

*Village of Almena, WI
Tuesday, July 30, 2024*

Chapter 315. Zoning

[HISTORY: Adopted by the Village Board of the Village of Almena 8-8-1995 by Ord. No. 1995-1 (Ch. 19 of the former Village Code). Amendments noted where applicable.]

Article I. Introduction

§ 315-1. Title.

This chapter shall be known as, referred to, and cited as the "Village of Almena Zoning Ordinance" and is hereinafter referred to as the "ordinance."

§ 315-2. Intent and purpose.

The general intent and purpose of this chapter is to:

- A. Promote the public health, safety, comfort, convenience, and general welfare of the citizens of the Village of Almena.
- B. Protect and conserve the natural resources of the Village, including forests, wetlands, and surface water and groundwater by the most appropriate use of land.
- C. Protect and conserve the social character and economic stability and preserve property values.
- D. Prevent the overcrowding of land and undue congestion of population.
- E. Provide adequate light, air and convenient access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties.
- F. Provide adequate and efficient public services such as roads, water and sewer, schools, and police and fire protection.
- G. Encourage the use of land and buildings which are compatible with nearby existing and planned land uses, and to prohibit and control existing land uses deemed incompatible with nearby land uses.
- H. Prevent harm to persons and property by flood, fire, explosion, toxic fumes or other hazards.
- I. Protect the traffic-carrying capacity of existing and proposed arterial streets and highways.
- J. Regulate parking and loading so as to lessen congestion and promote the safety and efficiency of streets and highways.

§ 315-3. Relationship with other provisions.

Where the conditions imposed by any part of this chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or any other laws, ordinances, resolutions, rules or regulations of

any kind, the regulations which are more restrictive (or impose higher standards of requirements) shall be enforced.

§ 315-4. Scope of regulations.

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof, shall hereafter be erected, converted, enlarged, constructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

§ 315-5. Minimum requirements.

The provisions of this chapter shall be held to be the minimum requirements for carrying out the intent and purpose as defined in § 315-2.

§ 315-6. Effect on existing agreements.

It is not intended by this chapter to repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, written agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law.

§ 315-7. Severability.

It is hereby declared to be the intention of this Village that the several provisions of this chapter are separable, in accordance with the following:

- A. If any court of competent jurisdiction shall declare any provisions of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in such ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular property, building or other structure, such ruling shall not affect the application of such provision to any other property, building or structure not specifically included in such ruling.

Article II. Definitions

§ 315-8. General interpretation; word usage.

The following rules of construction apply to this chapter:

- A. Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory.
- B. The word "person" includes an individual, all partnerships, associations, and bodies political and corporate.
- C. The word "lot" includes the word "plot" or "parcel" or "tract."
- D. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

§ 315-9. Definitions of specific terms.

The following terms, for purposes of this chapter, shall have the meaning stated below:

ABUTTING

Have a common property line or district line.

ACCESSORY APARTMENT

A separate complete housekeeping unit that is substantially contained within the structure of a single-family dwelling, but can be isolated from it.

ACRE, NET

The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.

ALLEY

A public way which affords only a secondary means of access to abutting property.

APARTMENT

A suite of rooms or a room in a multiple dwelling which suite or room is arranged, intended, or designed to be occupied as a residence of a single family, individual, or group of individuals, with separate facilities and utilities which are used or intended to be used for living, sleeping, cooking and eating.

AUTOMOBILE WRECKING YARD

Any premises on which two or more self-propelled vehicles not in running order or operating condition are stored in the open.

BASEMENT

A portion of a building with the floor located below the mean grade level. For the purpose of this chapter, any such basement with more than four feet above grade level shall be counted as a story. No dwelling unit shall be situated in a basement having less than four feet above grade level.

BED-AND-BREAKFAST ESTABLISHMENT

An owner-occupied, single-family dwelling unit at which overnight sleeping accommodations are offered to travelers by the owner.

BLOCK

A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

BOARD

The Board of Appeals, as provided in Article **VII** of this chapter.

BOARDINGHOUSE

A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for three or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

BUFFER ZONE

A designated neutral area designed to separate conflicting land uses. A natural vegetative screening of trees, shrubs or other plantings is usually employed in such a designated area.

BUILDABLE LOT AREA

The portion of a lot remaining after required yards have been provided.

BUILDING

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is

divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

BUILDING, DETACHED OR ACCESSORY

A building surrounded by open space on the same lot.

BUILDING, HEIGHTS OF

The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.

BUILDING, PRINCIPAL

A building in which the principal use of the lot on which it is located is conducted.

BUSINESS

An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

CARPORT

An automobile shelter having one or more sides open.

CHANNEL

Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

CLINIC

An establishment for medical examination and treatment of patients, but without provisions for keeping such patients overnight on the premises (except for veterinary clinics). For purposes of this chapter, a doctor's or dentist's office in a residence, when it complies with the requirements of this chapter relating to such office, shall not be considered a clinic, but any doctor's or dentist's office which is not part of his home or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

CLUB or LODGE

A building or portion thereof or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

COMMUNITY LIVING ARRANGEMENT

The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under § 48.60, group homes under § 48.02(7) and community-based residential facilities under § 50.01, but does not include day-care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable sections of the Wisconsin State Statutes, including §§ 46.03(22), 62.23(7)(i) and 62.23(7)(a), and amendments thereto, and also the Wisconsin Administrative Code.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

CONDITIONAL USE

A use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts, and therefore, may be permitted in such district or districts only by conditional use permit.

CONSERVATION STANDARDS

Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service^[1] for Clark County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment to land based upon its capabilities from which the

landowner selects that alternative which best meets his/her needs in developing his/her soil and water conservation.

CONTROLLED ACCESS ARTERIAL STREET

The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.

DISTRICT, BASIC

A part or parts of the Village for which the regulations of this chapter governing the use and location of land and building are uniform.

DISTRICT, OVERLAY

"Overlay districts," also referred to herein as "regulatory areas," provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

DWELLING

A building designed or used exclusively as a residence or sleeping place, but does not include boardinghouses or lodging houses, motels, hotels, tents, cabins or mobile homes.

DWELLING UNIT

Any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.

DWELLING, EFFICIENCY

A dwelling unit consisting of one principal room with no separate sleeping rooms.

DWELLING, MULTIPLE-FAMILY

A building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, apartment hotels and townhouses.

DWELLING, SINGLE-FAMILY

A detached building designed for or occupied by one family.

DWELLING, TWO-FAMILY

A detached building containing two separate dwelling (or living) units, designed for occupancy by not more than two families.

ESSENTIAL SERVICES

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

FLOOR AREA (BUSINESS AND MANUFACTURING BUILDINGS)

For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement

floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area," for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

FOSTER FAMILY HOME

The primary domicile of a foster parent which is four or fewer foster children and which is licensed under § 48.62, Wis. Stats., and amendments thereto.

FRONTAGE

All the property abutting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

GARAGE, PRIVATE

A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.

GARAGE, PUBLIC

Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.

GASOLINE STATION

Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubrication substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning such vehicles.

GRADE

When used as a reference point in measuring height of building, the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.

GROSS FLOOR AREA (RESIDENTIAL)

The square footage of each story of a dwelling. The basement area of a dwelling can be considered in the floor area calculation if the basement floor has an at-grade access.

GROUP FOSTER HOME

Any facility operated by a person required to be licensed by the State of Wisconsin under § 48.62, Wis. Stats., for the care and maintenance of five to eight foster children.

HOME OCCUPATIONS

Any occupation for gain or support conducted entirely within a building by resident occupants and no more than one nonresident person, which is incidental to the principal use of the premises; does not exceed 25% of the area of any aboveground living area; has no article offered for sale except such as is produced by such home occupation; and meets all of the conditions of § 315-17 of this chapter. Examples of "home occupations" are: babysitting, millinery, canning, dressmaking, dentists, architects, landscape architects, professional land surveyors, lawyers and teachers.

HOSPITAL

An institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for twenty-four-hour patient care.

HOTEL

A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

INSTITUTION

A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

INTERCHANGE

A grade-separated intersection with one or more direct connections for vehicular travel between the intersecting streets or highways.

JUNK

Any scrap, waste, reclaimable material or debris, where or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

JUNKYARD

Any area, lot, land, parcel, building or structure or part thereof used for the storage, collecting, processing, purchase, sale or abandonment of wastewater, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

LOADING AREA

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LODGING HOUSE

A building where lodging only is provided for compensation for not more than three persons not members of the family.

LOT

A division of land occupied or designed to be occupied by one building and its accessory buildings or uses, including open spaces required by this chapter. A lot may be a parcel of land designated in a plat laid out prior to the effective date of this amendment, whether or not such division abuts a public street or other officially approved place recorded in the office of the Register of Deeds, or any part of a larger division when such parts comply with the requirements of this chapter as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.

LOT COVERAGE (EXCEPT RESIDENTIAL)

The area of a lot occupied by the principal building or buildings and accessory buildings, including any driveways, parking areas, loading areas, storage areas and walkways.

LOT COVERAGE, RESIDENTIAL

The area of a lot occupied by the principal building or buildings and accessory building.

LOT LINE

A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

LOT LINES AND AREA

The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

LOT OF RECORD

A platted lot of a recorded subdivision, certified survey map, or parcel of land for which the deed, prior to the adoption of this chapter, is on record with the Barron County Register of Deeds and which exists as described therein.

LOT WIDTH

The horizontal distance between the side lot lines measured at the building setback line.

LOT, CORNER

A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.

LOT, INTERIOR

A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.

LOT, SUBSTANDARD

A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this code as pertaining to the district wherein located.

LOT, THROUGH

A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

MINOR STRUCTURES

Any small movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four feet in height.

MOBILE HOME

A manufactured home that is HUD certified and labeled under the national Mobile Home Construction and Safety Standards Act of 1974. A "mobile home" is a transportable structure, being eight feet or more in width (not including the overhang of the roof), built on a chassis and designated to be used as a dwelling with or without permanent foundation when connected to the required utilities.

MOBILE HOME LOT

A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK

A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users. A mobile home park is also any lot on which two or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.

MOBILE HOME SUBDIVISION

A land subdivision, as defined by Ch. 236, Wis. Stats. and any Village land division ordinance, with lots intended for the placement of individual mobile home units. Individual home sites are in separate ownership as opposed to the rental arrangements in mobile home parks.

MODULAR UNIT

A modular unit is a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

MOTEL

A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of travelers or tourists.

NONCONFORMING USES

Any structure, use of land, use of land and structure in combination or characteristics of use (such as yard requirement or lot size) which was existing at the time of the effective date of this code or

amendments thereto and which is not in conformance with this code. Any such structure conforming in respect to use but in respect to frontage, width, height, area, yard, parking loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.

NURSING HOME

An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured.

OPEN SALES AREA

Any open land or area used or occupied for the purpose of displaying for sale new or secondhand merchandise, including, but not limited to, passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft and monuments. No repair work is done in such area except for incidental repair of items to be displayed and sold on the premises.

OUTDOOR STORAGE AREAS

Any open land or area used for the purpose of storage of any product or part of a product either before, during or after manufacture, servicing, or repair, and not displayed for retail sale. This does not include open sales areas.

PARKING LOT

A structure or premises containing five or more parking spaces open to the public.

PARKING SPACE

An off-street space available for the parking of a motor vehicle and which is held to be an area the dimensions of which are 10 feet by 18 feet or which covers 180 square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PARTIES IN INTEREST

Includes all abutting property owners, all property owners within 100 feet, and all property owners with opposite frontages.

PLACES OF ASSEMBLY

Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.

PLANNED DEVELOPMENT

A "planned development" is a tract of land which contains or will contain two or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.

PLANNING COMMISSION

Where the phrase "Planning Commission" appears, this refers to the Planning Commission of the Village of Almena. The Planning Commission is appointed by the Village President and confirmed by the Village Board pursuant to § 62.23, Wis. Stats.

PREMISE

The area of land surrounding a structure and forming one enclosure with it.

PROFESSIONAL HOME OFFICES

Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, professional land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professionals, used to conduct their professions where the office does not exceed 1/2 the area of only one floor of the residence and only one nonresident person is employed.

PUBLIC AIRPORT

Any airport which complies with the definition contained in § 114.002(18m), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

RECREATIONAL VEHICLE

Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications:

- A. Is not used as the permanent residence of the owner or occupant;
- B. Is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities;
- C. Is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities;
- D. Examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pickup campers, camping buses, and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations.

RECREATIONAL VEHICLE CAMP

A park, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any recreational vehicles as defined herein, and upon which said recreational vehicles are parked.

RESTAURANT

A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.

RESTAURANT, DRIVE-IN

A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to be eaten either off the premises or within automobiles parked on the premises.

RETAIL

The sale of goods or merchandise in small quantities to the consumer.

ROADSIDE STAND

A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises.

ROOMING UNIT

Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

SCHOOL

A building or group of buildings maintained by the public or by a private organization for the purpose of education and which is accredited by the State of Wisconsin. Schools include preschool and grades kindergarten through 12, but not trade schools that do not teach the state-required courses for high school graduation in addition to the vocational instruction.

SCHOOL, COMMERCIAL

A school limited to special instructions such as business, art, music, trades, handicraft, dancing or riding.

SETBACK

The minimum horizontal distance between the lot line and the nearest point of the building or structure. Uncovered steps shall not be included in measuring the setback.

SHELTERED CARE FACILITY

A private home which provides separate sleeping accommodations and kitchen facilities for its occupants, but also maintains some means of contact with a central control office or building. This facility may include joint recreational and eating facilities.

SHOPPING CENTER

A concentration of retail stores and service establishments in a suburban area with generous parking space and planned to serve the community or a neighborhood.

SIGNS

Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

STORY

That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof. A basement having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

STORY, HALF

That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4 1/2 feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multifamily dwellings less than three stories in height, a one-half story in a sloping roof shall not be counted as a story for the purposes of this code.

STREET

Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is 21 feet or more in width.

STREET, ARTERIAL

A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as major thoroughfares, highways and parkways.

STRUCTURAL ALTERATIONS

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

STRUCTURE

Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

TEMPORARY STRUCTURE

A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.

USE

The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY

A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.

USE, PERMITTED

A "permitted use" is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

USE, PRINCIPAL

The main use of land or building as distinguished from subordinate or accessory use.

UTILITIES

Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraphic exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.

VARIANCE

A departure from the terms of this chapter as applied to a specific building, structure or parcel of land, which the Board of Appeals may permit, contrary to the regulations of this chapter for the district in which such buildings, structure or parcel of land is located, when the Board of Appeals finds that a literal application of such regulation will affect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensation or gain to the property and does not endanger the public health, safety or welfare.

VISION SETBACK AREA

An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from the intersection as specified in this chapter.

YARD

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.

YARD, FRONT

A yard extending the full width of the lot between the front or street lot line and the nearest part of the principal building, including eaves, but excluding uncovered steps. Corner lots shall have two front yards.

YARD, REAR

A yard extending the full width of the lot between the rear lot line to the nearest part of the principal building, including eaves. On corner lots there shall be no rear yard.

YARD, SIDE

A yard on each side of the principal building extending from the nearest part of the principal building, including eaves to the lot line and from the front yard line to the rear yard line.

ZERO LOT LINE

The concept whereby two respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.

ZONING PERMIT

A permit issued by the Zoning Administrator to certify that the use of lands, structure, air and waters subject to this chapter are or shall be used in accordance with the provisions of said chapter.

- [1] *Editor's Note: The Soil Conservation Service is now known as the "Natural Resources Conservation Service (NRCS)."*

Article III. General Provisions

§ 315-10. Compliance.

- A. Within the Village, the use of any land; the size, shape and placement of lots; the use, size, height, location and types of structures thereon; and the provision of open spaces shall be in compliance with the regulations established herein and made applicable to the district or districts in which such land or structure is located.
- B. Where a building permit for a structure has been issued in accordance with law prior to the effective date of this chapter, and provided that construction is completed within 12 months of such effective date, such structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may upon completion be occupied by the use for which originally designated. An extension of up to 12 months may be allowed by the Planning Commission, provided good cause is shown.

§ 315-11. Lot provisions.

- A. Principal structures.
 - (1) All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot in the single-family residential districts.
 - (2) The Planning Commission may permit more than one principal structure per lot in other districts where more than one principal structure is needed for the orderly development of the parcel. When additional structures are permitted, the Planning Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings.
- B. Existing substandard lots.
 - (1) A lot located in a residential district which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 50 feet wide and 6,000 square feet in area, may be used as a single building site, provided that the use is permitted in the zoning district and provided that the lot is a lot of record in the County Register of Deeds office prior to the effective date of this chapter.
 - (2) A lot located in a business or manufacturing district which does not contain sufficient area to conform to the dimensional requirements of this chapter may be used as a building site provided that the lot is a lot of record in the County Register of Deeds office prior to the effective date of this chapter.
 - (3) Substandard lots granted permits under this section shall be required to meet the setback and other yard requirements of this chapter. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance is granted by the Board of Appeals.
- C. All lots shall abut a public street or approved private road or way which is constructed to applicable standards.
- D. No yard or other open space existing on the effective date of this chapter shall be reduced below the minimum required by this chapter.
- E. No yard or other open space allocated to a structure or parcel of land shall be used to satisfy yard, other open spaces or minimum lot area requirements for any other structure or parcel.

§ 315-12. Yard regulations.

Measurements shall be taken from the nearest point of a building to the lot line in question, subject to the following:

- A. On lots having double frontage (through lots), the required front yard shall be provided on both street sides.
- B. On a corner lot, the width of the yard along the side street shall not be less than any required front yard on such street, provided the buildable width of a lot of record shall not be reduced to less than 28 feet nor closer than six feet to any side lot line. In no case shall the setback required for a side yard abutting a street be reduced to less than 30 feet.

§ 315-13. Height regulations.

Except as provided below, all buildings and structures shall conform to the height regulations for the zoning district in which they are located:

- A. Architectural projections, such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this chapter.
- B. Special structures, such as elevator penthouses, tanks, grain elevators, silos, observation towers, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smokestacks, are exempt from the height limitations of this chapter.
- C. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.
- D. Communication structures, such as radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas, are exempt from the height limitations of this chapter. This does not include earth station dish antennas.
- E. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, government offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

§ 315-14. Accessory buildings, uses and structures; use of required yards.

Any accessory building, use or structure shall conform to the applicable regulations of the district in which it is located except as specifically otherwise provided hereinafter.

- A. Any permanent roofed structure serving an accessory use if attached to the principal building shall be considered as part of such principal building for all regulatory purposes.
- B. Accessory buildings and structures are permitted in the rear yard and side yard; however, when an accessory building or structure is located forward of the rear building line of the principal building, it shall satisfy the same side yard requirements as the principal building.
- C. Detached accessory buildings and structures shall not exceed 900 square feet and not occupy more than 30% of the rear yard area in all districts except the commercial and industrial districts, in which such uses and structures shall not occupy more than 50% of the rear yard area. Private swimming pools shall be exempt from the 30% rear yard occupancy limitation in residential districts.
- D. Detached accessory buildings and structures shall not be closer than five feet to the principal structure nor closer than three feet to an alley or platted easement, except that, when the accessory building is a garage that has its entrance facing the alley, the rear yard setback shall be 20 feet for the garage.

- E. Uncovered stairs, porches, landings and fire escapes may project into any yard, but not to exceed six feet and not closer than six feet to any lot line.
- F. Architectural projections, such as chimneys, flues, sills, eaves, and ornaments, may project into any required yard, but such projections shall not exceed one foot.
- G. Residential fences are permitted on the property lines in residential districts, but shall not in any case exceed a height of six feet.
- H. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- I. Earth station dish antennas. No earth station dish antenna shall be erected, constructed, maintained or operated except in conformance with the following regulations. An earth station dish antenna is permitted as an accessory use/structure.

(1) Definition. As used in this section, the following terms shall have the meanings indicated:

EARTH STATION DISH ANTENNA

A combination of:

- (a) A dish antenna whose purpose is to receive communication or other signals from orbiting satellites;
 - (b) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and
 - (c) A coaxial cable whose purpose is to carry the signals into the interior of the building.
- (2) Permit. The installation of an earth station dish antenna shall require a building permit. The property owner shall submit, to the Zoning Administrator, plans which indicate the appearance, proposed location and installation method of the dish. All earth station dish antennas, and the construction and installation thereof, shall conform to applicable Village Building Code and Electrical Code regulations and requirements.
- (3) Ground-mounted earth station dish antennas.
- (a) In all residential zoning districts, such earth station dish antennas shall be located only in the rear yard of any lot subject to the provisions contained herein:
 - [1] The dish antenna shall be at least six feet from any side or rear lot line or any alley.
 - [2] The dish antenna shall be at least five feet from the principal building on the lot.
 - [3] The dish antenna shall have a maximum height of 14 feet above the natural grade.
 - [4] In the event that a usable satellite signal cannot be obtained by locating the antenna in the rear yard of the property, such antenna may be placed in the side yard of the property, provided that it shall be not closer than five feet to the principal structure and six feet to any side yard lot line, nor shall any portion of the dish antenna extend into any front yard area. In the case of a corner lot, the dish antenna is not permitted in the side yard area abutting the street. A building permit shall be issued only upon showing that a usable satellite signal is not obtainable from any other permitted locations on the property.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - [5] Earth station dish antennas shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets through the addition of architectural features and/or landscaping that is compatible with the elements and characteristics of the property.

- (b) In any commercial or industrial zoning district, such earth station dish antennas shall be allowed in any yard area subject to the provisions contained herein:
 - [1] The dish antenna shall be at least six feet from any rear property line or any alley.
 - [2] The dish antenna shall be at least six feet from any side yard lot line, except when abutting a residential district, in which case the dish antenna shall be at least 10 feet from any side yard lot line and be screened to reduce visual impact from adjacent properties at street level.
 - [3] In cases where the dish antenna will be located in the front yard area or in the side yard area abutting a street or a corner lot, the dish antenna shall be set back at least 15 feet from any public right-of-way.
 - [4] The dish antenna shall have a maximum height of 30 feet above the natural grade.
- (4) Roof-mounted earth station dish antennas.
 - (a) In all residential zoning districts, roof-mounted earth station dish antennas shall be permitted subject to the provisions contained herein:
 - [1] Earth station dish antennas exceeding 35 inches in diameter shall not be permitted on the roof.
 - [2] A roof-mounted dish antenna shall not extend higher than 15 feet above the highest point of the roof.
 - (b) In the commercial and industrial zoning districts, earth station dish antennas shall not extend more than 20 feet above the height limit established for the district in which the structure is located.
- (5) All electric lines, cables and conduits running to or from any earth station dish antenna shall be underground.
- (6) All dish antennas must be adequately grounded for protection against a direct strike of lightning.
- (7) All dish antennas shall meet all manufacturer's specifications and be constructed of noncombustible and corrosive-resistant materials.
- (8) Not more than one earth station dish antenna shall be permitted on a zoning lot in a residential district.

§ 315-15. Nonconforming buildings, structures and uses.

- A. Purpose. The purpose of this section is to minimize the hardships that may unintentionally occur to citizens whose present use of their lots, buildings and structures thereon do not conform wholly with the provisions of this chapter. Only uses which are lawful under the existing ordinance before the adoption of this chapter are protected by the provisions of this section.
- B. General provisions:
 - (1) Any lawfully established use of a building, structure or land on the effective date of this chapter, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued except as otherwise provided herein.
 - (2) A legal nonconforming use of a building, structure or land existing on the effective date of this chapter may be continued, provided no such nonconforming use shall be in any way expanded or extended, either on the same or adjoining property.

- (3) Total lifetime structural repairs or alterations to a nonconforming structure shall not exceed 50% of the municipality's equalized value of the structure at the date of adoption of this chapter unless permanently changed to a conforming use.

C. Changes and substitutions.

- (1) When any legal nonconforming use of a building, structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- (2) If no structural alterations are made, a nonconforming use of a building, structure or land 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, such use shall not thereafter be changed to a less restricted use. For the purpose of this regulation, uses permitted in the R-1 Single Family District shall be deemed to be those in the most restricted classification.

D. Repair of damages and/or discontinuance.

- (1) When a nonconforming building or structure is damaged by fire, explosion, flood or other calamity, to the extent of more than 50% of its current fair market value, it shall not be restored except so as to comply with the regulations of the district in which such building is located.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (2) Whenever a nonconforming use is discontinued for a period of 12 consecutive months, any future use of the building, structure or land shall conform to the regulations of the district in which it is located.
- (3) Pursuant to § 62.23(7)(hc), Wis. Stats., and notwithstanding any other provision of this chapter, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to, or replaced at, the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 315-16. Traffic visibility triangle.

A. Vision setback lines at the intersection of public streets are hereby established as follows:

- (1) Across each sector between intersecting streets, a vision setback line shall be established by a straight line connecting two points of the intersecting street right-of-way lines, which points are located 25 feet from the intersection of said right-of-way lines.

B. In the vision setback area, no structure of any kind shall be permitted which exceeds a height of two feet above the elevation of the center of the intersection, except for necessary highway and traffic signs and public utility lines, nor shall any plant material or natural growth be permitted which obscures safe vision of the approaches to the intersection.

C. The requirements for vision setback lines shall not apply within the Central Business District.

§ 315-17. Home occupations.

- A. Purpose. The purpose of this section of the ordinance is to regulate the conditions under which occupations may be carried on in homes in order that such home occupations may not undermine the general intent and purpose of this chapter and the specific purposes of the residential districts. The standards for home occupations in this chapter are intended to ensure compatibility with other

permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

B. Standards. Home occupations shall be subject to the following standards:

- (1) The occupation or profession shall be carried on wholly within the principal building or other structure accessory thereto, and it shall utilize no more than 25% of the gross floor area of the building.
- (2) The home occupation is to be conducted only by members of the family residing in the dwelling unit, plus no more than one nonresident assistant or employee employed on the premises at any one time. Persons engaged in building trades or similar fields, using their dwelling units or residential premises as an office for business activities carried on off the premises, may have more employees than the limitations set forth in Subsection **B(2)** of this section if they are not employed on the premises.
- (3) The home occupation shall be incidental and subordinate to its use for residential purposes.
- (4) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction and lighting.
- (5) No home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard of nuisance beyond what normally occurs in the applicable zoning district.
- (6) There shall not be outside storage of any kind related to the home occupation.
- (7) The home occupation shall not involve the use of commercial vehicles, other than those owned by the applicant for delivery of products or materials to and from the premises. This shall not be interpreted to include delivery and/or pickup services such as United Parcel Service, Federal Express, etc., in the conduct of their normal operations.
- (8) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- (9) There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two additional vehicles to be parked on or near the premises.
- (10) Activities which involve the manufacture, utilization, processing or storage of chemicals or inflammable and explosive material shall not be permitted.

C. Nameplate allowed. Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed two square feet in area and shall be nonilluminated. The limitation of one nameplate is intended to apply to all lots, including corner lots.

D. Permitted home occupations. Permitted home occupations include, but are not necessarily limited to, the following.

- (1) Artists or sculptors.
- (2) Authors or composers.
- (3) Home crafts such as model making, rug weaving and cabinetmaking.
- (4) Office facility of a minister, rabbi, or priest.
- (5) Office facility of an attorney, architect, professional engineer, surveyor, landscape architect, insurance agent or real estate agent.
- (6) Private tutoring limited to three pupils at any one time.

- (7) Musical instruction limited to two pupils at a time.
 - (8) Dressmaking.
- E. Home occupations not permitted. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, home occupations not permitted include, but are not necessarily limited to, the following:
- (1) Barbershops and beauty salons.
 - (2) Antique shops.
 - (3) Stables and kennels.
 - (4) Medical offices, including, but not necessarily limited to, physicians, surgeons, dentists, chiropractors, or optometrists for the general practice of the profession, except for consultation or emergency treatment.
 - (5) Automobile repair or paint shops.
 - (6) Restaurants and bakeries.
- F. Any proposed home occupation that is neither specifically permitted by Subsection **D** nor specifically prohibited by Subsection **E** shall be considered a conditional use and be granted or denied by the Village Board upon consideration of those standards contained in Subsection **B** and in accordance with the procedures as required in § **315-70** of this chapter.

§ 315-18. Classification of unlisted uses.

Any use not specifically listed as a permitted use or a conditional use in a district established in Article **IV** shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of question as to the classification of an unlisted use, the question shall be submitted to the Planning Commission for determination in accordance with the following procedure:

- A. Application. Application for determination for classification of an unlisted use shall be made in writing to the Zoning Administrator and shall include a detailed description of the proposed use and such other information as may be required by the Planning Commission to facilitate the determination.
- B. Investigation. The Planning Commission shall make or have made such investigations as it deems necessary in order to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the ordinance and to determine its classification.
- C. Public hearing. The Village Planning Commission shall fix a reasonable time and place for a public hearing following the receipt of an application for the determination of a classification of an unlisted use, publish a Class 2 notice thereof, and shall give due notice to the parties in interest and Zoning Administrator.
- D. Determination. The determination of the Planning Commission shall be rendered in writing within 40 days from the date of the public hearing and shall include findings supporting the conclusion. The Planning Commission shall determine if the classification of the unlisted use is a permitted use, conditional use or prohibited use in one or more of the districts established in § **315-19**.
- E. Effective date of determination. At the time of the determination of the classification of the unlisted use by the Planning Commission, the classification of the unlisted use shall become effective.

Article IV. Zoning Districts

§ 315-19. Districts established.

For the purpose and administration of this chapter, the Village of Almena, Wisconsin, is hereby organized into the following zoning districts:

- A. Residential districts.
 - (1) R-1 Single-Family Residence District.
 - (2) R-2 Multiple-Family Residence District.
- B. Rural Development District.
- C. Commercial districts.
 - (1) C-1 Central Business District.
 - (2) C-2 General Commercial District.
- D. Industrial districts.
 - (1) I-1 Light Industrial District.
 - (2) I-2 Heavy Industrial District.
- E. Conservancy District.

§ 315-20. Zoning District Map.

The boundaries of the aforesaid zoning districts are hereby established as shown on the "Village of Almena Official Zoning Map." The Official Map and all notations, references and other information shown thereon are a part of this chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. An official copy of this map, together with a copy of this chapter, shall be kept at the office of the Village Clerk and shall be certified by the Village President and attested by the Village Clerk. Any changes in zoning district boundaries shall be recorded on the map.

§ 315-21. District boundaries.

- A. The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.
- C. In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

§ 315-22. Zoning of rights-of-way.

All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting them. Where the center line serves as a district boundary, the zoning of the right-of-way shall be deemed to be the same as they of the abutting property up to such center line, unless otherwise specifically designated.

§ 315-23. R-1 Single-Family Residence District.

- A. Purpose. The R-1 Single-Family Residence District is intended to provide a quiet, pleasant and relatively low-density living area protected from excessive traffic and nuisances, such as noise, odors, vibration, and uses which are incompatible with the provisions of this chapter for this district.
- B. Permitted uses.
- (1) Single-family dwellings.
 - (2) Public parks and playgrounds.
 - (3) Community living arrangement which has a capacity for eight or fewer persons being served by the program, subject to state licensing requirements.
 - (4) Family day-care home, limited to not more than eight children. Family day-care homes shall be subject to state licensing requirements.
 - (5) Accessory building or use, including a private detached garage or carport, and paved parking areas customarily incidental to the above uses, but not involving the conduct of a business.
- C. Conditional uses: (See § 315-70.)
- (1) Two-family dwellings.
 - (2) Elementary, junior and senior high schools.
 - (3) Fire stations.
 - (4) Churches and cemeteries.
 - (5) Museums, libraries and community centers not conducted for profit.
 - (6) Nursing homes, homes for the elderly and hospitals.
 - (7) Golf courses.
 - (8) Group day-care homes licensed for nine or more children, subject to all state licensing requirements.
 - (9) Community living arrangements which have a capacity for nine or more persons being served by the program, subject to state licensing requirements.
 - (10) Private lodges and clubs.
 - (11) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, and microwave radio towers.
- D. Dimensional requirements.
- (1) Lot size: (See § 315-11.)
 - (a) Minimum lot area: 12,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (c) Minimum lot area for two-family dwelling: 15,000 square feet.
 - (2) Setbacks and required yards for principal building: (See § 315-12.)
 - (a) Minimum front yard: 30 feet.
 - (b) Minimum side yard: six feet on garage side; 15 feet on dwelling side.

- (c) Minimum rear yard: 25 feet.
- (3) Setbacks and required yards for accessory building: (See § **315-14**.)
 - (a) Side/rear yard setbacks are six feet for all accessory buildings (except 20 feet for garages facing an alley).
- (4) Maximum building height: (See § **315-13**.)
 - (a) Principal building: 35 feet.
 - (b) Accessory building: 18 feet.
- (5) Building size.
 - (a) Minimum required floor area of principal building:
 - [1] One-family: 800 square feet;
 - [2] Two-family: 1,600 square feet.
- E. Off-street parking. Off-street parking as required by Article **V**.

§ 315-24. R-2 Multiple-Family Residence District.

- A. Purpose. The R-2 Multiple-Family Residence District is intended to provide a living environment similar in all respects to the R-1 District, although with a higher population density and greater diversity of housing types.
- B. Permitted uses.
 - (1) Single-family dwellings.
 - (2) Two-family dwellings.
 - (3) Multiple-family dwellings.
 - (4) Community living arrangement for 15 persons or less, subject to state licensing requirements.
 - (5) Bed-and-breakfast establishments subject to the following provisions:
 - (a) The bed-and-breakfast establishment shall be owner-occupied.
 - (b) Bed-and-breakfast establishments shall require a permit in accordance with Ch. ATP 73, Wis. Adm. Code.
 - (c) Off-street parking provisions shall be required.
 - (6) Public parks and playgrounds.
- C. Permitted accessory uses.
 - (1) Two-family dwellings utilizing the zero-lot-line concept as defined in § **315-9**.
 - (2) Private garages and carports and accessory buildings and structures incidental to residential uses.
 - (3) Home occupations. (See § **315-17**.)
 - (4) Signs. (See Article **VI**.)
- D. Conditional uses: (See § **315-70**.)

- (1) Community living arrangements which have a capacity for 16 persons or more, subject to state licensing requirements.
- (2) Elementary, junior and senior high schools.
- (3) Fire stations.
- (4) Churches.
- (5) Museums, libraries, and community centers not conducted for profit.
- (6) Nursing homes, homes for the elderly and hospitals.
- (7) Golf courses.
- (8) Group day-care homes licensed for nine or more children, subject to all state licensing requirements.
- (9) Private lodges and clubs.
- (10) Boardinghouses.
- (11) Mobile home parks. (See § 315-31.)
- (12) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, microwave radio towers, sewage disposal plants, municipal incinerators, power plants, shops, and storage yards.

E. Dimensional requirements.

(1) Lot size: (See § 315-11.)

(a) Minimum lot area:

- [1] Single-family dwelling: 12,000 square feet.
- [2] Two-family dwelling: 15,000 square feet.
- [3] Multiple-family dwelling: lots shall have the minimum of the larger of 12,000 square feet, or:

Dwelling Type	Minimum Lot Area
Multiple-family, 1 bedroom	2,000 square feet per unit
Multiple-family, 2 bedroom	2,500 square feet per unit
Multiple-family, 3 bedroom	3,500 square feet per unit

(b) Minimum lot width: 100 feet.

(2) Setbacks and required yards for principal building: (See § 315-12.)

- (a) Minimum front yard: 30 feet.
- (b) Minimum side yard: six feet, 20 feet aggregate, except when employing the zero lot line concept.
- (c) Minimum rear yard: 25 feet.

(3) Setbacks and required yards for accessory building: (See § 315-14.)

- (a) Side/rear yard setbacks are six feet for all accessory buildings.

(4) Maximum building height: (See § 315-13.)

- (a) Principal building: 35 feet. (NOTE: A building may be erected to a height of 50 feet if the setback from all required yard lines is increased a distance of one foot for each foot of additional height above 35 feet.)
- (b) Accessory building: 18 feet.
- (5) Building size. Any single- or two-family dwelling within this district must comply with § **315-23D(5)(a)**.

F. Off-street parking. Off-street parking as required by Article **V**.

§ 315-25. RD Rural Development District.

- A. Purpose. The RD Rural Development District is intended to allow for agricultural uses within the Village.
- B. Permitted uses.
 - (1) Single-family dwellings.
 - (2) Agricultural and general farming activities including dairying, livestock and poultry raising (except farms feeding offal or garbage and mink farms), crop production and forestry.
- C. Permitted accessory uses:
 - (1) Accessory buildings and structures incidental to residential and agricultural uses, however, no more than four accessory buildings or structures shall be allowed.
 - (2) Home occupations. (See § **315-17**.)
 - (3) Signs. (See Article **VI**.)
- D. Conditional uses: (See § **315-70**.)
 - (1) Bed-and-breakfast establishments subject to the provisions of § **315-24B(5)**.
 - (2) Public parks and playgrounds.
 - (3) Any other conditional use as stated in § **315-24D**.
- E. Dimensional requirements:
 - (1) Lot size:
 - (a) Minimum lot area: two acres.
 - (b) Minimum lot width: 270 feet.
 - (2) Setbacks and required yards for principal and accessory buildings:
 - (a) Minimum front yard: 50 feet.
 - (b) Minimum side yard: 50 feet, each side.
 - (c) Minimum rear yard: 50 feet.
 - (3) Maximum building height:
 - (a) Principal building: 35 feet.
 - (b) Accessory building: 18 feet, except for barns, silos and other structures which are customarily higher.

- (4) Building size. Any single- or two-family dwelling within this district must comply with § **315-23D(5)(a)**.

F. Off-street parking. Off-street parking as required by Article **V**.

§ 315-26. C-1 Central Business District.

A. Purpose. The C-1 Central Business District is intended to provide for the orderly and appropriate regulations to ensure compatibility of the diverse uses typical of the "downtown" area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other community activities which contribute to its role as the "center" of the Village.

B. Permitted uses:

- (1) Retail sales establishments.
- (2) Financial institutions.
- (3) Personal and business service establishments.
- (4) Commercial and professional offices.
- (5) Hotels and motels.
- (6) Restaurants, cafes, taverns and bars.
- (7) Theaters and bowling alleys.
- (8) Auditoriums and community centers.
- (9) Government offices, post offices and libraries.
- (10) Medical and dental clinics.
- (11) Clubs and lodges.
- (12) Newspaper and magazine publishers.
- (13) Day-care centers, provided all state requirements are met.
- (14) Churches.
- (15) Multiple-family dwellings. Parking shall be required in accordance with § **315-36** for multiple-family dwellings.
- (16) Replacement of single- and two-family dwellings which have been damaged by fire, explosion, flood, or other calamity. Parking shall be required in accordance with § **315-36** for single- and two-family dwellings.

C. Permitted accessory uses:

- (1) Garages for storage and vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Off-street parking lots.
- (3) Signs. (See Article **VI**.)

D. Conditional uses: (See § **315-70**.)

- (1) Gasoline service stations.
- (2) Automobile and other vehicle sales.

- (3) Rest homes and nursing homes.
- (4) Warehouses for local wholesale and retail establishments or for personal property.
- (5) Transmitting towers, receiving towers, relay and microwave towers.
- (6) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, sewage disposal plants, municipal incinerators, power plants, shops and storage yards.

E. Dimensional requirements:

- (1) Lot size: (See § **315-11**.)
 - (a) Minimum lot area: 2,000 square feet.
 - (b) Minimum lot width: 25 feet.
- (2) Setbacks and required yards for principal building: (See § **315-12**.)
 - (a) Minimum front yard: none required.
 - (b) Minimum side yard: none required, except when adjacent or abutting a residential district, a side yard setback of 10 feet shall be required.
 - (c) Minimum rear yard: six feet, except when adjacent or abutting a residential district, a rear yard setback of 25 feet shall be required.
- (3) Setbacks and required yards for accessory building: (See § **315-14**.)
 - (a) Minimum side yard: none required, however, side yard setbacks shall be six feet for all accessory buildings when adjacent or abutting a residential district.
 - (b) Minimum rear yard: six feet.
- (4) Maximum building height: (See § **315-13**.)
 - (a) All buildings: 45 feet.

§ 315-27. C-2 General Commercial District.

- A. Purpose. The C-2 General Commercial District is intended to provide for individual or small groups of retail and customer service establishments. This type of district is generally located away from the traditional central business district and provides such amenities as increased open space and off-street parking and loading facilities, making such retail centers more compatible with the character of adjacent residential districts.
- B. Permitted uses:
- (1) Retail sales establishments.
 - (2) Financial institutions.
 - (3) Personal and business service establishments.
 - (4) Commercial and professional offices.
 - (5) Automotive sales and equipment service establishments, including gasoline service stations.
 - (6) Hotels and motels.
 - (7) Restaurants, cafes, taverns and bars.

- (8) Theaters and bowling alleys.
- (9) Auditoriums and community centers.
- (10) Government offices, post offices and libraries.
- (11) Clubs and lodges.
- (12) Veterinary hospitals and clinics, provided that no service, including the boarding of animals, is offered outside of an enclosed building.
- (13) Medical and dental clinics.
- (14) Wholesale establishments.
- (15) Day-care centers, provided all state requirements are met.
- (16) Rest homes and nursing homes.
- (17) Boardinghouses.
- (18) Multiple-family dwellings.
- (19) Mini warehouses. Outdoor storage is limited to boats and recreational vehicles defined in § 315-9. All such outdoor storage shall be screened. The screening required shall consist of a fence or wall not less than five feet high. The fence or wall shall be constructed in a manner and of such material to impair direct vision of the outdoor storage area.

C. Permitted accessory uses:

- (1) Parking. (See Article V.)
- (2) Signs. (See Article VI.)
- (3) Accessory buildings and structures.

D. Conditional uses: (See § 315-70.)

- (1) Hospitals.
- (2) Recreational establishments, including drive-in theaters, golf courses, golf or baseball driving ranges, archery fields, miniature golf courses or similar uses.
- (3) Recreational vehicles camps, when such camps provide not less than 1,800 square feet of lot area for each cabin, recreational vehicle or tent, and when such camp is clearly bounded by a fence or hedge. The requirements of Ch. ATCP 79 of the Wisconsin Administrative Code and all other applicable codes shall be minimum standards and may be supplemented by the Planning Commission.
- (4) Kennels.
- (5) Animal hospitals, including the outside boarding of animals.
- (6) Automobile body repair shops.
- (7) Transmitting towers, receiving towers, relay and microwave towers, including broadcast facilities and studios.
- (8) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, sewage disposal plants, municipal incinerators, power plants, shops and storage yards.
- (9) Lumber and building supply yards, providing that not more than 10% of the lot or tract is used for the open storage of products, materials or equipment.

E. Dimensional requirements:

- (1) Lot size: (See § 315-11.)
 - (a) Minimum lot area: 15,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (2) Setbacks and required yards for principal building: (See § 315-12.)
 - (a) Minimum front yard: 30 feet.
 - (b) Minimum side yard: six feet.
 - (c) Minimum rear yard: 25 feet.
 - (3) Setbacks and required yards for accessory building: (See § 315-14.)
 - (a) Side and rear yard setbacks are six feet for all accessory buildings.
 - (4) Maximum building height: (See § 315-13.)
 - (a) Principal building: 35 feet. (NOTE: A building may be erected to a height of 45 feet if the setback from all required yard lines is increased a distance of one foot for each foot of additional height above 35 feet.
 - (b) Accessory building: 20 feet.
- F. Visual screening requirement. When adjoining or abutting a residential district, a visual screening may be required. Such visual screening shall consist of a single row hedge planting or solid wooden fence not less than six feet in height.

§ 315-28. I-1 Light Industrial District.

- A. Purpose. This district is intended to provide for manufacturing, industrial and related uses of a limited nature and size in situations where such uses are not in basic industrial groupings and where the relative proximity to other uses requires more restrictive regulations.
- B. Permitted uses:
- (1) Manufacturing, assembly, fabrication and processing plants of a limited scope and not involving operational characteristics which would adversely affect surrounding uses or be basically incompatible with the surrounding environmental character and not more than 10% of the lot or tract is used for the open storage of products, materials or equipment. Such as, but not limited to, the following: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering of fats and oils and the vining of peas. Such as, but not limited to, articles made from previously prepared materials such as bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, wax, wire, yarns, and the like, musical instruments, toys, novelties, rubber or metal stamps and other small molded rubber products, fabrication and repair of electric or neon signs or other commercial advertising structures, light sheet metal products and the like; assembly and manufacture from prefabricated parts of household appliances, electronic products and similar products or the processing or assembling of parts for the production of finished equipment.
 - (2) Experimental, testing and research laboratories, not involving the keeping of animals or use of animal products or any significant degree of danger or undesirable operational characteristics.
 - (3) Printing and publishing houses and related activities.
 - (4) Toolmaking, cabinetry and repair shops.

- (5) General warehousing, and not involving more than 10% of the lot or tract is used for the open storage or products, materials or equipment.
- (6) Lumber and building supply yards, providing that not more than 10% of the lot or tract is used for the open storage of products, materials or equipment.
- (7) Automobile body repair shop, not including the storage of junked or wrecked automobiles and parts.
- (8) Signs in conformity with Article **VI** of this chapter.
- (9) Public utility distribution lines, including, but not limited to, electric, gas, water, television cable, and telephone distribution lines and other related accessories subject to approval by the Village Public Works Department.

C. Permitted accessory uses:

- (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
- (2) Off-street parking and loading facilities as required in Article **V** of this chapter.
- (3) Residential quarters for the resident operator, guard or caretaker.

D. Conditional uses:

- (1) Kennels and animal hospitals, laboratories using animal products.
- (2) Transportation terminals, including trucking.
- (3) Commercial service facilities intended primarily as a convenience for the industrial area such as restaurants, motels, gasoline service stations or similar uses.
- (4) Office buildings.
- (5) Transmission lines, antennas and towers, including, but not limited to, electric, gas, petroleum and telephone transmission lines, antennas and towers, whether installation is above or below ground, and other related accessories, substations, municipal water towers, pump houses, water and sewage treatment plants.

E. Dimensional requirements:

(1) Setbacks:

- (a) Minimum front yard: 25 feet.
- (b) Minimum side yard: 25 feet*; 50 feet* in aggregate.
- (c) Minimum rear yard: 25 feet*.

* When adjoining or abutting a residence district, will maintain a minimum setback of 50 feet and with a minimum fifteen-foot-wide, six-foot-high planting screen.

(2) Maximum building height:

- (a) Principal building: 60 feet.
- (b) Accessory building: 40 feet.

§ 315-29. I-2 Heavy Industrial District.

- A. Purpose. This district is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the I-1 District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as

stringent regulatory controls. Such districts should not normally abut directly upon residence districts.

B. Permitted uses:

- (1) Manufacturing, assembly, fabrication and processing plants.
- (2) Experimental, testing and research laboratories, not involving the keeping of animals or use of animal products or any significant degree of danger or undesirable operational characteristics.
- (3) Printing and publishing houses and relative activities.
- (4) Toolmaking, cabinetry and repair shops.
- (5) General warehousing.
- (6) Transportation terminals, including trucking.
- (7) Lumber and building supply yards.
- (8) Automobile body repair shops, not including the storage of junked or wrecked automobiles and parts.
- (9) Signs in conformity with Article **VI** of this chapter.
- (10) Public utility distribution lines, including, but not limited to, electric, gas, water, television cable, and telephone distribution lines and other related accessories subject to approval by the Village Public Works Department.

C. Permitted accessory uses:

- (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
- (2) Off-street parking, loading and service facilities, as required in Article **V** of this chapter.
- (3) Residential quarters for the resident operator, guard, or caretaker.

D. Conditional uses:

- (1) Manufacture of cement, lime, gypsum, plaster of paris, acid, explosives, fertilizers or glue.
- (2) Rendering plants, refineries or tanneries.
- (3) Stockyards or slaughterhouses.
- (4) Junk or salvage yards.
- (5) Storage of explosives except as incidental or a permitted use and storage of gasoline or petroleum in excess of 50,000 gallons.
- (6) Automobile body repair shops, including the storage of junked or wrecked automobiles and parts.
- (7) Animal hospitals, kennels or laboratories using animal products.
- (8) Any similar uses which in the opinion of the Planning Commission would be hazardous, noxious or offensive to the surrounding area.
- (9) Commercial service facilities intended primarily as a convenience for the industrial area, such as restaurants, motels, gasoline service stations or similar uses.
- (10) Transmission lines, antennas and towers, including, but not limited to, electric, gas, petroleum, and telephone transmission lines, antennas and towers, whether installation is above or below ground, and other related accessories, substations, municipal water towers, pump houses, water and sewage treatment plants.

E. Dimensional requirements:

(1) Setbacks:

- (a) Minimum front yard: 25 feet.
- (b) Minimum side yard: 25 feet*; 50 feet* in aggregate.
- (c) Minimum rear yard: 25 feet*.

* When adjoining or abutting a residence district, will maintain a minimum setback of 50 feet and with a minimum fifteen-foot wide, six-foot high planting screen.

(2) Maximum building height:

- (a) Principal building: 60 feet.
- (b) Accessory building: 50 feet.

§ 315-30. W Conservancy District.

A. Purpose.

- (1) The purpose of this district is to discourage development in natural areas with unique features, provide areas to ensure proper water conservation and flood control, and provide areas for outdoor recreation and forestry pursuits.
- (2) In addition to Conservancy Districts delineated on the Official Zoning Map as defined in § **315-20**, a Conservancy District is hereby established along "Lightning Creek," the boundaries thereof being 100 feet from the ordinary high-water mark of each side.

B. Permitted uses.

- (1) Management of forestry, wildlife and fish.

C. Conditional uses:

- (1) Parks and bicycle/hiking trails.
- (2) Power stations, transmission lines, water pumping and storage facilities.
- (3) Golf courses.

§ 315-31. Special regulations for mobile home parks.

A. Purpose. It is the intent and purpose of this section to regulate the placing of mobile homes of all types and varieties in the Village of Almena with regard to providing adequate standards to protect the public health, safety, morals, convenience and general welfare.

B. Occupancy. No mobile home as defined in this chapter shall be occupied or used for living or sleeping purposes unless it is located in an area that has been granted an appropriate permit by the Zoning Administrator in accordance with the procedures set forth in this section. Temporary mobile homes or recreational vehicles used on construction projects or in conjunction with carnivals and circuses may be permitted when approved by the Zoning Administrator.

C. Special regulations for mobile home parks. The following regulations shall apply to mobile home parks:

- (1) Purpose. The mobile home park, as defined in Article II is established:

- (a) To provide regulations and standards for the development of a safe, healthy and well-designed community for permanent mobile home living.
 - (b) To provide, in appropriately located areas within specific zoning districts, sites for mobile home living, developed at reasonable densities consistent with sound standards of public health and safety.
 - (c) To comply as much as possible with the objectives and purposes of each zoning district in which mobile home parks are located.
 - (d) To ensure adequate light, air, access and open space for each mobile living unit.
 - (e) To regulate the mobile home park such that it will complement the land use policy of the zoning district.
- (2) Placement. Mobile home parks may be permitted in the R-2 District in accordance with the provisions of this section.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (3) Administration.
- (a) Mobile home park applications. New mobile home parks, as herein defined, shall require a conditional use permit, issued in accordance with the provisions of this section. Applications for a conditional use permit shall contain the following information:
 - [1] Name and address of the applicant. If the owner of the land is other than the applicant, a duly verified statement by the owner that the applicant is authorized by him/her to construct the proposed park and make the application.
 - [2] Location and legal description of the proposed mobile home park.
 - [3] Existing easements and covenants affecting the property.
 - [4] Land characteristics, such as natural drainage, swamp areas and wooded areas.
 - [5] Development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities.
 - [6] Complete preliminary engineering plans and specifications of the proposed park showing, but not limited to, the following:
 - [a] The area and dimensions of the tract of land.
 - [b] The number, location and size of all mobile home lots and the location of common and recreational areas.
 - [c] The location and width of roadways and walkways.
 - [d] The location of the mobile home stands within the mobile home park, including a detailed sketch of at least one typical mobile home lot and stand therein.
 - [e] Plans and specifications of all utilities, including: sewage collection and disposal, stormwater drainage, water distribution and supply, solid waste storage and collection, lighting, electrical, telephone and TV antenna systems.
 - [f] The number, location and size of all individual and common parking areas.
 - [g] Landscaping plans for the entire park, including a planting plan for the buffer strip.
 - [h] Plans and specifications of all buildings to be located within the park.
 - [i] Written statements describing proposed park operations, management, and maintenance, including proposed fees and charges and rules to be established by the operator for conduct of persons within the park.

- [j] Such other plans and specifications and information as may reasonably be required by the Planning Commission or Village Board.

(b) Planning commission review and recommendations.

- [1] The Planning Commission shall review the conditional use permit application to determine its conformity with land development trends in the community and recognized principles of design, land use planning and landscape architecture.
- [2] The Planning Commission shall forward the conditional use permit application to the Village Board with a recommendation that it be:
 - [a] Approved;
 - [b] Approved with conditions;
 - [c] Approved with modifications;
 - [d] Disapproved.
- [3] This communication must be made within 60 days of receipt of the conditional use permit application.

(c) Determination of Village Board. After receipt of the recommendations of the Planning Commission, the Village Board shall make its determination regarding the conditional use permit.

- [1] Findings of fact. Within 30 days after the close of the public hearing in regards to the proposed conditional use permit, the Village Board shall approve, approve with conditions, approve with modifications, or disapprove the conditional use permit. For the Village Board to make an affirmative recommendation, it must find in each of the following instances that:
 - [a] The establishment of a proposed mobile home park will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
 - [b] The proposed mobile home park will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.
 - [c] The proposed mobile home park will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
 - [d] Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being, or will be provided.
 - [e] Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(4) Mobile home park requirements:

- (a) Park size. The minimum size of a mobile home park shall be five acres.
- (b) Density. The maximum density for mobile home parks shall be eight mobile home units or lots per gross acres.
- (c) Setbacks. No mobile home shall be located closer than 25 feet from any park property boundary line.
- (d) Drainage and landscaping. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner away from

the mobile home stand; all mobile home sites shall be sodded or seeded and the park shall be attractively landscaped in accordance with a plan submitted at the time of initial permit application.

- (e) Recreation areas. Each park shall contain a recreation area. A minimum of one-half acre of area for such use shall be provided for each 100 sites. The minimum area in a park shall be one-half acre.
- (f) Screening. All mobile home parks shall be provided with a screening of trees or shrubs along the property boundary line separating the park and such adjacent properties, except where the adjoining property is also a mobile home park. Within six months after issuance of the appropriate licenses and permits for the occupation of such mobile home park, the following plantings shall be established:
 - [1] A permanent planting of trees and shrubs so arranged and in sufficient numbers so as to form a solid wall of plant material. Such planting shall be a minimum height of two feet at the original time of planting and shall be grown or maintained at a height of not less than 10 feet, except where line of sight vision is necessary for pedestrian or vehicular traffic safety.
- (g) Permitted uses. The following uses are permitted within mobile home parks.
 - [1] Mobile home used for single family residential uses.
 - [2] One single-family dwelling per park for the owner, operator or caretaker thereof.
 - [3] Service buildings such as park offices, laundromats and recreational buildings, provided that such uses be subordinate to the residential character of the park and are intended for use primarily by park residents.
 - [4] Accessory structures such as storage sheds, porches and carports as approved by the park management. Accessory structures shall meet the minimum setback requirements prescribed for the basic mobile home unit.
 - [5] Home occupations as permitted in § 315-17 of this chapter.
- (h) Prohibited uses:
 - [1] Commercial sales of mobile homes, except that existing mobile homes on the site may be sold by the owner.
 - [2] Dependent mobile homes and recreational vehicles shall be prohibited from placement or occupancy within mobile home parks.
- (i) Access, street and parking requirements:
 - [1] General requirements. All mobile home stands shall be provided with safe, convenient access to public streets and roads. Such access shall be provided by private streets located within the park boundaries.
 - [2] Park entrances. Entrances to parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
 - [3] Interior streets:
 - [a] Paving requirements for interior streets shall adhere to locally applicable codes and shall meet the following width standards:
 - [b] 2-way street with parking on both sides: 32 feet.
 - [c] 2-way street with parking on one side: 25 feet.
 - [d] 2-way street with parking prohibited: 18 feet.

- [e] 1-way street with parking on one side: 22 feet.
- [f] 1-way street with parking prohibited: 14 feet.
- [g] Right-of-way width shall be at least 66 feet, unless the Village Board has specifically approved a lesser width, but shall in no case be less than 50 feet.

[4] Parking requirements:

- [a] A minimum of two improved parking spaces shall be provided for each mobile home, one of which will be on the mobile home site.
 - [b] An open, well-drained, dust free storage area for the parking of boats, trailers and outside vehicles shall be provided. The minimum size of such area shall be 100 square feet per mobile home site. The storage area shall be fenced to prevent access from outside the park.
 - [c] Walkways. Pedestrian walkways shall be provided in the area of the service buildings, along major streets, and other locations of anticipated heavy foot traffic. Walkways shall be a minimum of three feet wide and be dust free. In addition, each mobile home stand shall be provided with a walkway from the stand to the street or parking space.
- (j) Sanitary sewer requirements. Mobile home parks and each mobile home therein shall be connected to public sanitary sewage facilities.
- (k) Plumbing requirements. All plumbing within the park and within the mobile homes therein shall meet all applicable standards for the Wisconsin Administrative Code and any additional requirements of the Village Board.
- (l) Solid wastes. All solid wastes shall be stored, collected and disposed in compliance with Ch. SPS 326, Wis. Adm. Code.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (5) Mobile home site requirements. Each site for the placement of mobile homes shall be clearly staked or otherwise delineated and shall meet the following standards:
- (a) Minimum lot size. Individual lots within the mobile home park shall contain an area of not less than 5,000 square feet and shall have a minimum width, at the narrowest point, of 50 feet.
 - (b) Mobile home stand. A mobile home stand with minimum dimensions of 17 feet by 70 feet intended for the actual placement of the mobile home shall be provided on each mobile home site. The stand shall be hard surfaced with asphalt, concrete or similar material and provide adequate drainage and support against settling and frost heave. The mobile home stand shall be equipped with tie downs and anchors to secure the mobile home against winds.
 - (c) Required separation between mobile homes. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the mobile home shall, for purposes of the separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of one-fourth of the area of the lot and the complete unit, including all accessory structures, shall not occupy more than one-half of the area of the lot.
 - (d) Setback and buffer strips. Each mobile home shall be located at least five feet from any mobile home lot line. There shall be a minimum setback of the mobile home of 20 feet from the front, or main street side of the lot and of at least 10 feet from the rear of the lot. All mobile homes shall be located at least 25 feet from any park property boundary line.

(6) Miscellaneous requirements:

(a) Responsibility of the park management:

- [1] The person to whom a permit for a park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment, in good repair and in a clean and sanitary condition.
- [2] The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter and the Wisconsin Administrative Code. The appropriate provisions of this section and park rules adopted by the management shall be posted in an appropriate place within the premises.
- [3] The park management shall supervise the placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utilities.

(b) Responsibilities of the park occupants:

- [1] The park occupant shall comply with all applicable requirements of this chapter and shall maintain his/her mobile home, its facilities and equipment, in good repair and in a clean and sanitary condition.
- [2] The park occupant shall be responsible for proper placement of his/her mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- [3] Pets, if permitted in the park, shall be prevented from running at large or committing any nuisance within the limits of the park.
- [4] The park occupant shall store and dispose of rubbish and garbage in a clean, sanitary and safety manner.

§ 315-32. Portable storage shelters.

[Added 2-15-2018 by Ord. No. 2018-1]

A. Zoning districts. Portable storage shelters are limited to the following zoning districts as described:

- (1) I-1 and I-2 Industrial Districts: as a conditional use.
- (2) C-1 and C-2 Commercial/Business Districts: as a conditional use.
- (3) R-1 and R-2 Residence Districts: temporary placement pursuant to this section.
- (4) R-D Rural Development District: temporary placement pursuant to this section.
- (5) W Conservancy District: temporary placement pursuant to this section.

B. Permit required. A permit is required prior to placing any portable storage shelter outside on any property in the R-1, R-2, R-D and W Zoning Districts. A permit application shall be submitted to the Village, together with the applicable fee established by the Village Board.

- (1) A permit issued for the use of a portable storage shelter shall be valid only for the location for which the permit was issued.
- (2) Except for construction projects where work is ongoing and actively progressing, a permit shall be issued for not longer than 30 consecutive calendar days, unless an extension or an exemption has been granted.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

PORTABLE STORAGE SHELTER

Any shed, shelter, container, including but not limited to a tent, soft-sided garage, canopy-style shelter, single storage unit, cargo or shipping container, shed-like container any other portable structure, (other than a permanent accessory building as defined in this code), that can be or is used for the storage of property of any kind and which is located for such purposes outside an enclosed building.

D. Use, conditions.

- (1) No more than one portable storage shelter shall be on a property at any given time.
- (2) A portable storage shelter shall not be larger than 10 feet wide, 20 feet long and 10 feet high.
- (3) A portable storage shelter shall not remain on a property in excess of 30 consecutive calendar days and shall not be placed at any one property in excess of 60 days in a twelve-month period, except as described in Subsection **D(7)**.
- (4) A portable storage shelter shall not be placed closer than five feet to all property lines and five feet to the nearest wall of a building. The portable storage shelter shall not, at any time, be placed within 25 feet of any public right-of-way.
- (5) A portable storage shelter shall be placed on a hard surface such as asphalt, concrete, or compacted gravel. If no such location is available on the property, an alternate location shall be applied for and may be approved by the Village. The applicant shall describe, in writing, why the alternate location is required, where the container will be located, and explain that there will be no harm to the public health, safety and welfare.
- (6) The portable storage shelter shall only be delivered or picked up between the hours of 7:30 a.m. and 6:00 p.m., Monday through Saturday. No portable storage shelters shall be delivered on Sundays or federal holidays on which the Village Hall is closed.
- (7) Portable storage shelters for construction purposes are permitted during ongoing construction on a property for which a building permit has been issued and remains valid, and work is actively progressing. Such portable storage shelters must be removed from that property within seven calendar days of a final inspection or occupancy permit being issued pursuant to the building permit.
- (8) An extension to the time limit for placement of a portable storage shelter may be granted, provided that such extension shall not be more than 30 days and that no more than two extensions shall be granted in any given year.

E. Temporary exemptions. A limited exemption from the provisions of this section may be granted by the Village President and Public Works Director, or their appointed designees, upon a request submitted in writing substantiating a non-self-created hardship. If approved, such exemption shall be granted for a specified period of time. Requests for an additional limited exemption shall be made in the same manner as the original request. The Village Board may terminate any exemption for any reasonable cause.

F. Enforcement and penalties. Enforcement shall be by citation or any other lawful enforcement method. Penalties shall be as defined in the deposit schedule adopted by the Village Board in relation to enforcement by citation, and each day a violation exists is a separate violation.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Article V. Parking and Loading

§ 315-33. Purpose.

The purpose of this article is to promote public safety and welfare by reducing congestion on public streets and roads by requiring on each lot sufficient parking and loading space to accommodate the traffic generated by the use of the lot.

§ 315-34. Scope of these regulations.

The off-street parking and loading provisions of this chapter shall apply as follows:

- A. For all buildings and structures erected after the effective date of this chapter, accessory parking and loading shall be according to the provisions of this chapter.
- B. Where the intensity of the use of any building, structure or premise shall be increased, additional parking to match the increased intensity of use shall be provided.
- C. Wherever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use.
- D. Any existing parking and loading serving any type of use may not be reduced below the requirements of this chapter.

§ 315-35. General provisions.

- A. Minimum size regulations. Each parking space shall not be less than 180 square feet in area, 18 feet in length and 10 feet in width, exclusive of aisles and access drives.
- B. Access. Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- C. Computing requirements. In computing the number of spaces required, the following rules shall govern:
 - (1) "Floor space" shall mean the gross floor area of the specific use.
 - (2) Provision of parking stalls, shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that where it is found by the Planning Commission, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking after normal daytime business hours and a store generating demand for parking during such daytime hours, and in similar cases, the Planning Commission may reduce the total number of parking stalls to be jointly provided.
 - (3) Where parking spaces are calculated according to the number of employees, the number of employees on the main shift shall be used to compute the number of stalls required.
- D. Location of parking facilities. All parking spaces required herein shall be located on the same lot with the building or use served, except that where the number of spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed 300 feet from any building served.
- E. Screening. Any off-street parking area, other than that provided for single-family dwelling units, which abuts a single-family residential district, shall provide a planting screen, landscaped fence or wall at least four feet in height along the side abutting the single-family residential district.
- F. Lighting. Lights provided in any parking area shall be hooded or beamed so as not to create undesirable glare or illumination on adjacent residential property.
- G. Yards. Parking may be allowed in the required yards with the exception of the following:
 - (1) In any off-street parking area, which abuts a single-family residential district, no vehicles shall be allowed to park closer than 10 feet to the abutting lot line between the districts.

- (2) No parking shall be allowed within the first 15 feet of the required front yard in all residential districts and the conservancy district. No parking shall be allowed within the 10 feet of the required front yard in all commercial and industrial districts.

H. Surfacing. Any off-street parking area, other than that provided for single- and two-family dwelling units, having a capacity for more than four vehicles shall be hard surfaced.

§ 315-36. Parking space requirements.

In all districts, except the Central Business District, there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

Use	Parking Requirements
Animal hospitals	1 space per employee plus 4 additional spaces
Athletic fields, including softball fields, tennis courts, or similar uses	Parking space shall be provided in adequate number as determined by the Planning Commission to serve the public
Boardinghouses	1 space per bedroom
Bowling alleys	2 spaces per lane plus the requirements for connected commercial uses, such as eating or drinking establishments
Business, professional offices or bank	1 space per 200 square feet of floor area
Churches	1 space per 5 seats of the main assembly area
Elementary and junior high schools (if the school includes a public assembly facility, the public assembly facility requirements shall govern, if it is greater)	2 spaces per classroom
Funeral homes or mortuaries	20 per chapel, plus 1 space per vehicle kept on the premises
High schools (if the school includes a public assembly facility, the public assembly facility requirements shall govern, if it is greater)	1 space per 5 students plus 1 space per employee
Hospitals, convalescent and nursing homes and similar institutions	1 space per 4 beds plus 1 space per employee on the major shift
Hotels and motels	1 space per rental unit plus 1 space per employee on the major shift
Manufacturing and processing plants, warehouses, wholesale establishments, research laboratories and similar uses	1 space per employee on the major shift, plus 1 space per business vehicle normally kept on the premises
Medical and dental clinics	5 space per doctor
Multiple-family dwellings:	
Efficiency, 1- and 2 bedroom	1.5 spaces per dwelling unit
3 or more bedrooms	2 spaces per dwelling unit
Museums and libraries	1 space for each 200 square feet of floor area
Nursery schools, day nurseries and child-care centers	1 space for each 2 staff members, plus 1 space for each 10 children based on maximum occupancy load
Parks and playgrounds	Parking spaces shall be provided in adequate number as determined by the Planning

Use	Parking Requirements
	Commission to serve the public
Planned unit developments	Parking spaces shall be provided on the basis of the required space for each individual use
Private clubs, lodge halls	1 space for every 100 square feet of floor area
Public assembly facilities providing for seated audiences (theaters, auditoriums, gymnasiums, etc.)	1 space per 3 seats
Restaurants, taverns, nightclubs, etc.	1 space per 50 square feet of floor area or 1 space per 6 seats, whichever is greater
Retail and customer service establishments	1 space per 200 square feet of floor area
Single- and two-family dwellings	2 spaces per dwelling unit

§ 315-37. Uses not specified.

The parking space requirements for uses not listed in § 315-36 of this article shall be defined by the Planning Commission. Such determination shall be based upon the requirements for the most comparable use specified in § 315-36.

§ 315-38. Off-street loading.

- A. Required for occupancy. Loading and unloading facilities shall be provided prior to occupancy for every commercial or industrial building hereafter erected or altered and shall be maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this chapter.
- B. Planning Commission waiver. The Planning Commission may waive loading requirements dependent upon the character of the proposed use or the impracticality of adding loading docks to existing buildings. The Planning Commission may allow two or more uses to cooperatively provide off-street loading spaces, subject to the assurance of permanent availability.
- C. Site plan for off-street loading required. Detailed drawings of off-street loading facilities shall be submitted for approval by the Zoning Administrator. The Zoning Administrator may require structural and landscape features such as bumper guards, curbs, walls, fences, shrubs, ground cover, or hedges to further carry out the screening objectives of this code.
- D. Allocation of use. Space required and allocated for any off-street loading facility shall not, while so allocated, be used to satisfy the space requirements for off-street parking. An off-street loading space shall not be used for repairing or servicing of motor vehicles.
- E. Location of facility. All required loading facilities shall be related to the function of the building and use to be served and located so as not to interfere with access and driveways.
- F. Access driveways. Each required off-street loading space shall be designed for direct vehicular access by means of a driveway or driveways, to a public street; provided, however, that loading shall not be from the public right-of-way except in situations of existing commercial facilities in the Central Business District where no other opportunities for loading exist. Generally, where servicing is provided from a public right-of-way, the following principles shall be followed:
 - (1) Servicing should be provided from other than the principal entrance of the use or uses.
 - (2) Trucks shall be parked for loading or unloading purposes on other than the principal street serving the use, on side streets or alleys when available.

- G. Minimum size criteria. A required off-street loading space shall be at least 12 feet wide by at least 40 feet in length. The above area shall be exclusive of the maneuvering space, and each loading facility shall have a vertical clearance of at least 14 feet.
- H. Minimum space required:
- (1) Every building having over 5,000 square feet of gross floor area shall be provided with at least one truck loading space. The following minimum number of spaces shall be required:

Use	Gross Floor Area	Required Minimum Number of Spaces
Retail Establishments	Under 20,000 square feet	1
	20,000-50,000 square feet	2
	50,000-100,000 square feet	3
Printing, Publishing, Warehouses, Storage Establishments	Under 40,000 square feet	1
	40,000-100,000 square feet	2
Servicing, Cleaning, Repairing, Testing, or Manufacturing Establishments	Under 40,000 square feet	1
	40,000-100,000 square feet	2

- (2) All uses. One additional such loading space for each 100,000 square feet or major fraction thereof of gross floor area so used in excess of 100,000 square feet. When the determination of requirements results in a fractional space, any fraction of one-half or less shall be disregarded. Any fraction of more than 1/2 shall count as one loading space.
- I. In the case of any use which is not specifically mentioned in Subsection **H** above, the provisions for a similar use which is so mentioned shall apply. The Planning Commission shall make all such determinations.

§ 315-39. Recreational vehicles.

[Added 7-9-2019 by Ord. No. 2019-2]

In all residential and commercial districts provided for in this Zoning Code, it is permissible to park or store a recreational vehicle or boat and boat trailer on private property in the following manner:

- A. Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
- B. Parking is permitted outside in the side yard or rear yard provided it is not nearer than five feet to the lot line, except where written permission is obtained from the adjacent property.
- C. Parking is permitted outside on a hard-surfaced or well-drained gravel driveway, provided that:
- (1) Space is not available in the rear yard or side yard or there is no reasonable access to either the side yard or rear yard. A corner lot is always deemed to have reasonable access to the rear yard. A fence is not necessarily deemed to prevent reasonable access.
 - (2) Inside parking is not possible.
 - (3) The unit is parked perpendicular to the front curb.

- D. The body of the recreational vehicle or boat must be at least 15 feet from the face of any curb.
- E. No part of the unit may extend over the public sidewalk or public right-of-way.
- F. Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - (1) Used for dwelling purposes, except for overnight sleeping for a maximum of 14 days in any one calendar year. Cooking is not permitted at any time.
 - (2) Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - (3) Used for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
- G. Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- H. The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

Article VI. Sign Regulations

§ 315-40. Purpose.

- A. The purpose of this article is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display within the Village of Almena. This article recognizes the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community, and the need for adequate business identification, advertising, and communication.
- B. This chapter authorizes the use of signs visible from public rights-of-way, provided the signs are:
 - (1) Compatible with the zoning regulations.
 - (2) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
 - (3) Legible, readable and visible in the circumstances in which they are used.
 - (4) Respectful of the reasonable rights of other advertisers whose messages are displayed.

§ 315-41. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ABANDONED SIGN

A sign which no longer correctly advertises a bona fide business, lessee, owner, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.

AREA OF COPY

The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement, or decoration of a wall sign.

AREA OF SIGN

The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists

of more than one section or module, all areas will be totaled. Any irregularly shaped sign area shall be computed using the actual sign-face surface. In the case of wall signs, the area of copy will be used.

BILLBOARD

See "off-premises signs."

CHANGEABLE MESSAGE SIGN

A sign such as an electronically controlled time and temperature sign, message center or reader board where copy changes.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

COPY AREA

The geometric area in square feet that encloses the actual copy of the sign.

DIRECTIONAL SIGN

Any sign which serves to designate the location or direction of any place or area. This includes, but is not limited to, such signs as those identifying rest rooms, telephone, parking areas, entrances and exits.

ELECTRIC SIGN

Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.

FLASHING SIGN

Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source, not including changeable message signs.

FRONTAGE

The length of the property line of any one premises parallel to and along each public right-of-way it borders.

GRADE

The elevation or level of the street closest to the sign to which reference is made, measured at the street's center line.

GROSS AREA

The area of a sign is determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for "area of copy" apply.

GROUND SIGN

A sign erected on one or more freestanding supports or uprights and not attached to any building.

HEIGHT OF SIGN

The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

ILLUMINATED SIGN

A sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

INTEGRATED SHOPPING CENTER

A shopping center in single ownership or under unified control, and containing three or more separate businesses.

LEGAL NONCONFORMING SIGN

A nonconforming sign that did meet regulations when it was originally installed.

NONCONFORMING SIGN

A sign that does not meet code regulations.

OFF-PREMISES SIGN

A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.

ON-PREMISES SIGN

Any sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained.

PORTABLE SIGN

Any sign not permanently attached to the ground or a building.

SIGN

Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or nonilluminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

SIGN CONTRACTOR

Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business which the sign advertises.

SIGN STRUCTURE

Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.

SWINGING SIGN

A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

WALL SIGN

A sign attached to the wall of a building with the face in a parallel plane to the plane of the building wall. This includes signs painted directly on a wall.

WINDOW SIGN

A sign affixed to, in contact with, painted upon, or placed within a window, for the purpose of viewing from outside the premises; such sign must be placed only on the interior of any window unless painted directly upon it. This does not include merchandise located in a window.

ZONING LOT

A parcel of land considered or treated as a single unit. A zoning lot may or may not correspond with a lot of record.

§ 315-42. Permit applications, issuance and denial; appeals; indemnification; insurance[penalties.

- A. Permits required. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Village of Almena without first obtaining a sign permit for each such sign from the Zoning Administrator as required by this section. Permits shall not be required for a change of copy of any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.

- B. Application for permit. Application for a permit shall be filed with the Village Clerk upon forms provided by the Village Clerk and shall contain the following information:
- (1) The name, address and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor of the proposed sign.
 - (2) Clear and legible drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with location, setbacks, size, and types of existing signs on the premises where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.
 - (3) Evidence of liability, insurance policy or bond as required by § **315-42F**.
 - (4) Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the Village of Almena.
 - (5) Signature of the applicant.
- C. Permit issuance and denial. The Zoning Administrator shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the Village of Almena when the permit application is properly made and the sign complies with the appropriate laws and regulations of the Village of Almena. If the sign permit is denied by the Zoning Administrator, he/she shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.
- D. Sign permit appeal:
- (1) In the event any of the requirements herein contained cause undue or unnecessary hardship on any person, firm or corporation, a variance from requirements may be applied for to the Board of Appeals. An application for variance must be made within 10 days after receipt of notice that the sign involved does not conform to the ordinance and not less than 45 calendar days before a scheduled Board of Appeals meeting. In the event that the appeal is not made in writing to the Appeals Board within such ten-day period, a variance may not be granted. The Board of Appeals is to take action on any variance request within 60 days of receipt of the variance application. The Zoning Administrator shall comply with and enforce the Zoning Board of Appeals decision.
 - (2) The Zoning Administrator's failure to either formally grant or deny a sign permit within 15 days of the date an application meeting the requirements of this chapter is filed shall be cause for appeal to the Zoning Board of Appeals.
- E. Indemnification for sign installation and maintenance. All persons engaged in the business of installing or maintaining signs which involves in whole or in part, the erection, alteration, relocation, maintenance of a sign or other sign work in, over, or immediately adjacent to a public right-of-way or public property used or encroached upon by the sign contractor, shall agree to hold harmless and indemnify the Village of Almena, its officers, agents, employees, from any and all claims of negligence resulting from the erection, alteration, relocation, maintenance of this sign or any other sign work insofar as this chapter has not specifically directed the placement of the sign.
- F. Insurance. Every sign contractor shall file with the Zoning Administrator a certificate of insurance indicating the applicant holds a public liability and property damage policy specifically to include the hold harmless clause with bodily injury limits of at least \$300,000 per occurrence, and \$300,000 aggregate, and property damage insurance of at least \$100,000 per occurrence, and \$100,000 aggregate. Such insurance shall not be canceled or reduced without the insured first giving 30 days' notice in writing to the Village of Almena of such cancellation or reduction.
- G. Penalties. Violation or failure to comply with the provisions of this chapter shall be and hereby is declared to be unlawful.

- (1) Any sign erected, altered, moved or structurally modified without a permit or altered with a permit, but in violation with the provisions of this chapter, shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the Zoning Administrator. If the violation is failure to obtain a permit, a permit fee shall be required and the permit fee shall be five times normal fees. In the event that the owner does not remove or bring into compliance, the Zoning Administrator may order removal, the expenses of which will be assessed to the tax roll of the property on which the noncomplying sign is located.
- (2) This section shall not preclude the Village of Almena from maintaining any appropriate action to prevent or remove a violation of this chapter.

§ 315-43. Legal nonconforming signs.

- A. Notification of nonconformance. Upon determination that a sign is nonconforming, the Zoning Administrator shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
 - (1) The sign's nonconformity.
 - (2) Whether the sign is eligible for characterization as a legal nonconforming or is unlawful.
- B. Signs eligible for characterization as legal nonconforming. Any sign located within the Village of Almena's Village limits as of the date of adoption of this chapter, or located in an area annexed to the Village of Almena hereafter, which does not conform with the provisions of this chapter is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets the following requirements:
 - (1) The sign was covered by a proper sign permit prior to the date of adoption of this chapter.
 - (2) If no permit was required under applicable law for the sign in question and the sign was in all respects in compliance with applicable law on the date of adoption of this chapter.
- C. Loss of legal nonconforming status. A sign loses its nonconforming status if one or more of the following occurs:
 - (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this chapter than it was before alteration.
 - (2) The sign is relocated.
 - (3) The sign fails to conform to the ordinance regarding maintenance and repair, abandonment, or dangerous or defective signs.
 - (4) The sign is destroyed by any means to the extent of more than 50% of its fair market value.
 - (5) On the date of occurrence of any of the above, the sign shall be immediately brought into compliance with this chapter.
- D. Legal nonconforming sign maintenance and repair. Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs.

§ 315-44. Removal and disposition of signs.

- A. Maintenance and repair.
 - (1) Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including

replacement of defective parts, painting (except when a weathered or natural surface is intended), repairing, cleaning and other acts required for the maintenance of said sign.

- (2) The Zoning Administrator shall require compliance with all standards of this chapter. If the sign is not modified to comply with safety standards outlined in this chapter, the Zoning Administrator shall require its removal in accordance with this section.

- B. Abandoned signs. All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertises is no longer conducted or, for an off-premises sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 60 days' written notice to remove said sign. Upon failure to comply with this notice, the Village of Almena may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.
- C. Deteriorated or dilapidated signs. The Zoning Administrator shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.0413(1)(f), Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 315-45. Administrative and Enforcement Officer.

- A. Zoning Administrator. The Zoning Administrator is hereby designated as the Administrative and Enforcement Officer for the provisions of this section. The Zoning Administrator shall examine all applications for permits for the erection of signs, issue permits and denials, authorize the continued use of signs which conform with the requirements of this code, record and file all applications for permits with any accompanying plans and documents, make inspections of signs in the Village of Almena and make such reports as the Village may require.

§ 315-46. Prohibited signs.

The following signs shall be prohibited within the Village of Almena:

- A. Abandoned signs.
- B. Flashing or moving signs. Flashing signs are prohibited. Changeable message signs and movie theater marquees are not subject to this restriction. Signs with physically moving components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than seven revolutions per minute.
- C. Swinging signs.
- D. Floodlighted and illuminated signs. Signs may be floodlighted or illuminated, subject to the following restrictions:
- (1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public-right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
 - (2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property and which are of such intensity or brilliance as to cause a public nuisance are prohibited.
 - (3) No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.
- E. Unclassified signs. The following signs are prohibited which:
- (1) Bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.

- (2) Signs which are an imitation of, or resemble in shape, size, copy or color an official traffic sign or signal.

§ 315-47. Signs not requiring a permit.

- A. Construction signs. Two construction signs per construction site, not exceeding 100 square feet in area each, shall be confined to the site of construction, and shall be removed 30 days after completion of construction or prior to occupancy, whichever is sooner.
- B. Directional and instructional nonelectric signs. Directional and instructional nonelectric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying rest rooms, telephone, parking areas, entrances and exits.
- C. Nonilluminated emblems. Nonilluminated emblems or insignia of any nation or political subdivision, profit or nonprofit organization.
- D. Government signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service safety which are erected by or on the order of a public officer in the performance of his/her public duty.
- E. Home occupation signs. Signs associated with a home occupation as defined in the Zoning Ordinance, provided such signs are nonilluminated signs that do not exceed two square feet in area. One sign per home occupation is allowed.
- F. House numbers and name plates. Name plates not exceeding one square foot in area for each residential building. House numbers not exceeding one foot in height. Written house numbers not exceeding one foot in height. Letters, when used to identify individual multiple-family dwelling units, not to exceed one foot in height.
- G. Interior signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications of this chapter.
- H. Memorial signs and plaques. Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four square feet in area.
- I. No trespassing or no dumping signs. No trespassing and no dumping signs not to exceed 1 1/2 square feet in area per sign.
- J. Public notices. Official notices posted by public officers or employers in the performance of their duties.
- K. Public signs. Signs required as specifically authorized for a public purpose by any law, statute, ordinance.
- L. Political and campaign signs. Political and campaign signs on behalf of candidates for public office or measures on election ballots, provided that said signs are subject to the following regulations:
 - (1) Said signs may be erected no earlier than 60 days prior to the election and shall be removed within seven days following said election.
 - (2) Each sign, except billboards, shall not exceed 16 square feet in nonresidential zoning districts and eight feet in residential zoning districts.
 - (3) No sign shall be located within 15 feet of the public right-of-way at a street intersection nor over the right-of-way.

(4) Political and campaign signs shall not be attached to public signs or utility poles.

- M. Real estate signs. One real estate sales sign on any lot per parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.
- (1) In residential districts and the Central Business District, such signs shall not exceed eight square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.
 - (2) In all other districts, such signs shall not exceed 32 square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.
 - (3) Shoreland property. Two real estate signs are permitted allowing one sign adjacent to the ordinary high water mark and one sign adjacent to the street.
- N. On-premises symbols or insignia. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.
- O. On-premises temporary signs. Temporary signs not exceeding four square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided such signs are posted not more than 30 days before said event and removed within 15 days after the event.
- P. Vehicular signs. Truck, bus, trailer or other vehicles, while operating in the normal course of business, which is not primarily the display of signs.
- Q. Interior window signs. Permanent signs located within the interior of any building or structure which are visible from the public right-of-way, provided the gross area of the sign does not exceed four square feet. (See § 315-49E.) This does not include temporary advertising, special event, or sales types of signs.

§ 315-48. Construction specifications.

- A. Every sign or advertising structure hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number and the voltage of any electrical apparatus used in connection therewith.
- B. All signs shall comply with the provisions of the Village of Almena Zoning Ordinance, the current National Electrical Code and the additional construction standards hereinafter set forth.
- C. All ground sign structure shall be self-supporting structures and permanently attached to sufficient foundations.
- D. Electrical service to ground signs shall be concealed wherever possible.
- E. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- F. Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from the public view to the extent technically feasible.

§ 315-49. General design requirements.

- A. A ground sign, any part of which is closer than 15 feet to the right-of-way, shall have a minimum vertical distance of 10 feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than four feet in height.
- B. Any overhead sign location that is accessible to vehicles shall have a minimum vertical clearance of 16 feet.

- C. No sign facing a residential district shall be closer than 25 feet to that district line.
- D. Wall signs placed against the exterior walls of buildings shall not extend more than 16 inches outside of a building's wall surface.
- E. The gross area of permanent window signs shall not exceed 50% of the gross window area.

§ 315-50. Special signs.

- A. Subdivision development signs (temporary). The Zoning Administrator may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following restrictions:
 - (1) Such permits may be issued for a period of not more than one year and may be reviewed for additional periods of up to one year and upon written application at least 30 days prior to its expiration.
 - (2) The sign must be located on the property being developed and must comply with all applicable building setback requirements.
 - (3) The sign may not exceed 80 square feet.
 - (4) One sign is allowed for each major street adjacent to the subdivision.
- B. Subdivision/apartment identification signs. The Zoning Administrator may issue a special permit for a permanent identification sign for a real estate development or apartment identification, subject to the following restrictions:
 - (1) The sign shall not exceed 32 square feet in surface area on each side.
 - (2) The sign must be located on the property.
 - (3) The sign must be constructed of lasting materials with the background in earth tone colors and be maintained by the owner, the landowners' or tenants' association, or any other entity permanently associated with the development or apartment complex.
- C. Banners and pennants. Banners and pennants shall not be used on a permanent basis, except with Village approval. They may be permitted as special promotion in a commercial or industrial zone without Village approval for a total period not to exceed 30 days and will be allowed in residential zones in conjunction with an open house or model home demonstration for up to five days before the opening of such a demonstration or five days after and not to exceed a total period of 30 days.
- D. Portable signs.
 - (1) Permit. Any person wishing to place a portable sign on his/her premises or the premises of another shall first obtain a permit from the Zoning Administrator. Permits shall be issued for a period not to exceed 60 days in any calendar year. Any sign remaining on the premises for more than 60 days in any calendar year shall be deemed to be a permanent sign and shall meet all requirements for a permanent sign.
 - (2) Size. No portable sign shall exceed 32 square feet and no portable sign shall be over seven feet in height from grade level.
 - (3) Setback. All portable signs shall have a minimum setback from the front property line of 10 feet or an additional setback as deemed necessary by the Zoning Administrator for the safe flow of vehicle or pedestrian traffic.
- E. Off-premises signs. Off-premises signs are permitted in the C-2, I-1 and I-2 Zoning Districts, subject to the following provisions:

- (1) Spacing. Off-premises signs on the same side of the street shall not be placed closer together than 300 feet.
 - (2) Size restriction. The maximum size allowed for an off-premises sign is 200 square feet.
 - (3) Height restriction. No off-premises sign shall exceed 25 feet in height.
 - (4) Length. No off-premises sign shall exceed 25 feet in length.
 - (5) Setbacks. No part of an off-premises sign shall be closer to the street than the building setback lines of the district in which it is located.
 - (6) Exclusionary areas. No off-premises sign shall be erected within 150 feet of a residential or conservancy district or public park.
- F. Integrated shopping center. For integrated shopping centers in single ownership or under unified control and containing several businesses, the following regulations shall apply:
- (1) Each business or office shall be eligible for one attached sign. The area of such sign shall not exceed, in square feet, two times the lineal front footage of the business or office.
 - (2) One ground sign for shopping center identification with the height limitation of 30 feet is permitted. If the shopping center is on a corner, either one corner sign or two signs, one on each street is permitted. If two signs are installed they must be placed at least 200 feet from the lot corner at the intersection. The area of such sign shall not exceed, in square footage, the lineal front footage of the lot or 200 square feet, whichever is less. No sign shall be closer than 10 feet to a property line unless the adjacent property is a residential district, in which case the sign shall be set back 25 feet.

§ 315-51. District regulations.

The following signs are allowable, providing a permit is acquired from the Zoning Administrator.

- A. Residential (R-1, R-2) Districts. No signs allowed except for those provided in §§ **315-47** and **315-50B**.
- B. Central Business District (C-1). In the C-1 District, signs shall be regulated as follows:
 - (1) Permitted signs. Wall, window, ground and directional signs.
 - (2) Area. The gross area in square feet of all signs shall not exceed four times the lineal front footage of the zoning lot; however, the gross surface area of all illuminated signs shall not exceed two times the lineal front footage of the zoning lot.
 - (3) Ground signs. The area of a ground sign shall not exceed 75 square feet. One on-premises ground sign shall be permitted for each street frontage of the zoning lot. No ground sign shall project higher than 25 feet above grade.
 - (4) Off-premises signs. Off-premises signs shall be prohibited in the Central Business District.
- C. General Commercial District (C-2): In the C-2 District, signs shall be regulated as follows:
 - (1) Permitted signs. Wall, window, ground and direction signs and one off-premises sign.
 - (2) Area. The gross area in square feet of all signs shall not exceed four times the lineal front footage of the zoning lot; however, the gross surface area of all illuminated signs shall not exceed two times the lineal front footage of the zoning lot.
 - (3) Ground signs. The area of a ground sign shall not exceed 100 square feet in gross area except as provided under § **315-50E** of this chapter. One on-premises ground sign shall be permitted

for each street frontage of the zoning lot. The sign shall not be higher than 25 feet above grade.

- (4) Off-premises signs. Off-premises signs shall be permitted in conformance with § **315-50D** of this chapter.

D. Light Industrial (I-1) and Heavy Industrial (I-2) Districts. In the I-1 and I-2 Districts, signs shall be regulated as follows:

- (1) Permitted signs. Wall, window, directional and ground signs and one off-premises sign.
- (2) Area. The gross area in square feet of all signs shall not exceed four times the lineal front footage of the zoning lot; however, the gross surface area of all illuminated signs shall not exceed two times the lineal front footage of the zoning lot.
- (3) Ground signs. The area of a ground sign shall not exceed 200 square feet in gross area. One on-premises ground sign shall be permitted for each street frontage on the zoning lot. No ground sign shall project higher than 25 feet above grade.
- (4) Off-premises signs. Off-premises signs shall be permitted in conformance with § **315-50D** of this chapter.

Article VII. Board of Appeals

§ 315-52. Establishment.

Pursuant to the provisions of § 62.23(7)(e), Wis. Stats., there is hereby established a Board of Appeals for the Village of Almena for the purpose of hearing appeals and applications and granting variances and exception to the provisions of this chapter in harmony with the purpose and intent of this chapter.

§ 315-53. Membership.

- A. The Board of Appeals shall consist of five members appointed by the Village President and approved by the Village Board.
- B. Terms shall be for staggered three-year periods, except that of those first appointed, one shall serve for one year, two for two years, and two for three years.
- C. Two alternate members may be appointed by the Village President for a term of three years and shall act only when a regular member is absent or refuses to vote because of conflict of interest. Annually, the Village President shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act with full power only when a member of the Board of Appeals refuses to vote because of conflict of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board of Appeals refuses or is absent.
- D. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

§ 315-54. General rules.

- A. The members of the Board of Appeals shall serve without compensation.
- B. Members shall be removable by the Village President for cause upon written charges and after public hearing.

- C. The Village President shall designate one of the members as Chairperson and the Board of Appeals may designate such other officers and employ such employees as it feels necessary with the approval of the Village Board.
- D. The Board of Appeals shall adopt rules governing its procedure consistent with the terms of this chapter.
- E. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
- F. The Board of Appeals 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 action, all of which shall be immediately filed in the office of the Village Clerk and shall be a public record.

§ 315-55. Powers.

The Board of Appeals shall have the following powers.

- A. Errors. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Zoning Administrator.
- B. Variances. To hear and authorize appeals for variances where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured.
- C. Interpretations. To hear and decide applications for interpretations of the zoning regulations and the location of the boundaries of the zoning districts.
- D. Permits. The Board may reverse, affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.
- E. Assistance. The Board may request assistance from other Village officers, departments, commissions and boards.
- F. Oaths. The Chairperson may administer oaths and compel the attendance of witnesses.

§ 315-56. Appeals and applications.

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by the decision of the Zoning Administrator. Such appeals shall be filed in the office of the Village Clerk within 90 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure or land to be affected at any time and shall be filed in the office of the Village Clerk. Such appeals and applications shall include the following:

- A. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of survey prepared by a professional land surveyor of the State of Wisconsin or other map drawn to scale and approved by the Zoning Administrator showing the location, boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and

driveways; existing highway access restrictions; floodplain boundaries; and existing and proposed street, side and rear yards.

- C. Additional information as may be required by the Village Planning Commission or Zoning Administrator.
- D. All applications shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing.

§ 315-57. Hearings.

The Board of Appeals shall fix a reasonable time and place for the hearing, publish a Class 2 notice under Ch. 985, Wis. Stats., and shall give due notice to the parties of interest, the Zoning Administrator, and the Village Planning Commission. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

§ 315-58. Findings.

No variance to the provisions of this chapter shall be granted by the Board of Appeals unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. Preservation of intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use or conditional use in that particular district.
- B. Exceptional circumstances. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- C. Economic hardship and self-imposed hardship not grounds for variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- D. Preservation of property rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- E. Absence of detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

§ 315-59. Decision.

- A. Action upon receipt of appeal. Upon receipt of an appeal, the Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken and the appeal application.
- B. Hearing within 45 days of filing. Each appeal shall be heard within 45 days from the time of filing and public notice of such hearing shall be given as provided by § 315-57.
- C. Decision within 30 days of hearing. The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator as provided for in Subsection E below.

- D. Decisions of the Board. The concurring vote of four members of the Board of Appeals 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 chapter or to affect any variation therefrom.
- E. Form of decision. The final disposition of an appeal or requested variance shall be in the form of a written decision or order stated in the minutes. Such decision shall state the reasons for the Board's determination and its findings of fact and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny the application for a variance.
- F. Conditions. The Board of Appeals may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to any which may be stipulated in this chapter, as the Board may deem necessary for the protection of adjacent properties and the public interest and welfare.

§ 315-60. Review by court of record.

Any person or persons aggrieved by any decision of the Board of Appeals or any taxpayers or any officer, department, board or bureau of the municipality, may appeal from a decision of the Board of Appeals within 30 days after the filing of the decision in the office of the Board of Appeals in the manner provided in § 62.23(7)(e), Wis. Stats.

Article VIII. Changes and Amendments

§ 315-61. Authority.

Pursuant to the provisions of § 62.23(7), Wis. Stats., whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto.

§ 315-62. Initiation.

A change or amendment may be initiated by the Village Board, Village Planning Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

§ 315-63. Petitions.

- A. All petitions for a change, amendment or supplement of the established zoning districts and regulations connected therewith shall be filed by the person requesting such action on forms furnished by the Village Clerk. The person requesting such action shall provide all information requested on the petition including:
 - (1) Name and street address of the petitioner.
 - (2) The lot number of any real estate owned by the petitioner adjacent to the area proposed to be changed.
 - (3) Legal description of the property to be altered.
 - (4) The existing use of all buildings on such land.
 - (5) The principal use of all properties within 300 feet of such land.

- (6) Purpose for which such property is to be used.
 - (7) Reciting of facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this chapter.
 - (8) Names and addresses of all surrounding property owners within 150 feet of the property to be altered.
 - (9) Plat plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures and property lines within 250 feet of the parcel.
 - (10) Any further information requested on the petition or which may be required by the Planning Commission to facilitate the making of a comprehensive report to the Village Board. Failure to supply such information shall be grounds for dismissal of the petition.
- B. A petition for change or amendment submitted by a private property owner shall be filed with the Village Clerk and shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing.

§ 315-64. Planning Commission review and recommendation.

- A. The Village Clerk shall transmit the petition to the Planning Commission.
- B. The Village Planning Commission shall conduct a study and investigation of all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made within 60 days from which the petition is first received and shall be made in writing to the Village Board.
- C. The Village Clerk shall provide due notice of the Planning Commission meeting to the applicant and owners of record of properties which are located within 150 feet of the parcel involved in the application.

§ 315-65. Hearing.

The Village Board shall hold a public hearing upon each proposed change or amendment recommended by the Village Planning Commission, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice under Ch. 985, Wis. Stats., to include a location sketch. The Village Board shall also give at least 10 days' prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

§ 315-66. Village Board action.

Following such hearing and after careful consideration of the Village Planning Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.

[1]

- [1] *Editor's Note: Original Ch. 18, § 8.07, Protest, of the former Village Code, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II)].*

Article IX. Administration

§ 315-67. Zoning Administrator designation.

The Village Zoning Administrator is hereby designated as the Administrative and Enforcement Officer for the provisions of this chapter. The duty of the Zoning Administrator shall be to interpret and administer

this chapter and to issue, after on-site inspection, all permits required by this chapter. The Zoning Administrator shall further:

- A. Keep an accurate record of all permits, numbered in the order of issuance, in a record book for this purpose.
- B. Initiate, direct and review, from time to time, a study of the provisions of this chapter, and make reports of the recommendations to the Planning Commission for investigation and appropriate action.
- C. Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this chapter, such revocation to be in effect until reinstated by the Administrator or the Board of Appeals, or take any other action as directed by the Village Board to ensure compliance with or to prevent violation of its provisions.
- D. Inspect all structures, lands, and waters as often as necessary to assure compliance with this chapter.
- E. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him/her. (See § 315-74.)
- F. Assist the Village Attorney in the prosecution of ordinance violations. (See § 315-74.)
- G. Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this chapter. If, however, he/she is refused entry after presentation of his/her identification, he/she may procure a special inspection warrant in accordance with § 66.0119 of the Wisconsin Statutes.
- H. Prohibit the use or erection of any structure, land, or water until he/she has inspected and approved such use or erection.
- I. Request assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.

§ 315-68. Building permit.

- A. No building or structure above or below the ground shall be erected, structurally altered, or relocated within the Village until a building permit has been issued by the Zoning Administrator certifying that such building would be in compliance with the provisions of this chapter and Chapter 113, Building Construction, of the Municipal Code of the Village of Almena.
- B. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Ch. SPS 385, Wis. Adm. Code.

§ 315-69. Planning Commission.

The Village Planning Commission shall have the duties of making reports and recommendations relating to the plan and development of the Village to public officials, agencies, public utility companies, civic, educational, professional and other organizations, and citizens. The Commission, its members and employees, in performance of its functions, may enter upon any land and make examinations and surveys. In general, the Planning Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

§ 315-70. Conditional use permit.

A. Purpose.

- (1) The formulation and enactment of a comprehensive zoning ordinance is based on the division of the entire Village into districts in each of which are permitted specified uses that are mutually compatible.
- (2) In addition to such permitted compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district, but which because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this chapter as "conditional uses."
- (3) Conditional uses may be permitted in the district in which listed upon petition for such grant to the Village Board and subject to the approval of the Board and to such other conditions as hereinafter designated.

B. Application for conditional use permit.

- (1) A request for conditional use grant shall be submitted in writing to the Village Clerk by the person requesting such action on forms furnished by the Village Clerk. The persons requesting such action shall provide all information requested on the application/petition including:
 - (a) Names and address of the applicant, owner of the site, architect, professional engineer, contractor, when engaged, and all opposite and abutting property owners of record.
 - (b) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (c) A map drawn to scale showing the location, property boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side and rear yards; and areas subject to inundation by floodwaters.
 - (d) Purpose of which the conditional use permit is requested.
 - (e) Reciting of facts indicating that the proposed use will not be detrimental to the general public interest, the purposes of this chapter and the general area in which it is located.
 - (f) Drainage and sewage disposal plans.
 - (g) Architecture and landscape treatment.
 - (h) Planting screen and operational control devices plan, where necessary, to eliminate noise, dust, odor, smoke, or other objectionable operating conditions.
 - (i) Any further information requested on the application/petition which may be required by the Planning Commission to render its decision.
- (2) Failure to supply such information shall be grounds for dismissal of the application/petition.

C. Planning Commission review and recommendation:

- (1) The Village Clerk shall transit the petition to the Planning Commission.
- (2) The Village Planning Commission shall conduct a study and investigation of all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made within 60 days from which the petition is first received and shall be made in writing to the Village Board.

- D. Hearings. The Village Board shall hold a public hearing upon each proposed change or amendment recommended by the Village Planning Commission, giving notice of the time, place and change or amendment proposed by publication of a Class 2 notice under Ch. 985, Wis. Stats.
- E. Review and decision. Within 30 days following the public hearing and any necessary study and investigation, the Village Board shall, so soon as practical, render its decision in writing and a copy made a permanent part of the Board's records. Such decisions shall include an accurate description of the conditional use permitted of the property on which permitted, and any and all conditions made applicable thereto, or if disapproved shall indicate the reasons for disapproval.
- F. Standards for conditional use permit approval. The Planning Commission and Village Board shall apply the following general standards when reviewing, recommending and approving or disapproving a conditional use permit:
 - (1) No grant of a special exception shall violate the spirit or intent of this chapter.
 - (2) No special exception shall be allowed which could be contrary to the public health, safety or general welfare, or which would be substantially adverse to property value in the neighborhood affected.
 - (3) No use shall be permitted by special exception that would constitute a nuisance by reason of noise, dust, smoke, odor or other similar factors.
 - (4) The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted.
 - (5) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 - (6) Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- G. Authority to impose conditions. The Planning Commission and the Village Board may make the granting of an application for a conditional use permit contingent upon such express conditions as it considers necessary to further the aims of this chapter and to achieve the standards of Subsection **F** above. The applicant must agree to the conditions prior to the approval of a conditional use permit. These conditions may include, but are not limited to, specifications of:
 - (1) The period of time in which all or part of the use may be permitted.
 - (2) Setback and yard dimensions.
 - (3) Specified sewage disposal and water supply facilities.
 - (4) Landscaping and planting screens.
 - (5) Operational controls.
 - (6) Sureties.
 - (7) Deed restrictions.
 - (8) Location of structures, docks, piers or signs.
 - (9) Location and amount of parking facilities.
 - (10) Type of construction.
 - (11) Type of shore cover.
 - (12) Sign and lighting limitations.
 - (13) Number of employees.

- H. When a conditional use permit is approved, the building permit shall be appropriately noted and such permit shall be applicable solely to the structures, use and property so described. Indication of such permit shall also be made on the Zoning District Map by appropriate symbol.
- I. Except as may be specifically otherwise provided, any use shall conform to the building location, height, lot size and open space regulations of the district in which it is located.
- J. Lapse of conditional use permit. A conditional use permit shall lapse and become void one year after passage by the Village Board unless the conditional use is fully established or a building permit has been issued and/or construction has commenced and is being pursued diligently according to the requirements of the permit. A conditional use permit may be renewed for an additional period of one year by application to and approval of the Village Board.
- K. Automatic termination of conditional use permit. In the event the use for which the permit was granted shall cease or be abandoned for a period of one continuous year, the conditional use permit granted herein shall automatically cease.
- L. Revocation of conditional use permit. If, in the opinion of the Village Board, the terms of a conditional use permit have been violated, or that the use is substantially detrimental to persons of property in the neighborhood, the Village Board shall, following notice to all parties, hold a public hearing on the revocation of the permit. If, upon finding of fact that the terms of the permit have been violated, the Village Board may revoke, modify or leave the permit unchanged. The Village Board may thereafter direct the Village Attorney to secure such additional court orders as are necessary to implement its action.
- M. All conditional use petitions shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing, as provided for in § 315-71.

§ 315-71. Permit fees.

All persons, firms, or corporations performing work which by this chapter requires the issuance of a permit shall pay a fee for such permit to the Village Clerk to help defray the cost of administration, investigation, advertising and processing of permits and variances. The fee for permits shall be in accordance with the fee schedule established by the Village Board and presented as a separate attachment in support of these regulations.

§ 315-72. Public hearings.

In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this chapter in the manner hereinafter defined or as may be otherwise specifically designated elsewhere in this chapter.

- A. The notice to be given concerning any appeals or variances, conditional use permits, or changes and amendments of this chapter shall be given by publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and by giving due notice of the hearing to all parties in interest.
 - (1) Due notice to parties in interest shall mean that the Village Clerk will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant and to owners of record of properties which are located within 100 feet of the parcel involved in the application (1,000 feet in the case of changes and amendments to the zoning districts and regulations). In addition, at least 10 days prior to such hearings, written notice of any such hearings shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the application. Failure of the office to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided that reasonable efforts were made to so notify the parties in interest.

§ 315-73. Annexations.

Any area annexed to the Village of Almena after the effective date of this chapter shall automatically be placed in the R-1 Single-Family Residence District, and shall remain in such district until the appropriate zoning district(s), zoning district boundaries and regulations are studied and recommended by the Planning Commission and adopted by the Village Board in accordance with the requirements of Article VIII of this chapter; except that such adoption be completed within 90 days of the annexation.

§ 315-74. Violations and penalties.

- A. It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this chapter. In case of any violation, the Village Board, the Zoning Administrator, the Village Planning Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter or cause a structure to be vacated or removed.
- B. Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident, agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent or occupant from using such structure, land or water.
- C. Any person, firm or corporation who fails to comply with the provisions of this chapter or any order of the Zoning Administrator issued in accordance with this chapter or resists enforcement shall be subject to a penalty as provided in § 1-4, the General Penalty, of the Village of Almena Municipal Code.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Article X. Adult-Oriented Establishments

[Added 8-12-2003]

§ 315-75. Definitions.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

As used in this article, the definitions of "adult arcade," "adult bookstore, adult novelty store or adult video store," "adult arcade," "adult entertainment," "adult mini motion-picture theater," "adult motel," "adult motion-picture theater," "adult-oriented establishment," "adult theater," "booth, room or cubicle," "employee," "escort," "escort agency," "establishment," "licensee," "nude model studio," "nudity or state of nudity," "operator," "person," "public indecency," "public place," "seminude or in a seminude condition," "sexual encounter center," "sexually oriented business," "specified anatomical areas," "specified criminal activity," and "specified sexual activities" shall be as set forth in Chapter 95, Adult-Oriented Establishments, § 95-1, of the Code of the Village of Almena.

§ 315-76. Location of adult-oriented establishments.

- A. A person commits a misdemeanor if that person operates or causes to be operated an adult-oriented establishment in any zoning district other than the commercial area as defined and described in this chapter.
- B. A person commits an offense if the person operates or causes to be operated an adult-oriented establishment within 1,000 feet of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (2) A public or private educational facility including but not limited to child day-care facilities, nursery schools, preschools, kindergartens elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school;
 - (3) A boundary of a residential district as defined in the Village of Almena zoning code; a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Village which is under the control, operation, or management of the Village park and recreation authorities;
 - (4) The property line of a lot devoted to a residential use as defined in the Village of Almena zoning code;
 - (5) An entertainment business which is oriented primarily towards children or family entertainment.
- C. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control an adult-oriented establishment within 500 feet of:
- (1) Another adult-oriented establishment; or
 - (2) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State of Wisconsin.
- D. A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one adult-oriented establishment in the same building, structure, or portion thereof, or the increase of floor area of any adult-oriented establishment in any building, structure, or portion thereof containing another adult-oriented establishment.
- E. For the purpose of Subsection **B** of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as part of the premises an adult-oriented establishment is conducted, to the nearest property line of the premises of a use listed in Subsection **B**. Presence of a Village, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this section.
- F. For purposes of Subsection **C** of this section, the distance between any two adult-oriented establishments shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- G. Any adult-oriented establishment lawfully operating on August 12, 2003, that is in violation of Subsections **A** through **F** of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more adult-oriented establishments are within 500 feet of one another and otherwise in a permissible location, the adult-oriented establishment which was first established and continually operating at a particular location is the conforming use and the later establishment(s) is/are nonconforming.
- H. An adult-oriented establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult-oriented establishment license, of a use listed in Subsection **B** of this section within 500 feet of the adult-

oriented establishment. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

§ 315-77. Reference to other provisions.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Refer to Chapter **95**, Adult-Oriented Establishments, of this Code for licensing and operating requirements.

§ 315-78. Conformance with other zoning requirements.

In all zones where adult-oriented establishments are permitted, all regulations and requirements of Chapter **95**, Adult-Oriented Establishments, must be met. Additionally, all provisions of the zoning district in which the establishment is located must also be met.^[1]

[1] *Editor's Note: Original Ch. 18, § 10.05, Penalty, of the former Village Code, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II)].*