

Village of Oliver

Chapter 110. Zoning

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Section 1. General Provisions

- A. Title for citation. This chapter shall be known as the “Village of Oliver Zoning Ordinance.”
- B. Purpose. The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the community.
- C. Intent of provisions. It is the general intent of this chapter to:
 1. Regulate and restrict the use of all structures, lands and waters.

2. Regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to:
 - a. Lessen congestion in and promote the safety and the efficiency of the streets and highways.
 - b. Secure safety from fire, flooding, panic and other dangers.
 - c. Provide adequate light, air, sanitation and drainage.
 - d. Prevent overcrowding.
 - e. Avoid undue population concentration.
 - f. Facilitate the adequate provision of public facilities and utilities.
 - g. Stabilize and protect property values.
 - h. Further the appropriate use of land and conservation of natural resources.
 - i. Preserve and promote the beauty of the community.
 - j. Implement the community's comprehensive plan or plan components.
 3. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.
- D. Provisions not exclusive – most restrictive provisions govern. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenant, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- E. Interpretation of provisions. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- F. Statutory authority. These regulations are adopted under the authority granted by Sections 61.35 and 62.23(7), Wisconsin Statutes. Therefore, the Village Board of the Village of Oliver, Wisconsin, does ordain the zoning provisions set forth in this chapter.

Section 2. Definitions

- A. Definitions and interpretation of language. For the purpose of this title, the definitions set forth in this chapter shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory, and not directory.
- B. Definitions

ACCESSORY USE OR STRUCTURE. Shall mean a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel, serving a purpose customarily incidental to the principal use or the principal structure.

ACCESSORY. Shall mean a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADULT ORIENTED ENTERTAINMENT BUSINESS. An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult steam room / bathhouse facility, or any other business activity that is characterized by emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.

ALLEY Shall mean a special public right-of-way affording only secondary access to abutting properties.

ARTERIAL STREET. Shall mean a public street or highway used or intended to be used primarily for fast or heavy through traffic.

BASEMENT. Shall mean that portion of any structure located partly below the average adjoining lot grade.

BILLBOARD. Billboard shall mean a sign designed for changeable messages, and consisting of a backing to which various changeable messages are applied.

BUILDING. Shall mean 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.

BUILDING AREA. Shall mean the total living area bounded by the exterior walls of a building at the floor levels, but not including basements, utility rooms, garages, porches, breezeways and unfinished attics.

BUILDING HEIGHT. Shall mean the vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs, or to the deck line of mansard roofs.

COMMERCIAL DISTRICTS. Commercial Districts shall mean any zoning classification located within the Village of Oliver which is zoned C-1 Commercial and Business District.

COMMUNICATION TOWER. A principal structure intended to support communication equipment for wireless, broadcast, and similar communication purposes. Communication towers include, but are not limited to, monopole (free standing), lattice (self-supporting), or guyed (anchored with guy wires or cables). This definition applies to all towers intended for communication purposes.

CONDITIONAL USES. Shall mean uses of a special nature as to make impractical their pre-determination as a principal use in a district.

DIRECTIONAL SIGNS. Directional Signs shall mean signs defined by the Wisconsin Administrative Code, Section Hwy 19.03(1)(h).

DUPLEX or TWO-FAMILY DWELLING. Shall mean a dwelling on one lot containing separate living units for two families, but which may have joint services or facilities or both.

DWELLING. Shall mean a detached 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, MULTI-FAMILY. Shall mean a dwelling or group of dwellings on one lot containing separate living units for three or more families, but which may have joint services or facilities or both.

ERECT. Erect shall mean move, build or construct.

ESSENTIAL SERVICES. Shall mean services provided by public and private utilities, necessary of the exercise of the principal uses or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water draining and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer, pipes, catch basins, water storage tanks, conduits, cables, traffic signals, pumps, lift stations and hydrants, but not including buildings.

FACE. Face shall mean the surface of the sign upon, against or through which the message is displayed or illustrated.

FALL ZONE. The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

FAMILY. Shall mean any number of persons related by blood, adoption or marriage, or not to exceed four persons not so related, living together in one dwelling as a single housekeeping entity.

FEEDER LINE. Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation service the WECS.

GROUND SIGN. Ground Sign shall mean any sign, mobile or immobile, supported by uprights, braces, wheels or other structures placed upon the ground and not attached to any building.

HOUSEHOLD OCCUPATION. Shall mean any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of any floor, uses only household equipment and where no stock in trade is kept or sold except that made on the premises. A household occupation includes such as babysitting, millinery, dressmaking, canning, laundering crafts, barbering, beauty shops, dance schools, real estate brokerage, or photographic studios, but does not include the display of any goods.

HOSPITAL. Shall mean unless otherwise specified shall be deemed to include sanitarium, sanitorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

LIVING ROOMS. Shall mean all rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

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

LOT. Shall mean a parcel of land having a frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

LOT DEPTH. Shall mean the horizontal distance between the front and rear lot lines, measured in the general direction of the its side lot lines.

LOT FRONTAGE. Shall mean all the property on one side of a street between two streets which intersect such street (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between a street which intersects such street and the dead end of the street.

LOT LINE AND AREA. Shall mean peripheral boundaries of a parcel of land and the total area lying within such boundaries.

MINOR STRUCTURES. Shall mean any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls, and fences under 4 feet in height.

MOBILE HOME. Shall mean any structure originally designed to be capable of transportation by any motor vehicle upon public highway which does not require substantial on-site fabrication, which is intended for occupancy as year-round residence.

NONCONFORMING SIGN. Nonconforming Sign shall mean any sign which does not meet the requirements set forth in this Code, but which was lawfully in existence on the day prior to the effective date of this Code, provided, however, that any sign, the advertisement or informative contents of which is visible from an interstate highway or federal aid primary highway shall not be deemed nonconforming unless the Wisconsin Department of Transportation agrees to pay just

compensation for the removal of such sign. By lawfully in existence, is meant already built, located or used in compliance with the then existing ordinances.

NONCONFORMING USES OR STRUCTURES. Shall mean any structure, land or water lawfully used, occupied or erected at the time of the effective date of ordinance codified in this chapter, or amendments thereto, which does not conform to the regulations of this title or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

NUDITY. The showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state and/or the appearance of bare buttocks, anus, or female breast.

OFF-PREMISES SIGNS. Off-premises Signs shall mean any signs placed on or affixed to real estate which is not the real estate at which the business or activity referred to on the sign is conducted.

OFFICIAL SIGNS AND NOTICES. Official Signs and Notices shall mean signs defined by the Wisconsin Administrative Code, Section Hwy. 19.03(1)(d).

ON-PREMISES SIGNS. On-premises Signs shall mean any signs placed or affixed to the real estate which is the real estate which the business or activity referred to on the sign is conducted.

PARKING SPACE. Shall mean a graded and surfaced area of not less than 400 hundred square feet in area, either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

PARTIES IN INTEREST. Shall mean and include all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

PROFESSIONAL HOME OFFICES. Shall mean residences of doctors or medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors and musicians, or other recognized professions, used to conduct their professions where the office does not exceed one-half the area of one floor of the residence and only one non-resident person is employed.

PUBLIC SERVICE SIGNS. Public Service Signs shall mean signs defined by the Wisconsin Administrative Code, Section Hwy. 19.03(1)(g).

PUBLIC UTILITY SIGNS. Public Utility Signs shall mean signs defined by the Wisconsin Administrative Code, Section Hwy. 19.03(1)(e).

REPAIR. Repair shall mean to reconstruct, extend, enlarge, convert or structurally change. Replacing of a message on a billboard shall not be considered repair.

ROTOR DIAMETER. The diameter of the circle described by the moving rotor blades of a wind turbine.

SALVAGE YARD. Shall mean any lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

SALVAGE YARD, NONCOMMERCIAL. Shall mean any place where one or more motor vehicles that are not currently licensed or are not in operable condition are store, dismantled, scrapped or destroyed and are not contained entirely within an enclosed building, whether or not proper permits are obtained.

SCENIC AREAS. Scenic Areas shall mean any areas defined by the Wisconsin Administrative Code, Section Hwy. 19.03(1)(a).

SERVICE CLUB AND RELIGIOUS NOTICES. Service Club and Religious Notices shall mean notices defined by the Wisconsin Administrative Code, Section Hwy. 19.03(1)(f).

SEXUAL CONDUCT. Acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.

SEXUAL EXCITEMENT. The condition of the human male or female genitals when in a state of sexual stimulation or arousal.

SIGN. Sign shall mean a structure erected to contain a message or messages visible to the general public and the message(s) itself.

SOLAR ACCESS SPACE. That airspace above all lots necessary to prevent any improvement, vegetation or tree located on said lots from casting a shadow upon any Solar Device located within said zone greater than the shadow cast by a hypothetical vertical wall 10 feet high located along the property lines of said lots between the hours of 9:30 a.m. and 2:30 p.m. Central Standard Time on December 21, provided, however, this restriction shall not apply to any improvement or tree which casts a shadow upon a Solar Device at the time of installation of said device, or to vegetation existing at the time of installation of said Solar Device.

SOLAR COLLECTOR. A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.

SOLAR ENERGY SYSTEM. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system).

SOLAR SKYSPACE. The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

SOLAR SKYSPACE EASEMENT. A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar sky space of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three-dimensional space in which obstruction is prohibited or limited, or as the times of day during which sunlight to the solar energy collector may not be obstructed, or as a combination of the two methods.

SOLAR STRUCTURE. A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

STREET. Shall mean a public right-of-way not less than 50 feet wide providing primary access to abutting properties.

STRUCTURAL ALTERATIONS. Shall mean any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

STRUCTURE. Shall mean any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

SUBSTATION. Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 KV for interconnection with high voltage transmission lines. Substations are to be located outside of the road right of way.

TOTAL HEIGHT OF A WIND TURBINE. The highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

TOURIST ORIENTED DIRECTIONAL ADVERTISING SIGNS. Tourist Oriented Directional Advertising Signs shall mean any signs defined by the Wisconsin Administrative Code, Section Hwy.19.25(b) and shall include signs advertising products as defined in Section Hwy. 19.25(c).

TOWER. Any ground or roof mounted pole, spire, structure, or combination thereof taller than 35 feet in height if free standing or 15 in height if roof mounted, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade. Towers include, but are not limited to, monopole (free standing), lattice (self-supporting), or guyed (anchored with guy wires or cables).

TOWER, MULTI-USER. A tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.

TOWER, SINGLE-USER. A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this ordinance.

TRAILERS. Shall mean a portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.

UTILITIES. Shall mean public and private facilities such as water mains, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not to include sewage disposal plants, municipal incinerators, warehouses or shop and storage yards.

VILLAGE BUILDING INSPECTOR. Village Building Inspector shall mean the building inspector of the Village of Oliver.

WALL SIGN. Wall Sign shall mean any sign which is painted upon the exterior wall or any building or which is braced or otherwise supported by a building wall.

WIND ENERGY CONVERSION SYSTEM (WECS). An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power line, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Commercial WECS: A WECS of greater than 40 kW in total name plate generating capacity.

Non-commercial WECS: A WECS of equal to or less than 40 kW in total name plate generating capacity.

WIND TURBINE. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

WIRELESS TELECOMMUNICATIONS SERVICES. Licensed commercial wireless telecommunication services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services that are marketed to the general public.

YARD. Shall mean an open space on the same lot with a structure and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

YARD, FRONT. Shall mean a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a

line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

YARD, REAR. Shall mean a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.

YARD, SIDE. Shall mean a yard extending from the front yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Section 3. Regulations Generally

- A. Jurisdiction of provisions. The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Oliver, and all lands and waters outside the corporate limits of the Village to which the Village provides municipal services to such real estate by contract.
- B. Compliance and zoning permit required – Planning Commission authority. No structure, land or water shall be sued and no structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except minor structures, and without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.
- C. Zoning permit – Application, issuance and expiration conditions.
 - 1. Application for a zoning permit shall be made in triplicate to the village clerk on forms furnished by him/her and shall include the following information, where applicable:
 - a. Names and addresses of the applicant, owner of the site or contractor.
 - b. Description of site by metes and bounds, address of the site, or legal description, type of structure, existing and proposed use of the structure or site, and the zoning district within which the site lies.
 - c. Plat of survey prepared by a the applicant, showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off street parking and loading areas, turning areas and driveways; existing highway access restrictions; existing and proposed streets; drainage site plan.
 - d. Proposed sewage disposal plan, showing that satisfactory and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state board of health regulations. All lots not served by the municipal sewage system shall be sufficient to permit the use of on-site sewage disposal systems designed in accordance with the Wisconsin Administrative Code.
 - e. Proposed water supply plan, showing that a safe and adequate water supply is available.
 - f. Additional information as may be required by the Village Board, planning commission, building, zoning or health inspector.
 - g. Fee receipt from the village treasurer, clerk in the amount set by resolution by the Village Board.
 - 2. A zoning permit shall be granted or denied in writing by the Village Planning Commission or Village Board within 30 days of the monthly meeting in which the application is submitted. The permit shall expire within one year. Work not completed within one year shall be in violation of this chapter unless a new zoning permit has been granted.
- D. Site restrictions and lot requirements.
 - 1. All lots shall abut upon a public street.
 - 2. Only one principal structure shall be located, erected or moved onto a lot.
- E. Use restrictions.

1. Principal Uses. Only those principal uses specified for a district, their essential services and the following uses as identified in this subsection shall be permitted in that district.
 2. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs, storage or parking facilities, gardening, private swimming pools, and private emergency shelters.
 3. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the Village Planning Commission or Village Board.
 4. Unclassified or unspecified uses may be permitted by the Village Board after the Village Planning Commission has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.
 5. Temporary uses, such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the board of appeals.
- F. Trailer regulations. The following regulations shall apply to trailers:
1. Nonresidential use. A trailer shall not be considered to be permissible as an accessory building.
 2. A trailer may be used as a temporary office on the premises during the time construction is actively underway.
 3. The parking of two unoccupied camping trailers or motor homes is permitted in a residential district, provided that no living quarters are maintained in such camping trailer or motor home while so parked or stored.
- G. Reduction of required spaces not permitted. No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

Section 4. Zoning Districts, Dimensional Requirements and Boundaries

- A. Districts designated. For the purposes of this title, the Village is divided into the following zone districts:
1. R-1 Single and double family residential district.
 2. R-2 Multiple family residential district.
 3. R-3 Rural residential district.
 4. C-1 Commercial and business district.
 5. L-1 Light industrial district.
 6. P-1 Planned unit development district.
 7. NR Natural resource district.
 8. GD Government District
- B. Zone District Dimensions. The height area, lot width, setback and building coverage requirements for the districts regulated by this Ordinance shall be those set out in the following schedule:

| District Area Requirements | | | | | | | |
|----------------------------|--|------------------|------------------|-------------------|-------------------|---|-------------------------|
| Zone District | Minimum Lot Frontage | Minimum Lot Area | Road ROW Setback | Side Yard Setback | Rear Yard Setback | Distance between primary and accessory structures | Maximum building height |
| R-1 | 125' (1) | 15,625(2) | 25' | 8'(3) | 8' | 10' | 30' |
| R-2 | 125' (1) | 15,625(2) | 25' | 8'(3) | 8' | 10' | 35' |
| R-3 | 250' | 2.5 acres | 35' | 10'(3) | 10' | 10' | 35' |
| C-1 | 100' (1) | (4) | 25' | 8'(3) | 8' | 10' | 35' |
| L-1 | 100' (1) | (4) | 25'(5) | 25' | 10' | 10' | None |
| P-1 | Dimensional requirements are determined on a project specific basis. | | | | | | |
| NR | 330' | 5 acres | 50' | 50' | 50' | 10' | 35' |

Footnotes to district area requirements:

1. 200' for lots without public sewer.
 2. 31,250' for lots without public sewer.
 3. If a corner lot 25' from the road right-of-way; in R-3 it shall be 35' from the right-of-way.
 4. Shall be large enough that all yard requirements, off-street parking, and, if needed, on-site sewage can be accommodated.
 5. If property fronts a Class A highway the minimum is 130 feet from centerline or 25' from ROW whichever is greater.
- C. Boundaries shown on map. The boundaries of the districts designated are established as shown on the map entitled "Village of Oliver Zoning," which accompanies and is part of this title. Such boundaries shall be construed to follow corporate limits; lot or property lines; centerlines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended, unless otherwise noted on the zoning map.

Section 5. R-1 Single and Double Family Residential District

- A. Purpose. This district provides for one-family and two-family year-round residential development protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage existing residential areas where soil conditions are suitable for such development and in those areas, which can be economically and readily served by utilities and municipal facilities.
- B. Permitted uses. A building or premise in the R-1 Rural Residential District shall be used only for the following purposes:
1. One-family year-round dwelling.
 2. Two-family year-round dwelling
 3. Private garages and carports.
 4. Essential services and utilities intended to serve the principal permitted use.
 5. Signs subject to the provisions of Section 14.
 6. Horticulture and home gardening.
 7. Accessory building or use, customarily incidental to permitted uses.

8. Solar collector and solar energy system, where the size of collector panel(s) is less than 100 square feet in area, as an accessory structure, not requiring a permit provided that all setbacks and height restrictions of the district are met.
 9. Solar collector and solar energy system, where the aggregate size of collector panel(s) is greater than 100 but less than 300 square feet in area, as an accessory structure.
 10. Non-commercial wind energy conversion system as a permitted accessory use.
 11. Any other use which as determined by the Planning Commission is clearly within the intent and purpose of the R-1 zone district and which is consistent with the Oliver Comprehensive Plan.
- C. Conditional uses. A building or premise in the R-1 Rural Residential District may be used for the following purposes under the provisions of Section 13 of this ordinance.
1. A single mobile home.
 2. A zero-lot line two-dwelling unit condominium.
 3. Public and semipublic uses including, but not limited to, the following: public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged and fire and police stations.
 4. Home occupations or professional offices provided no such use occupies more than 25 percent of the total floor area of the dwelling, not more than one nonresident person is employed on the premises, and such use will not include an operational activity that would create a nuisance to be otherwise incompatible with the surrounding residential area.
 5. Recreational trails including snowmobile and ATV trails.
 6. Solar collector and solar energy system, where the aggregate size of collector panel(s) is equal to or greater than 300 square feet in area, as an accessory structure.
 7. Any other use which as determined by the Planning Commission is clearly within the intent and purpose of R-1 zone district and which is consistent with the Oliver Comprehensive Plan.
- D. Utility facilities. The following utilities shall be provided in the R-1 district: municipal sewer and water where available, and where not available the owners shall provide on-site sewage and water utilities.
- E. Off street parking. Off-street parking shall be provided in the R-1 District as follows:
1. Single-family dwelling – minimum of 2 parking spaces.
 2. Two-family dwelling – minimum, 2 parking space, for each unit.
 3. Home occupations or professional offices – minimum, 4 parking spaces.
 4. All other uses to be determined as part of conditional use permit.

Section 6. R-2 Multiple-family Residential District

- A. Purpose. This district provides for one-family, two-family and multi-family year-round residential development protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage existing residential areas where soil conditions are suitable for such development and in those areas, which can be economically and readily served by utilities and municipal facilities.
- B. Permitted uses. A building or premise in the R-2 Rural Residential District shall be used only for the following purposes:
1. One-family year-round dwelling.
 2. Two-family year-round dwelling.
 3. Multi-family year-round dwelling containing no more than 4 units.
 4. Private garages and carports.
 5. Essential services and utilities intended to serve the principal permitted use.
 6. Signs subject to the provisions of Section 14.
 7. Horticulture and home gardening.

8. Accessory building or use, customarily incidental to permitted uses.
 9. Solar collector and solar energy system, where the size of collector panel(s) is less than 100 square feet in area, as an accessory structure, not requiring a permit provided that all setbacks and height restrictions of the district are met.
 10. Solar collector and solar energy system, where the aggregate size of collector panel(s) is greater than 100 but less than 300 square feet in area, as an accessory structure.
 11. Non-commercial wind energy conversion system as a permitted accessory use.
 12. Any other use which as determined by the Planning Commission is clearly within the intent and purpose of the R-2 zone district and which is consistent with the Oliver Comprehensive Plan.
- C. Conditional uses. A building or premise in the R-2 Rural Residential District may be used for the following purposes under the provisions of Section 13 of this ordinance.
1. A single mobile home.
 2. A zero-lot line two-dwelling unit condominium.
 3. Multi-family year-round dwelling containing 5 or more units.
 4. Public and semipublic uses including, but not limited to, the following: public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged and fire and police stations.
 5. Home occupations or professional offices provided no such use occupies more than 25 percent of the total floor area of the dwelling, not more than one nonresident person is employed on the premises, and such use will not include an operational activity that would create a nuisance to be otherwise incompatible with the surrounding residential area.
 6. Recreational trails including snowmobile and ATV trails.
 7. Solar collector and solar energy system, where the aggregate size of collector panel(s) is equal to or greater than 300 square feet in area, as an accessory structure.
 8. Any other use which as determined by the Planning Commission is clearly within the intent and purpose of R-2 zone district and which is consistent with the Oliver Comprehensive Plan.
- D. Utility facilities. The following utilities shall be provided in the R-2 district: municipal sewer and water where available, and where not available the owners shall provide on-site sewage and water utilities.
- E. Off street parking. Off-street parking shall be provided in the R-2 District as follows:
1. Single-family dwelling – minimum of 2 parking spaces.
 2. Two-family and multi-family dwellings – minimum, 2 parking space, for each unit.
 3. Home occupations or professional offices – minimum, 4 parking spaces.
 4. All other uses to be determined as part of conditional use permit.

Section 7. R-3 Rural Residential District

- A. Purpose. This district is intended to provide for lower density residential development in areas of the community without public water and sanitary sewer service.
- B. Permitted uses. A building or premise in the R-3 Rural Residential District shall be used only for the following purposes:
1. One-family dwelling.
 2. Home occupation.
 3. Accessory building or use, customarily incidental to permitted uses.
 4. Solar collector and solar energy system, where the size of collector panel(s) is less than 100 square feet in area, as an accessory structure, not requiring a permit provided that all setbacks and height restrictions of the district are met.

5. Solar collector and solar energy system, where the aggregate size of collector panel(s) is greater than 100 but less than 300 square feet in area, as an accessory structure.
 6. Non-commercial wind energy conversion system as a permitted accessory use.
 7. Any other use which as determined by the Planning Commission is clearly within the intent and purpose of the R-3 zone district and which is consistent with the Oliver Comprehensive Plan.
- C. Conditional uses. A building or premise in the R-3 Rural Residential District may be used for the following purposes under the provisions of Section 13 of this ordinance.
1. Church or other place of worship.
 2. Recreational Trails.
 3. Parks, playgrounds, community buildings.
 4. Duplex.
 5. A zero-lot line two-dwelling unit condominium.
 6. Accessory building or use customarily incidental to any conditionally permitted use.
 7. Utility corridor.
 8. Tower.
 9. Signs.
 10. Home business.
 11. Residential planned unit development.
 12. Solar collector and solar energy system, where the aggregate size of collector panel(s) is equal to or greater than 300 square feet in area, as an accessory structure.
 13. Any other use which as determined by the Planning Commission is clearly within the intent and purpose of R-3 zone district and which is consistent with the Oliver Comprehensive Plan.
- D. Utility facilities. On-site sewage treatment and water utilities shall be provided for residential, churches and community buildings. Appropriate utilities for all other uses to be determined as part of conditional use permit.
- E. Off street parking. Off-street parking shall be provided in the R-3 District as follows:
1. Single family dwelling – minimum of 2 parking spaces.
 2. All other uses to be determined as part of conditional use permit.

Section 8. C-1 Commercial and Business District

- A. Purpose. This district is intended to provide for the orderly and attractive grouping, at appropriate locations, of retail stores, shops, offices and similar commercial establishments. It is also intended to provide for small manufacturing operations, at appropriate locations. It is intended to encourage such development in existing business and commercial areas where soil conditions are suitable for such development and in those areas, which can be economically and readily served by utilities and municipal facilities.
- B. Permitted uses. Facilities such as, but not limited to the following:
1. Retail store and shops offering convenience goods and services.
 2. Business and professional offices and studios.
 3. Banks, credit unions and savings and loans offices.
 4. Public and semi-public buildings and institutions.
 5. Commercial entertainment facilities.
 6. Laundromats.
 7. Restaurants.

8. Taverns.
 9. Medical and dental clinics.
 10. Auto service stations and maintenance facilities.
 11. Recreation service-oriented facilities.
 12. Motels and tourist homes.
 13. Rooming and boarding houses.
 14. Signs subject to the provisions of Section 14.
 15. Essential services and utilities intended to serve the principal permitted uses.
- C. Conditional uses.
1. Public and semipublic uses including, but not limited to, the following: public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged and fire and police stations.
 2. Storage buildings.
 3. New and used car sales establishments.
 4. Drive-in establishments offering in-care service to customers.
 5. LP gas distribution tanks.
 6. Car and truck wash.
 7. General warehousing.
 8. Single-family dwelling.
 9. Recreational trails including snowmobile and ATV trails.
 10. Adult oriented entertainment subject to the provisions of this Section 6.F and Section 13 of this chapter.
- D. Utility facilities. The following utilities shall be provided in the C-1 district: municipal water and sewer where available and where not available on-site sewage and water utilities shall be required for the establishment of all permitted uses in this district.
- E. Off-street parking. Refer to Section 16 of this chapter.
- F. Adult oriented entertainment regulations.
1. Purpose. The provision of this subsection shall apply to all future adult entertainment-oriented businesses.
 2. Zoning district. Adult oriented entertainment businesses may be operated or maintained only within the C-1 Commercial and Business District provided that it is located on a minor or major arterial road and subject to the distance limitations noted in 8.F.3.
 3. Distance limitations. No adult-oriented entertainment business shall:
 - a. Be operated or maintained within 500 feet of the boundary of any residentially zoned (R) district.
 - b. Be operated or maintained within 500 feet of a church, park or recreational site, licensed day care facility, public library, public or private educational facility which serves persons age 17 or younger, place of worship, or elderly housing facility.
 - c. Be operated or maintained so that there are no more than 2 such businesses within 2500 feet of each other as measured by the radius from each business.
 - d. Distance limitations set forth herein shall be measured in a straight line from the main public entrances of said premises or from the lot lines of properties in residentially zoned (R) districts.
 4. Same use restrictions. No adult-oriented business shall be located in the same building or upon the same property as another such use.

5. Sign limitations. Notwithstanding any other provision of this code, an adult oriented entertainment business shall not be permitted more than 1 sign advertising its business, which shall be an on-premises or building sign only. All such signs shall meet all the following criteria:
 - a. Have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from the sidewalk in front of the building.
 - b. No sign shall be placed in any window. One square foot sign may be placed on the door to state hours of operation and admittance to adults only.
 - c. No sign shall contain any flashing lights, moving elements, or mechanically changing messages.
 - d. No sign shall contain any depiction of the human form or any part thereof nor shall it contain sexually explicit language such as “nude dancing” or “girls, girls, girls”, etc.
 - e. No adult-oriented entertainment business may have any off-premises sign.
6. Operational standards. All adult oriented entertainment businesses shall operate in accordance with all of the following:
 - a. No employee shall solicit business outside the building in which the business is located.
 - b. No male or female person, while on the premises, shall impose to public view his or her genitals, pubic area, anus or anus cleft. Full nudity is prohibited.
 - c. No person on the premises shall engage in sexual conduct, sadomasochistic abuse or in any way fondle their genitals.
 - d. Nudity is prohibited for any employee of an adult oriented entertainment business where such person is in direct, personal contact with another person.
7. Building exterior appearance. The building’s exterior shall meet all the following criteria:
 - a. Colors to be earth or neutral tones with primary accent colors to be within the same color family.
 - b. Stripes and geometric patterns are prohibited.
 - c. A color scheme which is directly inherent to a unique recognizable architectural style but not otherwise compliant with this section may be approved by the Village Board.
 - d. The exterior shall be adequately maintained in good condition.

Section 9. I-1 Light Industrial District

- A. Purpose. This district is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to surrounding areas by reason of smoke, noise, dust, odor, traffic, physical appearance or similar factors relating to public health, welfare and safety.
- B. Permitted uses. Premises in the I-1 District shall be used only for the following purposes:
 1. Manufacturing, assembly, fabricating, and processing plants and similar type industrial operations consistent with the purposes of this district.
 2. General warehousing.
 3. Accessory uses clearly incidental to a permitted use.
 4. Railroad yards.
 5. Essential services and utilities intended to serve the principal permitted use.
 6. Notwithstanding being listed above, any use determined to be objectionable by the Planning Commission on the basis of pollution, noise, dust, smoke, vibration, odor, flashing lights, or danger of explosion may be permitted only upon the issuance of a conditional use permit setting forth dimensional and site requirements, performance standards, aesthetic controls and pollution standards for that particular use

- C. Conditional uses. A building or premises in the I-1 District may be used for the following purposes under the provisions of Section 13 of this ordinance.
 - 1. Salvage yard, provided that all salvage yards shall be screened with suitable plantings or fencing as approved by the Village Planning Commission or Village Board.
- D. Utility facilities. Municipal water and sewer shall be provided where available and where not available on-site sewage treatment and water utilities shall be required for the establishment of all uses in this district.
- E. Off street parking. See Section 15 of this ordinance.

Section 10. P-1 Planned Unit Development District

- A. Purpose. The P-1 district is intended to provide for large-scale residential development. This district shall have no definite boundaries until such are approved by the Village Board on the recommendation of the planning commission in accordance with procedures prescribed for zoning amendments by the Wisconsin Statutes, Section 61.35. Plans for the proposed development shall be submitted in duplicate and shall show the location, size, and proposed use of all structures and land include in the areas involved. The plans may provide for a combination of single and multi-family developments as well as related commercial uses, provided that the plan indicates that.
- B. Development standards.
 - 1. A single area of at least 40 acres is involved.
 - 2. Each residential building and lot shall conform to the R-1 or R-2 district requirements and each commercial building and lot shall conform to the C-1 district requirements.
 - 3. Adequate streets and sidewalks as determined to serve the needs of the area involved shall be provided.
 - 4. Adequate access to public streets and proper traffic circulation shall be provided.
 - 5. Adequate sewer and water facilities shall be provided.
 - 6. The development shall constitute a reasonable extension of the living areas in the village and shall be compatible with the surround land uses and village comprehensive plan.
 - 7. Any restriction placed on platted land by covenant, grant of easement, or any other manner which was required by a public body or which names a public body as grantee, promise or beneficiary, shall be recorded in the country register of deeds office and shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has, or acquires an interest in the land subject to the restriction.
 - 8. Density. The number of platted home sites shall not exceed 100% of those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks and widths provided by the applicable provisions of the zoning ordinance, which figure shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot size required by this zoning ordinance.

Section 11. NR Natural Resources District

- A. Purpose. The intent of the NR Natural Resources District is to foster protection and appropriate use of important natural or man-made resources where development would result in hazards to health or safety would deplete or destroy resources; or be otherwise incompatible with the public welfare.
- B. Permitted uses. Premises in the NR Natural Resources District shall be used only for the following purposes:
 - 1. Commercial timber harvesting provided that a forest management plan for the property prepared by a professional forester accompanies the permit.
 - 2. Soil and water conservation programs.
 - 3. Wildlife preserve.
 - 4. Once principle residential use has been established, accessory use as incidental to principle use.

Examples: garages, chicken coops, horse barns and accessory buildings not exceeding 1250 square feet in size.

5. Solar collector and solar energy system, where the size of collector panel(s) is less than 100 square feet in area, as an accessory structure, not requiring a permit provided that all setbacks and height restrictions of the district are met.\
 6. Solar collector and solar energy system, where the aggregate size of collector panel(s) is greater than 100 but less than 300 square feet in area, as an accessory structure.
 7. Non-commercial wind energy conversion system as a permitted accessory use
- C. Conditional uses. A building or premises in the NR Natural Resources District may be used for the following purposes under the provisions of Section 13 of this ordinance.
1. Park or playground.
 2. Pipeline.
 3. Recreation, private or public.
 4. Utility corridor.
 5. Single family dwelling.
 6. Recreational Trails.
- D. Utility facilities. On-site sewage treatment and water utilities shall be provided for single-family dwellings. No utilities are required for commercial timber operations. Appropriate utilities for all other uses to be determined as part of conditional use permit.
- E. Off street parking. Off-street parking shall be provided in the NR Natural Resource District as follows:
1. Single family dwelling – minimum of 2 parking spaces.
 2. Commercial timber harvesting – sufficient so that all work vehicles can be accommodated on the premises.
 3. All other uses to be determined as part of conditional use permit.

Section 12. Government District

- A. Purpose. The District is intended to conserve and protect areas of the Village for the enjoyment and use by individuals as well as for the future use by the Village as its needs may require.
- B. Permitted uses.
1. Preservation and retention of land in its natural state.
 2. For such purposes as the Village Trustee may deem is necessary and proper for the best interest of the Village.

Section 13. Conditional Uses

- A. Permit – issuance authorized when. The village board, upon recommendation by the planning commission, may authorize the village clerk or zoning inspector to issue a conditional use permit after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.
- B. Conditional Use Permit – application. Applications for conditional use permits shall be made in duplicate to the village clerk or zoning inspector on forms furnished by the village. Applications shall be accompanied by a conditional use fee in the amount set by resolution by the Village Board.

Section 14. Advertising and Signs

- A. Intent and Purpose. It is the intention and purpose of this section to:
1. Promote the health, safety, morals and general welfare of the Village of Oliver.
 2. Promote the safety, convenience and enjoyment of public travel.

3. Preserve the natural beauty of the State of Wisconsin and the Village of Oliver and any lands under its jurisdiction.
 4. Aid in free flow of interstate commerce.
 5. Conform to the express intent of national and state legislative bodies to control the erection and maintenance of outdoor advertising signs, displays and devices adjacent to the national system of interstate and defense highways.
 6. Promote the aesthetic advancement of the community and its natural and economic resources.
- B. Defacing Bills. No person shall willfully deface or destroy any bills or poster, posted by a billposter upon any place where the billposter shall have the right to post the bill within the Village.
- C. Signs Exempted. The requirements and proscriptions of this section shall not apply to:
1. Memorial signs or tablets with names of buildings and dates of erection when cut into a masonry or metal surface affixed to a building.
 2. Official signs and notices.
 3. Public utility signs.
 4. Public service signs.
 5. Service club and religious notices.
 6. Temporary signs or banners when authorized by the Village Board for a civic event or activity provided that no such sign or banner shall be installed more than 14 days in advance of the event or activity to which the sign or banner relates. No such sign shall be more than 100 square feet in size, nor be placed within 500 feet of another such temporary sign or banner. The person installing or handing such sign or banner shall remove it not later than 3 days after the conclusion of the event or activity.
 7. Temporary real estate signs or construction signs not to exceed 8 square feet in area which advertise sale, rental, lease or improvement of the premises upon which said signs are temporarily located.
 8. Bumper stickers, temporary political signs not exceeding 8 square feet, temporary garage sale signs posted by the owner of a private family residence where the garage sale is to occur at the owner's family residence, and signs painted on vans, automobiles, trucks and trailers stating only the owner's or operator's name, address and business. Temporary political signs and temporary garage sale signs shall be placed only on privately owned property and shall be removed by the owner of the sign within one week of the election or sale for which they were posted.
- D. Signs Prohibited. The following signs are prohibited:
1. Signs placed in or upon any sidewalk or upon, over or in any improved highway, street or alley, but this paragraph shall not be construed to prohibit placement of temporary signs or banners or to prohibit any traffic signs, signals, or other traffic devices, official signs and notices or public utility signs permitted by state, federal and local laws.
 2. Signs advertising activities which are illegal under federal, state or local laws or regulations.
 3. Signs which are erected or maintained upon trees or are painted or drawn upon rocks or other natural features.
 4. Signs which are structurally unsafe, unsanitary, hazardous or in disrepair.
 5. Signs located in rest areas or parks.
 6. Signs other than utility signs and official signs and notices which are posted or painted on power, light or telephone poles or are posted or painted on any traffic sign or signal post.
- E. Sign Permit Required. No person shall erect or repair or have erected or repaired any sign without first obtaining a sign permit from the building inspector. It shall be illegal to own, erect or repair any sign in violation of the terms and conditions of a sign permit or in violation of the terms and conditions of this section.

- F. Permit Application. Application for a permit required by this section shall be made upon forms provide by the building inspector, and shall contain or have attached thereto the following information:
1. The name, address, telephone number, email address and, if applicable, web site address, of the applicant.
 2. The location of the building, structure or lot to which or upon which the sign is to be attached or erected.
 3. The position of the sign in relation to nearby buildings or structures and the precise location of the sign.
 4. When so requested by the building inspector, a two blueprints or precise ink drawings of the sign's plans, specifications, materials and the method of construction and support.
 5. When so requested by the building inspector, copy of stress sheets and calculations showing that the proposed structure is designed for dead load and wind pressure in any direction in the amount required by this section and all other laws and ordinances of the Village.
 6. The name of the person erecting the structure and of the person(s) responsible for maintaining the sign.
 7. The written consent of the owner of the building, structure or land to which or upon which the structure is to be erected.
 8. Any electrical permit required for the sign and issued.
 9. Such other information as the building inspector shall reasonably require.
- G. Permit Fees. A nonrefundable sign permit fee, to be set by resolution by the Village Board, determined on a square foot of front face on the proposed sign shall be paid upon submission of a sign permit application.
- H. Permit Approvals.
1. The building inspector shall not issue a sign permit except as provided above and unless he determines that:
 - a. The proposed sign is not a prohibited sign under this section.
 - b. The proposed sign or repair meets all requirements of this section and of the building code of the Village of Oliver.
 - c. The location and height of the proposed sign or repair are permitted under the provisions of the zone district in which it is located.
 - d. The proposed sign or repair will be built, constructed or otherwise altered in such a way as to minimize the obstruction of existing signs.
 - e. The proposed sign or repair do not:
 1. Resemble, imitate or approximate the shapes, size, form or color of railroad or traffic signs, signals, or devices.
 2. Obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
 3. Be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.
 4. Be attached to a standpipe or interfere with traffic visibility.
 5. Be lighted in such a way as to cause glare or impair driver visibility upon public ways.
 6. The design, structure or foundation of the sign or repair does not create a hazard, unsafe condition or danger to persons or property.
 7. In order to preserve the natural beauty of the State of Wisconsin and Village of Oliver and to promote the safety, convenience and enjoyment of public travel, no permits shall be issued for the erection, repair or replacement of any off-premises sign or billboard visible from any interstate, federal or state highway. Those signs listed in Section 14.C are exempt from this provision.

2. The building inspector may place such conditions on a permit as he deems necessary to assure compliance with the provisions of this section.

I. Appeals.

1. Any person aggrieved by the decision of the building inspector to the issue or denial of a sign permit may appeal the decision to the board of appeals within 30 days from the date the permit or denial is issued. All appeals shall be submitted in writing and shall specify the grounds for appeal. The grounds for appeal shall be:
 - a. An error in the material facts relied upon by the building inspector in reaching his decision.
 - b. An error by the building inspector in the interpretation of the applicable ordinances and laws.
 - c. The provisions of Section 14.L shall allow a sign in excess of 700 square feet.
 - d. Special circumstances in which literal enforcement of this article would result in undue and unnecessary hardship which can be avoided by the issuance of such permit conditions as will maintain the general intent of this article.
2. Appeals shall be filed with the building inspector who shall place the appeal on the agenda for the next regularly scheduled meeting of the board of zoning appeals.
3. The board of zoning appeals shall receive such relevant evidence as may be presented to it by the public, the aggrieved person or the building inspector and shall determine to either uphold the decision or the building inspector or to order the building inspector to reverse his decision. The board of zoning appeals may attach such conditions to a permit as it deems necessary to maintain the general intent of this section. When it determines that a literal enforcement of this section would result in an undue and unnecessary hardship which can be avoided by the issuance of such permit conditions as will maintain the general intent of this section, the board of zoning appeals may order a permit to be issued for a sign or location which does not meet the conditions of this section, provided, however, that under no circumstances shall the board issue a permit for a sign prohibited under Section 14.D or require a permit for any sign exempted under Section 14.C.

J. Signs in Certain Zoning Districts.

1. In residential and planned development districts, no signs shall be erected except for the following on-premises signs:
 - a. Signs over windows or doors of a business establishment announcing without display or elaboration only the names and occupation of the proprietor and not to exceed 2 feet in height and 10 feet in length.
 - b. Agricultural signs pertaining to the sale of agricultural products. Any such sign must be located upon the premises upon which the product is grown and shall not exceed a total of 30 square feet in total area for all sides.
 - c. Name, address, and warning signs not to exceed 2 square feet located on the premises and not closer than 50 feet between signs.
 - d. Directional signs.
2. In commercial and business zoning districts only the following types of on-premises and off-premises signs may be erected or repaired:
 - a. All signs permitted in Section 14.J.1.
 - b. Billboards.
 - c. Tourist oriented directional advertising signs.
 - d. Wall signs which do not extend less than 10 feet above the mean center line sidewalk grade and do not extend more than 18 inches from the building's wall surface. Wall signs shall not rise more than 50 feet above the mean center line sidewalk grade. Wall signs placed over any sidewalk shall not extend below a minimum of 10 feet above the mean center line sidewalk grade, and shall not project more than 18 inches over the public way. No wall signs other than an on-premises sign shall be erected over a sidewalk. On-premises wall signs erected over a sidewalk shall be erected as close to the center of the business it advertises as it is possible. No building shall contain more than a sum total of 400 square feet of wall signs, provided, however, that the board of zoning appeals may permit a maximum sum total of 700 square feet of wall signs if it determines that such signs will not adversely affect the health, safety, aesthetics or welfare of the village. Wall signs, other than those painted on buildings, which are in existence on the effective date of this article and which contain a sum total area of between 400 and 700 square feet per building shall not be considered

nonconforming signs if they conform to all requirements of this article other than the area requirement set forth in the preceding sentence.

- e. On-premises ground signs limited to one sign for each individual business premises and advertising the business names, services offered, or products sold on the premises. Such signs shall meet all setback and side yard requirements for the district in which they are located and shall not exceed 700 square feet in area per facing on each side.
- f. Signs hung from the underside of a canopy or awning and limited to an 8 foot background containing 6-inch lettering and a length of not more than 4 feet 6 inches. Such signs shall project no further than 18 inches from the face of the building. The height between the sidewalk and the bottom of such sign shall be no less than 7 feet 4 inches. No advertising or such signs shall be permitted except for the name of the business or owner of such business.

K. General Requirements.

- 1. No two off-premises signs which are located on the same side of a street shall be less than 300 feet apart. No more than one off-premises sign shall be located within a radius of 100 feet from the intersection of the center lines of any two streets or highways.
- 2. No two on-premises signs which are located on the same side of a street shall be less than 20 feet apart, provided, however, that this subsection shall not act to totally bar any business from displaying one on-premises sign.
- 3. Signs which contain faces in back-to-back, side-by-side decked or in "V" type designs shall have no more than two faces to each side, arm or level and such sign structure shall be considered one sign.
- 4. No sign shall resemble, imitate or approximate the shape, size, form or color of any railroad or traffic sign, signal or device and no sign shall be so constructed as to obstruct the view of any railroad or traffic sign, signal or device. No sign shall be so lighted as to cause glare or as to impact driver visibility along a street or highway.
- 5. All signs shall be maintained by the owner of the sign in a clean, painted condition. The owner of a sign shall keep the premises surrounding the sign free from rubbish and shall regularly cut the vegetation on such premises.
- 6. All signs shall be designed and constructed to withstand a wind pressure of not less than 40 pounds per square foot of area.
- 7. All signs shall be plainly marked with the name of the person erecting and maintaining the sign.
- 8. No sign shall obstruct or impede the free ingress and egress to or from any window, door or fire escape of any building.
- 9. Any sign which is a hazard to the safety of persons or property shall be immediately removed by the owner.
- 10. No sign shall be built to a height greater than that allowed by this zoning ordinance for the zoning classification in which the sign is placed.

L. Signs Visible from State Highways. In addition to the requirements set forth above, signs erected or intended to be read from the main traveled way of a state highway shall meet the following requirements:

- 1. The maximum area for any one sign regulated by this subsection shall be 400 square feet, provided the board of zoning appeals may permit a sign with a maximum area of 700 square feet. No sign in excess of 400 square feet shall be approved unless the board of zoning appeals determines that such sign will not adversely affect the health, safety, aesthetics, or welfare of the Village. The maximum area limitation shall apply to each side of a back-to-back or "V" type sign. Signs in existence on the effective date of this article which are in excess of 400 square feet, but less than 700 square feet, and which conform to the other requirements of this article, are permitted signs and shall not be considered non-conforming.

2. Flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather or similar information. Lights which are directed at any part of a traveled street or highway or which interfere with or obscure an official traffic device, sign or signal are prohibited.
3. A sign shall be presumed to be designated, erected or intended to be read from the main traveled way of state highway if any advertising message on the sign can be read from the main traveled way by a person having normal visual acuity traveling at the speed limit.

M. Nonconforming Signs.

1. Each nonconforming sign shall within five years from the effective date of this section meet the requirements of this section or be removed by the owner. If within five years following the effective date of this section the total cost of repairs made to a nonconforming sign exceeds 50 percent of the fair market value of the sign, the sign shall be removed by the owner or repaired to fully comply with the provisions of this article.
2. During the five years following the effective date of this article, no person shall repair a nonconforming sign without first obtaining a permit. The provisions of Sections 14.F through 14.I and 14.M.1 shall apply to any such permit application except that the proposed repair shall meet only the requirements of those ordinances in effect on the day prior to the effective date of this article.
3. Nonconforming signs shall meet only those requirements of those ordinances in effect on the day prior to the effective date of this section.

N. Removal of Illegal Signs. In the event that any sign meets one or more of the following circumstances listed below, the building inspector shall give a written order to the owner of the sign or of the real property on which the sign is located to remove the sign or to meet the criteria of this article. If the sign is not moved or change to meet the criteria of this article within 30 days, then the Village shall remove the sign and bill the owner of the sign or the owner of the real estate the expense of so doing. If the payment is not made within 30 days after billing by the Village, then such cost shall be placed on the property owner's tax roll.

1. Is erected or maintained in violation of this section;
2. Is erected in violation of or without a permit required under this article;
3. Is a nonconforming sign which must be removed pursuant to Section 14.M.1; or
4. Is destroyed, abandoned or discontinued.

O. Enforcement by Citation. The Village planner, building inspector, director of public works or any law enforcement officer may issue citations for the enforcement of Sections 14.B through 14.N. The cost for violating such sections shall be a cash deposit set by resolution of the Village Board plus costs and assessments.

Section 15. Nonconforming Uses, Structures and Lots

- A. Permit – issuance authorized when. The village board, upon recommendation by the planning commission, may authorize the village clerk or zoning inspector to issue a conditional use permit after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose

Section 16. Off-street Parking Regulations

- A. Off-street parking required. Any building hereafter erected or placed on a lot shall be provided with off-street parking spaces for those using such building.
- B. Minimum area. Each parking space required shall be at least 200 square feet in area.
- C. Spaces required.
 1. Residential. Residential uses shall be as stated in the appropriate zone district.
 2. Business and commercial. Business and commercial uses, as listed and permitted in the zoning districts, shall be provided, except as noted below with one parking space for each 200 square

feet of floor area. However, restaurants, taverns, and similar establishments shall provide at least one space for each three seats devoted to patron use; drive-in eating stands offering in-car service shall provide at least five spaces for each person employed to serve customers; motels, tourist cabins and similar establishments shall provide at least one space for each unit.

3. Business and commercial unloading space. Any business or commercial building hereafter erected or placed on a lot shall be provided with sufficient off-street loading and unloading space so that no public streets or alleys need be blocked by such activities provided that a minimum of 400 square feet of off-street loading and unloading space shall be provided.
- D. Public gatherings. Public gathering use shall be provided with at least one space for each five patrons to be accommodated on the premises.

Section 17. Culverts

- A. Standards.
1. Driveways shall have a culvert a minimum of 12 inches in diameter and 20 feet in length.
 2. Top of culvert shall be placed not less than 6 inches from top of road.
 3. Culvert must be galvanized metal construction (CMP corrugated).

Section 18. Modular Homes, Pre-Manufactured, Mobile Homes

- A. Concrete slab.
1. All modular, pre-manufactured and mobile homes shall be installed on a concrete slab at least 4 inches in thickness. Such slab shall have reinforcing rebar throughout its thickened perimeter footings and metal mesh throughout the slab.
 2. The concrete slab shall be installed upon a gravel base no less than 6 inches in depth.
- B. Skirting. The area under each mobile home shall be surrounded by a skirt of sufficient construction so as to cover the area between the bottom of the unit and the top of the base.

Section 19. Changes and Amendments

- A. Procedure. The Village Board may amend this chapter pursuant to Wisconsin Law.
- B. Fee. Any petition for amendment submitted by other than a governmental body shall be accompanied by an amendment filing fee to be set by resolution by the Village Board to defray the cost of advertising, investigation, and processing, except that that any petition by a governmental body which pertains to privately owned property shall be accompanied by an amendment filing fee to be set by resolution by the Village Board. The Village Board may adjust the filing fees from time to time.

Section 20. Zoning Administration

- A. Purpose. This section creates a Planning Commission for the Village of Oliver providing for its membership, appointments, organization, authority, duties, procedures, and compensation.
- B. Planning Commission created. The Village Board of Oliver hereby creates a Planning Commission.
- C. Membership.
1. The Planning Commission shall consist of 7 voting members, who shall be appointed by the Village Board of Supervisors as provided in this Ordinance, all of whom shall be residents of the Village of Oliver.
 2. One voting member shall also be a member of the Village Board.
 3. No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of his or her income from business operations involving the development of land within the Village for urban or urban-related purposes.
 4. Ex-officio members. The following Village officers or employees are hereby designated as ex-officio, non-voting members of the Planning Commission: Village Permit Director, Village

attorney, Village engineer, and Village assessor.

- D. Method of appointment. At the Annual Meeting, the Village Board shall appoint members to the Planning Commission to fill expired terms. The appointments shall be made upon approval of the Board by the majority vote of the Board.
- E. Terms of office.
1. Except as provided in paragraph 3 below, each member of the Planning Commission shall be appointed to serve for a period of 3 calendar years. If a member's full term is up and the vacancy cannot be filled, the Village Board can re-appoint that member and no limitation on term shall apply.
 2. The Village Board member serving on the Planning Commission shall be appointed for a term of one calendar year.
 3. Initial appointments made pursuant to this Ordinance shall be made in such a manner that no more than 3 terms including that of the Village Board member, shall expire at the close of any calendar year.
 4. Each calendar year shall be presumed to run from the date of the Annual Meeting in a given calendar year to said meeting date in the next following calendar year.
- F. Vacancies.
1. Appointments shall be made by the Village Board to fill any vacancy for the unexpired duration of the term. Such appointment shall be made at the earliest possible convenience of the Village Board.
 2. Vacancies in regular positions shall be declared by the Village Board under any of the following conditions: death of a member; resignation of a member; or removal of a member for cause as provided in this Ordinance.
- G. Removal for Cause. The following shall be deemed sufficient cause, grounds, or reason for the Village Board to remove any regular Planning Commission member. The Village Board shall remove any member upon the occurrence of any of the following conditions as reported to the Board by either the Chairman of the Planning Commission or the Permit Director.
1. Failure of the member to attend one-third of the regularly scheduled Commission meetings in any 12-month period.
 2. Failure of the member to attend 3 consecutive regular Commission meetings, or to attend 4 consecutive regular and special Commission meetings.
 3. Attendance at several regular or special Commission meetings for such a short length of time as to render the member's services of little value to the Village. The Village Board shall make judgment on such matters after receiving a report of the Chairman or the Director as provided in this section above.
 4. Violation by the member of any land use control ordinance adopted by the Village pursuant to law.
- H. Organization and procedures.
1. Officers. The Planning Commission shall elect a chairman and vice-chairman from among its regular members, and shall elect a secretary from among its regular or ex-officio members.
 2. Rules of procedure. The Planning Commission shall adopt rules for the transaction of its business which shall not be inconsistent with or contrary to the statutes of the State of Wisconsin or the Ordinances of this Village.
 3. Meetings. The meetings of the Planning Commission shall be held at the call of the chairman and at such other times as the Commission in its rules of procedure may specify.
 4. All meetings of the Planning Commission shall be open to the public pursuant to Wisconsin Statutes.
- I. Voting.

1. Each regular member, including the chairman, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest.
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.
3. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest, in any decision to be made by the Planning Commission shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to paragraph 2 above.
4. Ex-officio members of the Planning Commission shall not have the right to vote on any issues before the Planning Commission.
5. Records. The Planning Commission shall keep a written public record of all its transactions, findings, and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Wisconsin Statutes.

J. Authority and Duties

1. Plan preparation and review.
 - a. The Planning Commission shall cooperate with the Permit Director and other employees of the Village in preparing and recommending to the Village Board for adoption a Comprehensive Plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.
 - b. The Planning Commission shall review any comprehensive, land use, or other plans or any official controls sent to the Village for review by any unit of government, any council of governments, or any regional, state or federal agency and shall report thereon in writing to the Village Board.
2. General.
 - a. Provide necessary forms and applications for use permits.
 - b. Issue land use permits where the provisions of this ordinance have been complied with.
 - c. Issue Conditional use permits when authorized by the Planning Commission.
 - d. Upon adoption of this ordinance and when necessary upon the passage of amendments, identify and record information relative to nonconforming uses and structures.
 - e. Maintain files of applications, permits, and other relevant information.
 - f. Make an annual report of activities to the Village Board or whenever requested by the Village Board.
3. The Village Planning Commission, chairperson and deputies shall have powers and authority including but not limited to:
 - a. Access to any structure or premises for the purpose of performing the duties of the office between 8 a.m. and 8 p.m. by permission of the owner or upon issuance of a special inspection warrant.
 - b. Upon reasonable cause or question as to proper compliance, to revoke any land use permit and issue cease-desist orders requiring the immediate or specifically dated cessation of any building, moving, alteration or use which is in violation of the provisions of this chapter.
4. Public hearings.
 - a. The Planning Commission shall hold all required public hearings for comprehensive plans and amendments thereto, official controls and amendments thereto, all conditional use permit applications, and other matters as may be prescribed by law.
 - b. The Planning Commission shall have the final authority to approve or deny all conditional use permit applications, and to direct the issuance of conditional use permits, except those conditional uses for which the Village Board has reserved such authority as provided in other Ordinances of this Village.

- c. On all other matters which are before the Planning Commission for public hearing, the Commission shall report in writing to the Village Board.
 - d. The Planning Commission shall fix a reasonable time for all hearings, shall give due notice thereof and shall conduct hearings in the manner prescribed by Wisconsin Statutes and other Ordinances of this Village.
- K. Compensation. The voting members of the Planning Commission, other than the member of the Village Board, may be compensated in an amount determined by the Village Board. All voting members of the Planning Commission, including the member of the Village Board, may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Planning Commission. Nothing in this subdivision shall be construed to prohibit the payment of a per diem to the Village Board member pursuant to law.

Section 21. Board of Appeals

- A. Board of Appeals. The Village Board will act as the Board of Appeals.
- 1. Upon appeal from a decision of a zoning inspector, the board of appeals shall have the power to decide any question involving the interpretation of any provisions of this ordinance including determining the location of any district boundary.
 - 2. The board of appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this chapter. Such special exceptions shall be done in harmony with the general purpose and intent in accordance with all of the general and specific rules set forth in this chapter.
 - 3. The Board of Appeals may also be referred to herein and in other chapters of the village code as the board of zoning appeals.
- B. Board of Appeals Procedure.
- 1. Upon receipt of a written application together with an appeals fee to be set by resolution by the Village Board and any necessary plans, maps and data, the board of appeals shall fix a reasonable time for a public hearing, give public notice thereof as well as due notice to interested parties, and decide the same within a reasonable time not to exceed 60 days.
 - 2. At the hearing any party may appear in person, or be represented by agent or by attorney.
 - 3. The concurring vote of two members of the board shall be necessary to approve any application for a use permit, or for any variance in the regulation, or to reverse any determination of the zoning inspector.
 - 4. In all cases in which adjustments or variances are granted under the provision of this section, the board of appeals shall require such evidence and guarantees as it may deem to be necessary to ensure that the conditions designated will be complied with.

Section 22. Violation – Penalty

- A. Violation. It is unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the village board, the zoning inspector, the village planning commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this chapter.
- B. Penalty for Violation. Any person, firm or corporation who fails to comply with the provisions of this title shall, upon conviction there, forfeit an amount to be set by resolution by the Village Board and cost of prosecution for each violation and in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

History: This ordinance was adopted as ordinance 2019-2 on April 30, 2019 and supersedes and replaces the zoning ordinance adopted on May 31, 2011 that superseded and replaced the zoning ordinance adopted on December 28, 1999, the adult entertainment ordinance adopted August 27, 2002, and the sign ordinance adopted May 27, 2003.