 50 square feet in ground area and there shall not be more than 1 roadside stand on any one premises.

- 3.56 Sanitary Sewer. A constructed conduit for the collection and carrying of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Division of Environmental Protection, Department of Natural Resources.
- 3.57 Setback. Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback lines means between the setback line and the highway."
- 3.58 Sign. Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.
- 3.59 Sign, Directional. A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
- 3.60 Special Use. A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District. Special Use as applied is synonymous with the term special exception.
- 3.61 Stable. "Stable" shall have the same meaning as "garage", one draft animal being considered the equivalent of one self-propelled vehicle.
- 3.62 Street. All property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.
- 3.63 Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.
- 3.64 Structure. Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks, and disposal fields.
- 3.65 Temporary Structure. A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected

to be relatively short-term and not to be habitable.

- 3.66 Structural Alteration. Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from 1 location or position to another.
- 3.67 Traffic Lane. A strip of roadway intended to accommodate a single line of moving vehicles.
- 3.68 Trailer. Any vehicle or portable structure constructed so as to permit occupancy thereof for lodging or dwelling purposes or for the use as an accessory building or structure in the conduct of business, trade, or occupation, and which may be used as a conveyance on streets and highways, by its own or other motive power.
- 3.69 Trailer, Camping. A trailer designed and constructed for temporary dwelling purposes which does not contain built-in sanitary facilities and has a gross floor area of less than 130 square feet.
- 3.70 Trailer, Travel. A trailer designed and constructed for dwelling purposes which may contain cooking, sanitary and electrical facilities, and has a gross floor area of 130 square feet or more, but less than 240 square feet.
- 3.71 Yard. An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- 3.72 Yard, Front. A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.
- 3.73 Yard, Rear. A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.
- 3.74 Yard, Side. A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the front yard to

the front line of the rear yard.

ARTICLE IV

SECTION 4.0 GENERAL PROVISIONS. Except as otherwise provided:

4.1 The use and height of building hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.

4.2 No lot area shall be so reduced that the total square footage of all structures, accessory buildings, garages or storage buildings exceed 20% of the total lot area. Decks and patios are excluded from lot coverage calculation.

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

4.4 Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than 1 main building on 1 lot. No accessory structure shall be erected before the main structure is erected on the lot.

4.5 No land shall be used or structure erected where the land is deemed unsuitable for use or structure by the Building Inspector by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the Village. The Village Board, on recommendation of either the Building Inspector or a Certified Engineer, as required by the Uniform Dwelling Code, should determine if the soil is suitable for the intended purpose. The cost of such testing shall be paid by the applicant. The applicant shall have an opportunity to present evidence contesting such unsuitability if they so desire.

4.6 Nonconforming Uses.

4.61 The existing lawful use of a building or premises at the time of the enactment or amendment of this ordinance may be continued although such use does not conform with the regulations for the district in which it is located, but such nonconforming use shall not be extended. Nonconforming mobile homes shall not be moved, relocated or placed unless in conformity with this ordinance.

- 4.62 If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
- 4.63 If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
- 4.64 When a nonconforming mobile home or a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than 50% of its current value, as determined by the local assessor, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50% of the value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

4.7 All lots shall abut upon a public street, or have public access by recorded easement or other legally enforceable means as approved by the Building Inspector, and each lot shall have a minimum frontage of 50 feet; however, to be buildable, the lot shall comply with the frontage requirements of the Zoning District in which it is located. No permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

4.8 In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing the slope to more than 24 inches within a distance of 15 feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Board of Appeals; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion. This includes the installation of any retaining walls with a change in elevation of 24 inches. Retaining walls cannot exceed 5 feet from the existing topography, except with the written consent of the owner of the abutting property and with the approval of the Board of Appeals. Any wall or change in land within the 15 feet of the adjoining property requires a permit issued by the Village Building Inspector.

4.9 For purposes of this ordinance, decks shall be considered a part of a building or structure.

4.10 Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof the construction of which shall have been started prior to the effective date of this ordinance.

4.11 In the Business or Industrial Districts, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.

4.12 All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least 1 car for every 5 seats provided.

4.13 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 the district boundary line.

4.14 No alterations to any building, except uncovered steps, shall project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points on the setback lines of the next existing buildings on each side of such building.

4.15 Where a housing project consisting of a group of 2 or more buildings containing 4 or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this ordinance to the individual building units, the Board of Appeals may approve a development plan provided it complies with the regulations of this ordinance as applied to the whole plat.

4.16 Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches.

4.17 Travel Trailers, Camping Trailers and Mobile Homes.

4.171 Trailers shall not be permanently affixed to the ground as a principal or accessory structure on a lot in any district except this provision shall not apply to structures specifically designed for such use and which meet the requirements of the building code.

(See 5.18 for additional requirements.)

- 4.172 Mobile homes, travel trailers, or camping trailers shall not be occupied for dwelling purposes, except in a lawfully established mobile home park or campground. No more than one camping trailer or travel trailer may be parked or stored in the open on a lot in a residence district and then only to the rear of the principal building. (See 10.5211 for campground requirements.)
- 4.173 Temporary parking and use of trailers shall be permitted when a permit has been issued by the building Inspector for the following purposes:
- (1) Parking in the open and use of a mobile home or travel trailer for lodging purposes by a bona fide guest of the occupant of the dwelling on a lot containing a dwelling, providing it is not parked or used thereon more than 30 days in any consecutive 6 months period.
 - (2) Parking and use of trailers for temporary office or storage uses incidental to and only for the period of time of construction of a building development, provided such trailers are located on the same or contiguous lots as the building development.

4.18 Exceptions. The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- 4.181 Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- 4.182 Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, micro-wave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Village of Mt. Calvary.

- 4.183 Residences in the Residence and Agricultural Districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.
- 4.184 Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
- 4.185 Buildings on through lots and extending from street to street may waive the requirements for a rear yard 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 are complied with.
- 4.186 Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by 1 family, subject to the provisions applicable to the district in which the lot is located.
- 4.187 Accessory Buildings, provided that all such structures shall be located and constructed in accordance with the following provisions:
- 4.1871 Shall not be larger than 1000 square ft.
- 4.1872 Shall not be more than 17 feet high as measured from the floor to the highest point of the roof.
- 4.1873 Shall not be closer than 8 feet to the side or rear lot line as measured from the overhang or eave.
- 4.1874 No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal structure.
- 4.1875 No detached garage or accessory structure shall be located nearer the front lot line than the principal structure on that lot.
- 4.1876 The appearance (roof line and siding) of the accessory building shall be the same as the main structure
- 4.1877 Shall comply with the requirements of 5.31

4.1878 In no case shall the accessory building exceed 30% of the back yard as measured from principal structure to the rear yard lot line.

4.188 Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet provided they be so located as not to obstruct light and ventilation.

4.19 Statement of Purpose: This section is established to recognize the public and private benefits accrued from functional and aesthetic screening between areas of incompatible land uses, the increasing demand for active and passive recreational uses, the desirability of providing visual screening of certain parking lots, commercial and manufacturing areas, and the necessity of providing adequate vehicular vision clearance.

4.191 Fences shall not exceed 6 feet.

4.192 Fences shall be maintained in good repair as to structure and appearance. Fences shall be set back 2 feet from the property line. Fences between an existing use and an agricultural use may be placed on the property line itself. Building permits must be obtained from the Village Building Inspector and/or designee for all fences in residential districts, with the exception of temporary seasonal fences (for example, snow fences), for sale signs and political signs. The party initiating construction of a fence must place the finished side toward the neighboring properties. Any fence existing on the effective date of this ordinance and not in conformance with this section may be maintained, but any alteration, modification or improvement of said fence shall comply with this section.

4.193 Minimum and Maximum Height of Screening.

- (1) Screening, erected, placed, maintained or grown in a required front or street side yard and located less than four (4) feet from the street lot line shall not exceed a height greater than four (4) feet above the curb level or its equivalent. Provided, however, that within ten (10) feet from any driveway or alley crossing of a street lot line, any screening shall not exceed two (2) feet in

height unless it is at least ninety percent (90%) open for through vision.

- (2) Unless otherwise provided, a vision-barrier fence that is within four (4) feet of the lot line in an abutting residential district shall not exceed six (6) feet in height.

4.194 Vision Clearance.

- (1) On a corner lot in any residential district, no structure, screening, bush, tree branches or embankment shall be erected, placed, maintained or grown between the heights of three (3) feet and ten (10) feet above the curb level or its equivalent within the triangular space formed by two (2) intersection street lines or their projections and a line joining points on such street lines located a minimum of twenty-five (25) feet from the street intersection in order to provide adequate vehicular vision clearance. Provided, however, that a fence so designated, constructed and maintained as to be at least ninety percent (90%) open for through vision may be constructed in such vision clearance area.
- (2) On a corner lot in any commercial or industrial district, no structure, screening, bush, tree branches or embankment of any kind shall be erected, placed, maintained or grown between the heights of three (3) feet and ten (10) feet above the curb level or its equivalent within the triangular space formed by two (2) intersecting street lines or their projections and a line joining points on such street lines located a minimum of ten (10) feet from the street intersection in order to provide adequate vehicular vision clearance. Provided, however, that a fence so designed, constructed and maintained as to be ninety percent (90%) open for through vision may be constructed in such vision clearance area.

ARTICLE V

SECTION 5.0 R-RESIDENTIAL DISTRICT. The R-Residential District is intended to provide the area covered by this ordinance with a low density residential district.

5.1 Within the R-Residential District the following uses are permitted:

5.11 One-family dwellings

5.12 Two-family dwellings

5.13 Public park, playgrounds, schools, churches, cemeteries, parish houses, parsonages, convent, monastery, teacherages.

5.14 Conversion of any existing building to a permitted use.

5.15 General farming as defined in A-Agricultural District.

5.16 Home occupations, provided that no more than 1 sign not illuminated and not exceeding 2 square feet in the area which refers to the home occupation is placed on the premises.

5.17 Swimming pools, hot tubs provided that all such pools shall be located and constructed in accordance with the following provisions:

5.171 Pools and hot tubs over (24) twenty four inches and less than (42) forty two inches in depth (sidewall height) must be protected by a fence with a locking gate.

5.172 Pools over (42) forty two inches in height with a ladder must have a removable ladder, which must be removed when not in use.

5.173 Hot tubs greater than (24) twenty four inches but less than (42) forty two inches in depth can be protected with a lockable cover.

5.174 Pools and hot tubs shall not be closer than (8) feet from the back or side lot lines.

5.175 Pools intended to be in place or that are in place for at least 9 months during each calendar year require a pool permit. Applications for pool permits shall include plans for the pool or fence showing distance to the lot lines and dimensions of the pool. A one time compliance permit shall be issued for the life of that pool.

5.18 Manufactured, single-family homes complying with all of the following requirements and limitations:

(1) The home shall be a double wide of at least 24 feet in width and 46 feet in length;

- (2) The home shall be installed on an approved foundation system in conformity with the Uniform Building Code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector or the Village engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home;
- (3) If any portion of the exposed foundation is greater than (12) twelve inches, the home shall be equipped with foundation siding that in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home; and
- (4) The home shall have a pitched roof and overhanging eaves. The roof shall be pitched at a minimum slope of 4 inches in 12 inches, which is permanently covered with non-reflective material.

5.2 Regulations and Standards: The following regulations and standards shall apply to all dwellings:

- 5.21 Occupancy. Residential occupancy per dwelling unit shall be limited to 1 family and not more than 2 roomers or boarders.
- 5.22 Location. Dwellings shall be located so as to abut a public highway and have a minimum of 30 feet of frontage thereon.
- 5.23 Ground Floor Area. The minimum ground floor area per dwelling unit shall be 1100 square feet for 1-story, 900 square feet for split level, and 800 square feet for 2-story plus dwellings; one-half vertical measurement of story must be above ground level.
- 5.24 Off-Street Parking Space. (1) Each dwelling unit shall be provided with a minimum of 2 off-street parking spaces located on the same lot or tract of land as the dwelling served: (2) such off-street parking space shall total at least 300 square feet for each space required: (3) not more than 1 such space within a private garage or private carport shall be rented or leased to a non-resident of the premises: (4) location: no such space shall be located less than 10 feet from any front lot line and shall be located not less than 5 feet from any side or rear lot line.

5.25 Dimensions of Building Sites.

- 5.251 Lots not served by public sanitary sewer-not permitted.

5.252 Lots served by public sanitary sewer-Minimum Area and Width:

- (1) For single family unit-minimum area 15,000 square feet; minimum width, 80 feet.
- (2) For two-family unit-minimum area, 22,500 square feet; minimum width, 80 feet.

5.253 Substandard Lots. Minimum area and width for Each Family Unit.

A substandard lot served by a public sanitary sewer which is at least 7,500 square feet in area and is 50 feet in width at the building line may be used as a building site for a single family dwelling upon issuance of a zoning permit if it meets the following requirements:

- (1) The lot is of record in the County Register of Deeds office prior to the effective date of this ordinance.
- (2) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance.
- (3) All dimensional requirements of this ordinance are complied with insofar as practical.

Other Substandard Lots. A building permit for the improvement of a lot having lesser dimensions than those stated in this ordinance shall be issued only after the granting of a variance by the board of Appeals in writing wherein the conditions are stated.

5.26 Height. Not to exceed 35 feet nor 2½ stories.

5.27 Side Yard. Side yards shall comply with Section 4.3, in addition to the following standards:

5.271 Side Yard-Existing. Sum of required width of side yard shall not be less than 20 feet, but no single side yard shall be less than 8 feet. The furthest part of the building(including the overhang)shall be used for this measurement.

5.272 Side Yard-New. The side yard requirements for new

construction shall be as follows:

- (1) For buildings not over one and one-half stories in height: the sum of the width of the required side yards shall not be less than 25 feet and no single side yard shall be less than 10 feet;
- (2) For building from one and one-half to two and one-half stories in height, the sum of the width of the required side yards shall not be less than 30 feet and no single side yard shall be less than 12 feet.

5.28 Rear Yard. Minimum depth 25 feet.

5.29 Set Back. In addition to compliance with Article IX, the minimum set back shall be 30 feet from the lot line.

5.30 Yard Requirements for Substandard Lots. On a single lot having a width of less than 80 feet and of record at the time of the passage of this ordinance, the following provisions apply:

5.301 Front Yard. The front yard regulations and standards of this district.

5.302 Rear Yard. The rear yard regulations and standards of this district.

5.303 Side Yard. Two side yards shall be provided, each at least 1/8 the width of the lot, provided, however, that such yards shall not be required to be wider than required for the district. (See Section 4.186).

5.31 Limitation on Accessory Buildings. No more than one accessory building is permitted on a residentially-zoned lot without first obtaining a special use permit from the Board of Appeals. In reviewing applications for a special use permit, the Board of Appeals shall apply the standards set forth in section 10.2 of this Ordinance. Attached garages shall not count as an accessory building, but in no case shall the structures exceed 30% coverage of the lot excluding decks and patios.

5.32 Annexations. Property that is annexed by the Village Board shall automatically be zoned Residential until further action is taken to determine the appropriate zoning classification for the subject property.

ARTICLE VI

SECTION 6.0 A-AGRICULTURAL DISTRICT.

6.1 The intent of the A-Agricultural District is to provide for the orderly transition of agricultural land to other uses in areas planned for eventual Village expansion, to defer development until the Village determines that adequate public services can be provided at a reasonable cost, and to assure that development is compatible with local land use plans and policies. Only the following uses are permitted:

- 6.11 the growing, harvesting and storing of crops, including legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry, and greenhouse.
- 6.12 Farm dwellings occupied by farm owners or operators.
- 6.13 Farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm, or for storing and protecting farm machinery and equipment from the elements.
- 6.14 Dwelling: non-farm one family provided that the minimum lot area for each dwelling unit is 1 acre; the provisions of Section 5.2 shall apply.

6.2 Regulations and Standards:

- 6.21 All residence uses shall comply with the regulations and standards provided for R-Residential District, Section 5.2.
- 6.22 Height, side yard, rear yard, and setback as established for R-Residential District.
- 6.23 The keeping, raising, or feeding of livestock or poultry, including dairying, pony and horse productions, or beekeeping are nonconforming uses and are subject to the provisions of Section 4.6.

ARTICLE VII

SECTION 7.0 B-BUSINESS DISTRICT.

7.1 Permitted Uses: The B-Business District is intended to provide space for those retail, business, service business and office use serving the area. Within the B-Business District the following uses are permitted:

- 7.11 Any use permitted in R-Residential District.

7.2 Conditional Uses: The following are permitted as conditional uses within the B-Business District. Such uses shall

be subject to the consideration of the Village Board with regard to matters such as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other health and welfare factors:

- 7. 21 Retail and wholesale stores and shops.
- 7. 22 Banks, post office, medical or dental clinics; business or professional offices, veterinary clinics and hospitals.
- 7.23 Service-type business, such as barbershop, beauty parlor, laundromat, music, dancing, art or photography studio, servicing or repair of home appliances or farm equipment and similar uses.
- 7.24 Automobile service stations and public garages; new or used car sales areas; new or used farm equipment sales areas; but not including the storage of wrecked vehicles or wrecked farm equipment.
- 7.25 Hotel, motel, boarding or lodging houses, and dwelling units, located on the same lot with such a permitted use.
- 7.26 Clubs, lodges, public meeting halls, theaters, bowling alley, similar places of assembly or recreation.
- 7.27 Blacksmith shops, machine shops, welding shops, sheet metal shops.
- 7.28 Farm implement sales; lumber and building material sales.
- 7.29 Feed mill, seed, fertilizer, insecticide, herbicide sales.
- 7.30 Any business use that is open during hours that approximately correspond with a third-workshift, e.g. 9:30 p.m. through 7:30 a.m.

Any other uses similar in character to or customarily established in connection with the foregoing.

7.3 Regulations and Standards.

- 7. 31 All residence uses shall comply with regulations and standards provided for R-Residential District, Section 5.2.
- 7. 32 Height, side yard, rear yard, and setback as established for R-Residential District.
- 7. 33 Minimum lot size as established for R-Residential

District.

7. 34 When an apartment or residence is a part of the business structure, then there shall be sufficient residential square footage to qualify the same under the requirements for residences in the R-Residential District and subject to the alternative provisions and tests therein contained.
7. 35 Advertising and announcement signs which advertise the products, goods or services offered by a specific business conducted on the premises where the sign is located, not exceeding 350 square feet in area (on double faced signs, only 1 side shall be counted in determining square footage); such sign shall be set back from the highway right-of-way line 1 foot for each additional 10 square feet in excess of 100 square feet, and shall provide a minimum of 6 feet of visual clearance above ground level; such signs, if illuminated, shall not blink or be mechanically activated in whole or in part; and provided that setback requirements, except as in this paragraph set out, shall not apply to such signs.

Any other uses similar in character to or customarily established in connection with the foregoing.

7. 36 Off-Street Parking Space: Off-street parking spaces shall be provided as follows:
7. 361 1 off-street parking space per dwelling unit or lodging unit on the same lot or tract of land of such dwelling unit or lodging unit served.
7. 362 1 off-street parking space per person, normally employed on the lot or tract of land.
- 7.363 Off-street parking space for each 400 square feet of retail sales floor area of the establishment being served.
- 7.364 Theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least 1 car for every 5 seats provided.
7. 37 For substandard lots, Section 5.30 applies.
- 7.38 All waste and refuse shall be stored in insect and rodent proof containers, which shall be screened

from public view and from the view of adjacent residential areas.

- lot 7. 39 In the Business or Industrial Districts, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.

ARTICLE VIII

SECTION 8.0 I-INDUSTRIAL DISTRICT.

8.1 This District is intended to provide an area for manufacturing, marketing, industrial and agribusiness activities. It is also intended to provide an area for a variety of uses that require relatively large installations, facilities or land areas, or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions, or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.

8.2 Permitted Uses. Within the I-Industrial District the following uses are permitted:

8.21 Any use permitted in the B-Business District, but not including religious, educational, and institutional uses or residential uses, other than the dwelling of a watchman or caretaker employed on the premises.

8.22 No other uses are permitted as a matter of right within the I-Industrial District. All uses within this District are conditional, requiring a public hearing and consideration of specific site factors and impacts on surrounding land uses.

8.3 Conditional Uses. The following are permitted as conditional uses within the I-Industrial District. Such uses shall be subject to the consideration of the Village Board with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards or other factors:

8.31 Manufacturing establishments usually described as factories, mills or plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.

8.32 The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage be enclosed by a suitable fence or other manner

of screening.

8.33 Wholesale establishments and warehouses.

8.34 Light industry and service uses, as follows:

- (1) automotive repair and body repair.
- (2) automotive upholstery.
- (3) cleaning, pressing, dyeing.
- (4) commercial bakeries.
- (5) commercial greenhouses.
- (6) distributors.
- (7) food locker plants.
- (8) printing and publishing.
- (9) trade and contractor's facilities.
- (10) offices.
- (11) painting services.
- (12) recreation vehicle, boat and miscellaneous storage.

8.35 Agriculture related industry and service uses.

- (1) production of natural and processed cheese.
- (2) production of condensed and evaporated milk.
- (3) wet milling of corn.
- (4) drying and dehydrating fruits and vegetables.
- (5) preparation of feeds for animal and fowl.
- (6) pea venteries.
- (7) creameries and fluid milk processing.
- (8) production of frozen fruits, fruit juices, vegetables and other specialties.
- (9) poultry and small game dressing and packing providing that all operations be conducted within an enclosed building.
- (10) production of sausages and other meat products providing that all operations be conducted within an enclosed building.
- (11) corn shelling, hay baling, and threshing services.
- (12) grist mill services.
- (13) horticultural services.
- (14) canning of fruits, vegetables, preserves, jams and jellies.
- (15) canning of specialty foods.
- (16) grain elevators and bulk storage of feed grains.
- (17) fertilizer production, sales, storage, mixing and blending.
- (18) sales of maintenance of farm implements and related equipment.

8.36 Storage and warehousing of fuel and materials, and the storage of wrecked and dismantled vehicles, junk, explosives, or inflammable gases or liquids.

8.4 Regulations and Standards.

- 8.41 All uses shall have a minimum lot size of 100 feet of width at the building line and 20,000 square feet in area. The amount of the total lot area that may be covered by all principal and accessory buildings shall not exceed 50%.
- 8.42 Front Yard. Depth where a lot abuts a highway or street shall be 60 feet from the right-of-way. If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of buildings existing on the block face where the building is to be located, but not less than 15 feet from the right-of-way.
- 8.43 Side Yard. The side yard shall comply with the dimensions for side yards specified in Article V, Residential District.
- 8.44 Rear Yard. Depth shall not be less than 25 feet. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.
- 8.45 Nuisances Prohibited. Any permitted or special use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, glare and heat, or as to create fire or explosive hazards.
- 8.46 Required Buffers. Where an I-Industrial District abuts a R-Residential District, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundaries, a buffer strip not less than 40 feet in width as measured at right angles to said lot line. Plant materials at least 6 feet in height of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the Residential District shall be planted in the exterior 25 feet abutting the Residential District. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall not be less than 4 nor more than 8 feet in height, and shall be of such materials as to effectively screen the industrial area. The exterior 25 feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior 15 feet may be devoted to parking of vehicles.
- 8.47 In the Business or Industrial Districts, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.

ARTICLE IX

SECTION 9.0 HIGHWAY AND STREET SETBACK LINES.

9.1 In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway and street setback lines be and they are hereby established in the Village of Mount Calvary, Fond du Lac County, Wisconsin, along all public highways and streets; at the intersections of highways with highways and highways with railways as hereafter provided.

9.2 Where a highway is located on a town boundary, this section is not intended to be effective on the side within the town.

9.3 Setback lines are established for the respective districts, and designation "street" and "highway" are synonymous, as are "street line" and "lot line."

9.4 Structure Prohibited Within Setback Lines: No new building, mobile home, new sign or other structure or part thereof shall be placed between the setback lines established by this ordinance and the highway, except as provided by this ordinance, and no building, mobile home, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance, shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the local assessor.

9.5 Structures Permitted Within Setback Lines. The following kinds of structures may be placed between the setback line and the highway:

9.51 Open Fences.

9.52 Telephone, telegraph and power transmission poles and lines and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided the owner will file with the Village Clerk, an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense, when necessary for the improvement of the highway.

9.53 Underground structures not capable of being used as foundations of future prohibited over ground structures.

9.54 Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum sight distances.

9.55 This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.

9.6 Setback Distances-Exceptions. Except that where buildings structures or uses are to be erected or established between buildings existing at the time of the adoption of this ordinance which buildings are located not more than 100 feet apart and have setback lines less than are established by this ordinance, the setback line for each such proposed building, structure or use shall be the average of the setback lines of the nearest existing buildings or both sides of the proposed building, structure or use, provided that a setback line of more than 75 feet from the center line of the highway, or 30 feet from the right-of-way line, shall not be required, but in no event shall the setback line be less than 10 feet. The Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such conditions as will save the village harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation shall permit a setback less than the average setback of the adjacent buildings.

ARTICLE X

SECTION 10.0 SPECIAL USES.

10.1 A "Special Use" is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning districts established herein. It is hereby declared the policy and purpose of this ordinance to employ the Special Use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights.

10.2 Standards. No application for a conditional use shall be granted by the Board unless the Board shall find all of the following conditions are present:

10.21 That the establishment, maintenance or operation of the conditional use will not be detrimental to or

endanger the public health, safety, morals, comfort or general welfare.

- 10.22 That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation or the conditional use and the proposed use is compatible with the use of adjacent land.
- 10.23 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 10.24 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- 10.25 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 10.26 That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- 10.27 That the proposed use does not violate floodplain regulations governing the site.
- 10.28 That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

10.3 Additional Considerations. In addition, in passing on a special use permit, the Board shall also evaluate the effect of the proposed use upon:

- 10.31 The maintenance of safe and healthful conditions.
- 10.32 The prevention and control of water pollution including sedimentation.
- 10.33 Existing topographic and drainage features and vegetative cover on the site.
- 10.34 The location of the site with respect to floodplains and floodways of rivers and streams.
- 10.35 The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
- 10.36 The location of the site with respect to existing or

future access roads.

- 10.37 The need of the proposed use for a shoreland location.
- 10.38 Compatibility with uses on adjacent land.
- 10.39 The amount of liquid waste to be generated and the adequacy of the proposed disposal systems.

10.4 The Board shall retain continuing jurisdiction over all special uses for the purpose of resolving complaints against all previously approved special uses. Such authority shall be in addition to the enforcement authority of the Village to order the removal or discontinuance of any unauthorized alterations of an approved special use, and the elimination, removal, or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this ordinance. Upon written complaint by an citizen or official, the Board shall initially determine whether the complaint indicates a reasonable probability that the subject special use is in violation of either one or more of the standards contained in this ordinance, a condition of approval imposed by the Board, or other requirements imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice. Any person may appear at such hearing and testify in person or represented by an agent or an attorney. The Board may, in order to bring the subject's special use into compliance with the standards contained in this ordinance or the conditions previously imposed by the Board, modify existing conditions upon such use and impose additional reasonable conditions upon the special use. If no reasonable modification of the special permit can be made in order to assure compliance, the Board may revoke the special use permit and direct the Building Inspector and the Village Attorney to seek elimination of the use. Special use permits issued under this Article are personal to the applicant and may not be transferred or assigned by the applicant without the Board's prior written consent.

10.5 Schedule of Special Uses. Special uses which may be authorized by the Board are as follows:

- 10.51 Multi-family dwellings in the R-Residence District subject to the standards and regulations of Section 6.2.
- 10.52 In the A-Agricultural
 - 10.521 Automobile wrecking yard, junk yard.
 - 10.522 Public dumping ground, when the boundaries of such dumping ground are defined by the Board of Appeals at the time of issuance of the permit.
 - 10.523 Canneries, cheese factories, condenseries,

creameries, pea viners and such other establishments for the processing, packing or manufacture of the agricultural products of Fond du Lac County as may have a nuisance factor not separable therefrom, such as the emission or effluence of noxious or odorous wastes or by-products.

10.524 Charitable institutions.

10.525 Mineral extraction operations, including washing, crushing, quarrying, borrow pits, or other processing or removal of mineral resources, the erection of buildings and the installation of necessary machinery used in the said extraction and processing, and the preparation of hot blacktop mix or ready-mix concrete, and the operation of lime kilns; provided that:

- (1) An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.
- (2) The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than a 3 to 1 horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this ordinance; excavations made to a water producing depth shall be not less than 3 feet measured from the low water mark; all final slopes shall be covered with topsoil from the original site and seeded to prevent future erosion; the plan shall require that after completion of the anticipation operation the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Village Board or its agent. The reclamation plan shall indicate the proposed future use or uses of the site;

however, the proposed re-use of the site for a dumping grounds shall have the concurrence of the Village Board.

- (3) Application for a permit for mineral extraction operations proposed to be located within 600 feet of a residence district, a residential subdivision or a city or village limits line, or within 300 feet of any building occupied for residence purposes; or for a hot blacktop mix or a ready-mix concrete plant, shall not be granted except on approval of the Village Board given after the public hearing has been held.
- (4) The permit shall be for a period of time as determined by the Village Board. Modification of the application or reclamation plans may be permitted or additional conditions may be required. The Board of Appeals and the Village Board where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.
- (5) No permit shall be granted for a period of time exceeding 4 years, unless approved by the Village Board. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this ordinance and the permit issued hereunder. The Board of Appeals may require a public hearing prior to such renewal.
- (6) A filing fee of \$500 shall be required for each initial application, and a filing fee of \$250 for each renewal application.
- (7) All existing mineral extraction operations lawfully operated and existing shall be considered non-conforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this ordinance, and that they be registered with the Building Inspector within 1 year of the date of this provision of the ordinance.

- 10.526 Micro-wave radio relay structures and mechanical appurtenances.
- 10.527 Penal and correctional institutions.
- 10.528 Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in the R-Residence District not used for the same purposes.
- 10.529 Public utility or public service corporation building or structures, provided that the Board of Appeals shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.
- 10.5210 Storage garage or parking lot in connection with a housing development project.
- 10.5211 Campgrounds designed and used for the purposes of temporary occupancy by tourists and campers for vacation camping by the use of recreational vehicles, tents or shelter cottages; subject to the following provisions:
- (1) No such permit shall be issued for use in any R-Residence area and no camping shall be permitted within 300 feet of the boundary of any R-Residence area.
 - (2) The minimum size of a campground shall be 5 acres.
 - (3) The maximum number of camping units shall be 15 per gross acre.
 - (4) Minimum dimensions of a camp site shall be 25 feet wide by 40 feet long.
 - (5) Each unit shall be separated from other units by a yard not less than 15 feet wide.
 - (6) There shall be 1½ automobile parking spaces for each site.
 - (7) In addition to the side yard and setback requirements of this ordinance, there shall be minimum setback of 40 feet from all other exterior lot lines.
 - (8) It shall conform to the requirements of Chapter H-78, Wisconsin Administrative Code for "Developed Campgrounds."

- (9) Unless adequately screened by existing vegetative cover, the campground may require screening to buffer the grounds, as determined upon by the site plan of such park.
- (10) The campground site does not possess any of the physical limitations enumerated for land subdivisions and for the Sanitary Ordinance of Fond du Lac County.
- (11) Definitions:
 - (A) "Recreational Vehicle" means any of the following:
 - a. Travel trailer, A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a travel trailer by the manufacturer of the trailer.
 - b. Pick-up coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
 - (B) "Temporary Occupancy" means the occupying of a site by a recreation vehicle for a cumulative period not to exceed 60 days in any 12 months, or where the occupants of the site are non-resident tourists or vacationists and the recreation vehicle shall be accompanied by an automobile bearing license plates issued by any other state, for an accumulated period not to exceed 60 days in any 12 months.
The site shall be considered occupied if the camp is open, service facilities are maintained and there is access to the recreation vehicle either by motor vehicle or in any other way or the same is in fact used at any time.
 - (C) "Developed camp grounds and camping resorts" means any privately or municipally owned parcel or tract of land accessible by automobile or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for

overnight use by recreational vehicle, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.

10.5212 In the Business District only, the sale of food and beverages outside the licensed premises. Occasional, seasonal fundraising events at which food and beverages are sold do not require a special use permit.

10.53 Mobile Home Parks in the R-Residential and A-Agricultural Districts only, subject to the following provisions:

(1) Application. No mobile home park may be developed or expanded without a building permit issued by the building Inspector in accordance with this ordinance. The Building Inspector shall not issue a permit for a mobile home park or expansion of a mobile home park until:

(A) A petition to establish and develop a mobile home park has been submitted with a fee of \$50 to the Building Inspector. The petitioners shall submit 4 complete copies of all plans and specifications containing information as required herein. The building Inspector shall send 1 copy to the Village President, who shall convene the Village Board as a Village Plan Committee for recommendations and review to the Building Inspector within 30 days; 1 copy to the Village Clerk who shall call the hearing and shall notify the following: the applicant, the Village Board, the Building Inspector, and the County Planning Department. The Building Inspector shall also forward 1 copy of the plans and specifications to the County Planning Department for review and comment.

(B) A public hearing has been held in accordance with this section and the Village plan Committee has submitted a report recommending approval of mobile home park, and the board of Appeals has approved the plans.

(C) The application and plans for a mobile home park equal or exceed the requirements noted herein. The plans submitted and approved by the Board of Appeals and Plan Committee shall be made a condition for granting the special permit.

- (2) Plans and specifications to be submitted: Complete final site plans for mobile home parks shall be submitted at the scale of no less than 50 feet to the inch and shall show the area and dimensions of the proposed mobile home park, the street and lot layout, the location of water, natural gas and sewer lines, a drainage plan for the mobile home park prepared by a registered engineer, location and dimensions of all buffers, office structures, utility buildings, recreation areas, etc., and electric and telephone distribution lines.
- (3) Development requirements and standards. The park shall be designed and constructed in accordance with the following requirements:
- (A) Site Preparation. The mobile home shall be fitted to the terrain, with a minimum disturbance of the land. Existing trees, rock formations and other natural site features shall be preserved to the extent practical. The developer shall provide the mobile home park with public sewer system or approved private sewerage collection and treatment system (septic tanks and soil absorption systems shall be permitted only on express approval of the Village Board), and an approved public or private water utility system.
- (B) Size and Density. the minimum area allowable for a park shall be 10 acres and the maximum density of mobile homes within the park shall be 5 mobile homes per gross acre. (Gross acreage includes all area within the approved mobile home park boundaries.)
- (C) Mobile Home Space. Each mobile home space shall be clearly defined and shall abut on a driveway of not less than 50 feet in width, of which not less than 22 feet shall be paved, with unobstructed access to a public street, and each mobile home space shall contain no more than 1 mobile home and accessory structures; the mobile home and accessory structures shall not occupy more than 30% of the site area.
- a. Each mobile home space shall contain a minimum of 5000 square feet, and shall be at least 40 feet wide at the building line.

- b. Minimum yards required between mobile homes or any enclosed appurtenances and lot lines shall be: Front yard, 10 feet; Side yard, 20 feet between units or appurtenances; Rear yard, 15 feet.
- (D) Mobile Home Skirting. All mobile homes shall have around their entire perimeters a continuous skirting material of wood, metal or masonry of not more than 25% open face extending from the bottom of the mobile home to the finished grade of the mobile home stand. Said skirting shall be broken only to provide for such necessary appurtenances as porches or trailer hitches where skirting would prevent the provision of same.
- (E) Street and Driveway Improvements. All streets and driveways shall be paved according to the standards and specifications used for bituminous road construction by the County.
- (F) Street Lighting. All streets or driveways within the park shall be lighted at night with electric lights providing a minimum average illumination of 0.2 foot candles.
- (G) Required Recreation Area. A minimum of 8% of the gross site area shall be devoted to recreational facilities.
- (H) Required Buffers. Mobile home parks shall be surrounded by buffer strips at least 15 feet in depth on the sides and rear and 65 feet in depth along the front; provided, however, that no side or rear buffers are required between adjacent mobile home developments. Buffers shall be attractively landscaped and maintained, and shall otherwise be unoccupied except for permitted utility facilities, approved signs or entrance ornamentations. The inside 35 feet of a 65 foot front buffer may be used for street or driveway right-of-way, or recreational facilities.
- (I) Parking. There shall be a minimum of 2 paved parking spaces provided for each mobile home lot plus an additional car space for each 4 lots, to provide for guest parking. All parking spaces shall be paved. No parking shall be allowed on any mobile home access driveway.
- (J) Utility Lines. All utility lines shall be

underground, except where soil conditions do not permit.

- (4) Criteria for Approval. In the exercise of approval of mobile home parks, site plans shall be based on the development requirements set forth in this ordinance, and the Board of Appeals shall be guided by the following standards and shall consider the following factors, and shall show on its record that each factor was considered. Before final site plan approval is granted, the plan committee shall also find in the case of these factors and other significant factors that the purposes and requirements of this ordinance have been met by the applicant in respect to:

- (A) Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, and access in case of fire or a catastrophe.
- (B) Off-street loading and parking areas, with particular attention to the items in 4 (A) above and the economic noise, glare or effects of the location of such areas on adjoining properties and properties generally in the district.
- (C) Refuse and service areas, with particular reference to the items 4. (A) and (B) above.
- (D) Manner of drainage of the property, with particular reference to the effect of provisions for drainage on adjacent properties and the consequences of such drainage on overall town drainage capacities.
- (E) Screening and buffering, with reference to the type, dimensions and character, to preserve and improve compatibility and harmony between the proposed use and the uses and structures of adjacent and nearby properties and properties generally in the district.
- (F) Signs and proposed exterior lighting, with reference to glare, traffic safety, economic effects of the same on properties in the district, and compatibility and harmony with nearby properties.
- (G) General amenities and conveniences, with reference to insuring that exterior appearance of the proposed mobile home park will be as compatible and harmonious with

properties in the general area as may be and will not be so at variance with other uses in the general area as to cause a substantial depreciation of property values.

- (5) Additional requirements. In addition to the foregoing requirements and standards, the approving authorities may:

(A) Require preapproved designs and standards for accessory buildings, the placement thereof on the site or in the general area.

10.54 In all districts:

10.541 Electric and/or gas substations, public waterworks and appurtenant structures, telephone exchanges, police stations, fire stations, and governmental administration building.

10.542 Topsoil removal.

10.543 Cellular and digital communication antennas and towers, subject to the following criteria, together with such other special conditions as the Village may deem necessary:

- (1) The applicant shall prepare a plan showing the number and potential location of all antenna sites needed for a period of 3 to 5 years from the date of the application in the Village to complete the communication network.
- (2) All antennas shall be constructed on existing structures, such as, but not limited to, water towers, public buildings, existing utility towers, farm silos, barns, or other communication towers to the extent
(a) existing structures are available within the Village, (b) the existing structures meet the needs of the wireless telecommunications provider from the standpoint of location, elevation, structural integrity, and other relevant factors, and (c) the owner of the existing structure is willing to make the existing structure available to the wireless telecommunications provider upon reasonable terms and conditions.
- (3) If it is determined by the Village that such antennas cannot be co-located on existing structures, new tower structures may be permitted, but such structures shall be designed to support the proposed antennas and

at least 3 additional sets of communication antennas. The communication provider shall agree, in writing, to make the structure available for co-location of similar communication equipment operated by other companies at a reasonable return.

- (4) The applicant is required to post a bond or comparable security to assure maintenance of the communication equipment and its supporting structures; and to assure that if such facilities are abandoned, sufficient resources are available for the Village to remove the equipment and structures.
- (5) Any storage building or cabinets associated with a communications tower shall be located within 100 feet of the communications towers.
- (6) Abandoned or unused towers or unused antennas or other equipment mounted on a tower shall be removed within 18 months of the cessation of operations at the site. If the tower is not removed within 18 months of cessation of operations at a site, the tower may be removed by the Village and the costs of removal assessed against the property. The replacement of equipment used by a telecommunications provider different from a previous telecommunications provider shall require the issuance of a new special use permit.
- (7) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- (8) No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new antenna sites to be located on an existing Village public safety communications transmitting station shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
- (9) For towers not regulated by the Wisconsin Division of Aeronautics or the Federal Aviation Administration, a surface paint or finish shall be used which, to the extent possible, blends in with the surroundings. Towers shall not be illuminated except as

required by state or federal law. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower. However, such lights shall be directional and shall not produce glare into residential areas.

- (10) In addition to the information required elsewhere in this ordinance, the application shall include the following supplemental information:
 - (A) A report from a qualified and licensed professional engineer that describes the specifications of the proposed tower, the tower's capacity to accommodate antennas and all other information necessary to reasonably evaluate the application.
 - (B) A written statement submitted by the telecommunications provider containing a representation and warranty that all applicable Federal Communications Commission and Federal Aviation Administration regulations have been and shall continue to be complied with.
 - (C) For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and its successors to allow the shared use of the tower if an additional user agrees in writing to meet the reasonable terms and conditions for shared use.
- (11) A special use permit for cellular and digital communication antennas and towers shall not be transferred to any other person, corporation, organization or other entity without the prior written permission of the Village. However, a public hearing is not required prior to approval of the transfer by the Village.

10.544 Wind energy conversion systems, commonly referred to as either windmills or wind turbines, which are used to produce electrical power, shall be considered a special use and may be permitted in any district but only pursuant to the following provisions:

- (1) Applications for the erection of a wind

energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premises, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system.

- (2) Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than 40 pounds per square foot of area.
- (3) The noise design limit for each system shall not exceed 50 dBA as measured as the average dBA at the location of the nearest non-participating residence existing as of the date of the application for the system.
- (4) Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio or television broadcasting or reception.
- (5) Each wind energy conversion system shall be set back from the nearest property line a distance of no less than 1.1 times its total height, unless adjacent properties are participating or if approved in writing by a non-participating property owner. Furthermore, each wind energy conversion system shall be set back from the nearest public road a distance of no less than 1.1 times its total height, determined at the nearest boundary of the right-of-way of such public road. Unless conclusive evidence exists to the contrary, a public road right-of-way is presumed to be 66 feet.
- (6) All wind energy conversion systems shall be surrounded by a security fence of not less than 6 feet in height. A sign shall be posted on the fence warning of high voltage.

- (7) The applicant is required to post a bond or comparable security to assure maintenance of the wind energy conversion system and its supporting structures; and to assure that if such facilities are abandoned, sufficient resources are available for the Village to remove the equipment and structures.
- (8) Abandoned or unused wind energy conversion systems shall be removed within 18 months of the cessation of operations at the site. If the wind energy conversion system is not removed within 18 months of cessation of operations at a site, the wind energy conversion system may be removed by the Village and the costs of removal assessed against the property. The replacement of a wind energy conversion system used by a provider different from a previous provider shall require the issuance of a new special use permit.
- (9) Unless otherwise authorized by the Village, no advertising material or signage other than warning, equipment information or an indication of ownership shall be allowed on any wind energy conversion system. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.
- (10) The wind energy conversion system shall not be artificially illuminated except as required by law. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (11) All wind energy conversion systems shall meet or exceed current standards and regulations, if any, of any other agency or the state or federal government with the authority to regulate the systems. If such standards and regulations are changed and such change applies to the relevant project, then the permittee shall bring the wind energy conversion system into compliance with such applicable revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency or is approved by the Village. Failure to bring

the wind energy conversion system into compliance with such applicable revised standards and regulations shall constitute an event of default.

- (12) To ensure the integrity of the wind energy conversion system, the permittee shall maintain the system in compliance with good utility practice for the relevant system. If, upon inspection by and advice to such effect from a qualified expert in good utility practice, the Village reasonably concludes that any system fails to comply with good utility practice or constitutes a danger to persons or property, then upon notice being provided to the permittee, the permittee shall have 90 days to bring the non-compliant wind energy conversion system into compliance. Failure to bring such non-compliant system into compliance shall constitute an event of default unless such non-complying system remains out of service pending efforts to cure and a plan certified by a qualified expert in good utility practice has been provided to the Village. For purposes of this subsection, "Good Utility Practice" shall mean any of the practices, methods and acts engaged in or approved by a significant portion of the electric utility and private renewable power generation industries and, in particular, those portions of the industry with experience in the construction, operation and maintenance of wind energy conversion systems during the relevant time period; or any of the practices, method and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, acting reasonably should have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region.

- (13) The Village reserves the right to impose such additional conditions and requirements as may be necessary to protect the public health, safety and general welfare.

400 square feet is moved into a vacant lot, a special use permit must be secured from the Village. The Village will determine whether the structure is compatible with other development in the area. If the Village determines that the structure would depreciate the area into which it is moved, the Village may withhold issuance of a permit for such relocation. The Village's building inspector shall submit a report concerning the structural soundness and improvements that should be made if the building is to be relocated. An applicant shall comply with the following additional requirements:

- (1) The applicant shall submit photographs taken from two or more angles of the structure to be moved and photos of the lot on which the structure is to be relocated together with adjacent lots and structures.
- (2) Before a permit is issued to move any building over any Village public right-of-way, the applicant shall file a performance bond or comparable security of not less than \$25,000. The security is to ensure that the applicant erects adequate barriers around the excavation exposed by the removal of the building from its foundations and other risks inherent in the moving of the building over a Village right-of-way. The applicant shall also submit a certificate of insurance providing coverage for liability for personal injury and property damage with limits not less than \$1,000,000 each occurrence of bodily injury and property damage and \$1,000,000 general aggregate. All insurance coverage shall be on a primary and non-contributing basis regarding any insurance available to the Village.
- (3) When a permit is issued the movement of the building shall be a continuous operation during all hours of the day and night until such movement is fully completed. No building shall be allowed to remain overnight upon any Village right-of-way. Appropriate lighting shall be kept in conspicuous places at each end of the building during the night.
- (4) The permittee shall within 24 hours after said building reaches its destination report to the Village building inspector who shall inspect the streets over which said building has been moved in order to ascertain any damage. If any damage is reported, the

permittee shall immediately repair the damage. If the permittee fails to promptly repair the damage, the Village shall utilize the security that accompanied the application to repair the damage.

- (5) Every person receiving a permit to move a building shall, within 6 months after the building reaches its destination, have the building complete and habitable if it is a home or complete and usable if it is a structure other than a home, to the reasonable satisfaction of the Village. Failure to do so constitutes a nuisance and the Village is authorized to proceed to abate or remove the nuisance. The cost of such abatement or removal shall be charged against the security or, if the security is inadequate, against the real estate into which the building or structure has been moved.
- (6) If the moving of any building for which a permit has been granted makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables, or other equipment of any public utility or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the permittee shall obtain permission in writing from the owner or owners of such pole, structure or the wires, cables or other equipment thereon, and shall notify such owner or owners at least 48 hours prior to the time that the moving of such building will necessitate the removal of such obstructions. The permittee shall pay to said public utility any and all costs or expenses for the removal, rearrangement or replacement of any pole or structure support of wires, cables, or equipment thereon or any other damage to such property.
- (7) The requirements of this section do not apply to construction sheds or other temporary structures intended to be located on a lot for 18 months or less.
- (8) Permits issued under this section shall expire 6 months from the date of issuance. A new application for a permit is required unless the permittee requests an extension from the Village prior to the expiration of the original permit. The Village reserves the right to grant or deny extensions, as

circumstances warrant. All rights are reserved.

10.6 Grant a Special Use: An application for a special use of land specified above shall be made by filing a written application or petition to the Village Board.

(1) Such application shall:

- (A) State the name, address of applicant and the owner.
- (B) State the location of property for which the Special Use is sought.
- (C) State the specific Special Use desired.
- (D) State the facts sufficient to demonstrate that the conditions prescribed in Section 10.2 exist and support such statement with any plans and/or data as are required by the Village Board.

(2) If the application for Special Use is in proper form and a fee as determined by Section 13.2 has been paid, the Village Board shall hold a public hearing on such matter and give notice as provided in Section 11.31(2). Reasonable special conditions and safeguards for the protection of the public health, safety and welfare may be imposed by the Village Board if it grants the application for Special Use.

(3) Applications for Special Uses in the F-Flood Plain District shall be submitted to the Wisconsin Department of Natural Resources in accordance with RD 16.03 Wisconsin Administrative Code.

(4) Nothing herein contained shall be construed to give or grant the Village Board the power or authority to alter or change the zoning ordinance or the District Map; such power and authority being reserved to the Village Board.

10.61 To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Village Board has made a review and recommendation of the unclassified and unspecified use.

ARTICLE XI

SECTION 11.0 ZONING BOARD OF APPEALS. Under the provisions of Section 62.23(7), Stats., there is hereby established a Board of Appeals.

11.1 Organization of Board of Appeals. The Board of Appeals shall consist of five (5) members appointed by the Village President subject to confirmation by the Village Board for a term of three (3) years. The members shall service at such compensation as determined by Village Board resolution. The Village President shall designate one of the members as Chairman. Successors shall be appointed in like manner at the expiration of each term, and their terms of office shall be three (3) years, beginning July 1 in the year which they are appointed and until their successors are appointed. Vacancies shall be filled for the unexpired terms of members whose terms become vacant in the same manner as the original appointment.

11.2 Meetings of the Board of Appeals. the Board shall adopt rules in accordance with the provisions of this section. Meetings of the Board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The Chairman shall require all persons wishing to speak to identify themselves, to limit their statements to factual matters, and to answer all questions by the Board, the Building Inspector, or the applicant. The Board is required to make its determination on the basis of the facts presented to it at the public hearing. When the Board conducts a site inspection, the condition of the property, as observed, becomes evidence to be considered by the Board in making its decision. A copy of the Board's minutes showing the results of the meeting shall be forwarded to the Village Clerk.

11.3 Power of the Board of Appeals. The Board of Appeals shall have the following powers:

11.31 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this ordinance.

(1) Appeals to the board of Appeals may be taken by any person aggrieved or by any officer of the Village affected by any decision of the Building

Inspector. Such appeal shall be taken within 20 days by filing with the Building Inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the actions appealed from was taken.

- (2) The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class 1 notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation in the and by posting notices in 3 public places as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

11.32 To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

11.33 To interpret the provisions of this ordinance where the street layout on the ground differs from the Official Zoning Map.

11.34 To authorize upon appeal in specific cases, a variance from the standards of the ordinance as will not be contrary to the public interest. Variations for uses shall not be granted by the Board. A variance for the purpose of this ordinance shall not be granted unless:

- (1) A written application for a variance is submitted demonstrating:

- (A) That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.

- (B) That literal enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.

- (C) That the special conditions and circumstances do not result from the actions of the applicant.

- (D) That the granting of the variance request will not confer on the applicant any special privilege that is denied by this ordinance

to other lands or structures in the same district.

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

11.4 Exercise of Power:

11.41 In exercising the above mentioned powers such Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

11.42 The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

ARTICLE XII

SECTION 12.0 ENFORCEMENT.

12.1 It shall be the duty of the building Inspector to enforce the provisions of this ordinance.

12.2 No building, structure or mobile home shall hereafter be created, moved or structurally altered, except as herein after provided, until a permit therefor shall be been applied for and issued. No permit shall be issued until the Building Inspector has satisfactory proof that the premises are in full compliance with the Fond du Lac County Subdivision Ordinance and the Fond du Lac County Shorelands Zoning Ordinance and that a Fond du Lac County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued, except that lots served by public sewer shall not require a sewer permit. For purposes of the enforcement of this Zoning Ordinance, the Village Board does hereby incorporate by reference the terms and provisions of the Fond du Lac County Subdivision Ordinance, the Fond du Lac County Shoreland Zoning Ordinance and the Fond du Lac County Sanitary and Private Sewage System Ordinance, as the same are amended from time to time by the Fond du Lac County Board of Supervisors. If there is a conflict between the provisions of the preceding County Ordinances and this Zoning Ordinance, the

terms of this Zoning Ordinance shall prevail.

12.3 (1) All applications for a land use permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance.

(2) The above requirements as to plans shall not apply to roadside stands, nor to farm buildings having a ground area of less than 300 square feet and not intended for human habitation. It shall be sufficient for the owner or his agent, in applying for land use permit for such buildings, to furnish the Building Inspector with such information as is necessary to show compliance with the health, sanitary and safety provisions of the State codes and with the requirements of this ordinance.

12.4 All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

12.5 Certificate of Compliance.

12.51 No vacant land shall be occupied or used and no building or mobile home hereafter erected, altered or moved shall be occupied until the certificate of compliance shall have been issued by the building Inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. Such certificate shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this ordinance.

12.52 Under such rules and regulations as may be established by the Village Board, the building Inspector may issue a temporary certificate of compliance for part of a building.

12.53 Upon written request from the owner, the building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the ordinance.

ARTICLE XIII

SECTION 13.0 FEES.

13.1 A fee in an amount determined by the Village Board is required to be paid by the applicant for a building permit, or for a certificate of occupancy where no building permit is required. The fee shall be paid to the Building Inspector at the time the application is filed.

13.2 A fee in an amount determined by the Village Board is required to be paid by the applicant for each application or appeal to the Board of Appeals, which fee shall be paid to the Village Treasurer at the time the application is filed. This fee shall not be required of any Village officer acting in his or her official capacity.

13.3 A fee in the amount determined by the Village Board is required to be paid by the applicant for any petition for the amendment of this zoning ordinance, which fee shall be paid to the Village Treasurer and receipt therefor filed with the amendment petition. In addition thereto, a petitioner shall be charged with the cost of the official newspaper publication of the notice of hearing. This provision shall not apply to amendments initiated by the Village Zoning Committee.

13.4 In addition to the fees set forth above, the applicant for a building permit, special use permit, or any other license or permit required by this Ordinance shall reimburse the Village for its actual and reasonable professional fees incurred by the Village, including without limitation, surveying fees, engineering fees, attorneys' fees, and other professional fees reasonably incurred by the Village to review, process, issue or enforce the terms of this Ordinance.

ARTICLE XIV

SECTION 14.0 VIOLATIONS AND PENALTIES.

14.1 Any building, structure or mobile home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure, mobile home or use. The Building Inspector shall promptly report all such violations to the Village Board, which shall instruct the attorney for the village to bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building, structure or mobile home or the establishment of such use, or to cause such building, structure, mobile home or use to be removed.

14.2 Any person, firm, or corporation, either the owner or the occupant of the premises, who fails to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00, together with the costs of prosecution (including reasonable attorneys' fees) and,

in default of payment of such forfeiture and costs of prosecution (and reasonable attorneys' fees), shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance. The Village Board shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution described above. Failure to obtain a building permit before starting construction will result in a doubling of the building permit fees, together with any relevant forfeitures or penalties.

ARTICLE XV

SECTION 15.0 CHANGES AND AMENDMENTS.

15.1 When any amendment of the district boundaries or of the regulations contained in this ordinance shall be petitioned for by any interested party or moved by the Village Board, the Board shall appoint a Plan Commission for formulate a tentative draft of such amendment and recommend the same to the board. Before adoption of such amendment by the Board, the Board shall give not less than 10 nor more than 30 days notice of a public hearing on such amendment, specifying the time and place of such hearing. Such notice shall be a Class 2 notice under Chapter 985, Wisconsin Statutes. The Village Board may direct the Plan Commission to report its recommendations at specified times of the year, but not less often than twice in any calendar year. The Plan Commission shall have all powers granted to a City Plan Commission in Section 62.23 of the Wisconsin Statutes, and shall have all powers of review and approval specifically delegated to the Plan Commission by the Village Board.

15.2 In case a protest is presented against such amendment, duly signed and acknowledged by the owners of 20% or more of the areas of land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet there from, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by unanimous vote of the Board.

15.3 Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and attach the following:

- (1) A plot plan drawn to a scale of 1 inch equals 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 200 feet of the area proposed to be rezoned.

- (2) The owners' names and addresses and all properties lying within 200 feet of the area proposed to be rezoned.
- (3) Additional information required by the Village Clerk or the Village Board.

ARTICLE XVI

SECTION 16.0 VALIDITY AND CONFLICTS.

16.1 Should any section, clause or provisions of this ordinance be declared by courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

16.2 All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

16.3 When this ordinance requires an act to be done by a person, which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.

16.4 In computing any period of time prescribed or allowed by this ordinance, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" means any statewide legal holiday specified by state law.

16.5 References to the male include the female, and the female include the male.

16.6 All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of this ordinance.

16.7 The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, limited liability companies, limited liability partnerships, bodies politic, or any other entity of any kind that is capable of being sued.

16.8 Every word in this ordinance referring to the singular number only shall also be construed to apply to several persons or things, and every word in this ordinance referred to in the

plural number shall also be construed to apply to one person or thing.

16.9 The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

16.10 The term "Wisconsin Statutes" shall mean, in this ordinance, the Wisconsin Statutes for the years 2005-2006, as amended from time to time.

16.11 The term "Wisconsin Administrative Code" shall mean the Wisconsin Administrative Code as of the date of this ordinance, as amended or renumbered from time to time.

ARTICLE XVII

SECTION 17.0 EFFECTIVE DATES AND REPEAL OF INTERIM ORDINANCE.

This ordinance, together with all maps which are incorporated by reference, amends all prior ordinances and maps.

PASSED AND ADOPTED: July 24, 1973

AMENDED: May 6, 1997

AMENDED: July 9, 2003

AMENDED: _____, 2008

VILLAGE OF MT. CALVARY

Village President

Attest:

Village Clerk