

Title 10, Chapter 1

Article A: Introduction; Definitions

Sec. 10-1-1 Authority.

These regulations are adopted under the authority granted by Secs. 61.35 and 62.23(7), Wis. Stats.

Sec. 10-1-2 Short Title.

This Chapter shall be known as, referred to or cited as the "Zoning Code, Village of Friendship, Wisconsin."

Sec. 10-1-3 Purpose.

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

Sec. 10-1-4 Intent.

It is the general intent of this Chapter to:

- (a) Regulate and restrict the use of all structures, lands and waters;
- (b) Regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways;
- (c) Secure safety from fire, flooding, panic and other dangers;
- (d) Provide adequate light, air, sanitation and drainage;
- (e) Prevent overcrowding; 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 Village of Friendship;
- (j) To prohibit uses, buildings or structures incompatible with the character of development within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief

- and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity on existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Friendship.
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

Sec. 10-1-5 Abrogation and Greater Restrictions.

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

Sec. 10-1-6 Interpretation; Standard Industrial Classifications.

- (a) 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.
- (b) Uses allowed in Commercial and Industrial Districts may be cross-referenced with the Standard Industrial Classification. The SIC number is shown in [].

Sec. 10-1-7 Effective Date.

This Chapter (Zoning Code) shall be originally effective after a public hearing, adoption by the Village Board and publication or posting as provided by law.

Sec. 13-1-8 Definitions.

- (a) For the purposes of this Chapter, the following definitions shall be used:
 - (1) **Accessory Building.** A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building, not including a garage as defined herein.
 - (2) **Accessory Use.** A use subordinate in nature, extent or purpose to the principal use of the building or lot.
 - (3) **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands, unusable lands, and school sites contained within. An acre consists of forty-three thousand five hundred sixty (43,560) square feet.
 - (4) **Advertising Sign, Outdoor.** A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located,

- (5) **Advertising Structure, Outdoor.** Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
- (6) **Alley.** A way which affords only a secondary means of access to abutting property and which is not more than twenty-four (24) feet wide.
- (7) **Apartment.** A portion of a residential or commercial building used as a separate housing unit.
- (8) **Apartment House.** See "Dwelling, Multiple."
- (9) **Arterial Street.** A public street connecting arterial highways and thus intended to serve heavier volume and higher speed through traffic. Primary arterial streets typically interconnect state trunk highways whereas secondary arterial streets interconnect county trunk highways.
- (10) **Basement.** That portion of a structure located partially below the adjoining lot grade and provided with: two (2) or more exits and sufficient windows to be naturally ventilated and illuminated, and thus considered as livable space.
- (11) **Boarding House.** A building other than a hotel where meals or lodging and meals are served for compensation for not more than six (6) persons.
- (12) **Building.** A structure having a roof and intended for the shelter, housing or enclosure for persons, animals or chattel.
- (13) **Building, Alterations Of.** Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- (14) **Building Area.** The total living space available for a designated use as found within the exterior walls of a building at the floor levels, or within the perimeter walls at the floor levels of an apartment in a multi-family structure, excluding unfinished basements and attics, breezeways, garages, porches, and common use space such as stairs, elevators, corridors, utility and laundry rooms.
- (15) **Building, Front Line Of.** A line parallel to the street intersecting the foremost point the building; excluding uncovered steps.
- (16) **Height Of.** The vertical distance from: (1) the average elevation of the adjoining ground level or (2) the established grade, whichever is lower to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
- (17) **Building, Principal.** A building in which is conducted the main use of the lot on which said building is located.
- (18) **Business.** Includes the commercial, limited industrial and general industrial uses and districts as herein defined.
- (19) **Carport.** See "Garage".
- (20) **Cellar.** The unfinished portion of a structure located mostly below grade without sufficient exits or natural lighting and ventilation to be considered as livable space.
- (21) **Clinic.** A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or non-boarding basis only.

- (22) **Club.** A building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.
- (23) **Collector Street.** A public street intended to collect residential and/or commercial/industrial traffic from minor streets and drives, and to direct this traffic to an arterial system of roads and streets. Collector streets typically provide a continuous route for intermediate traffic volumes operating at moderate speeds.
- (24) **Community Living Arrangement.** The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Sec. 48.60, Wis. Stats., group foster homes for children under Sec. 48.02(7m), Wis. Stats., and community-based residential facilities under Sec. 50.01, Wis. Stats.; but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Secs. 46.03(22), 69.97(t5), 62.23(7)(i), and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (25) **Conditional Use.** A use of land, water or building which is allowable only after the issuance of a special permit by the Village Board under conditions specified in this Chapter.
- (26) **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (27) **Court.** An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.
- (28) **Curb Break.** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (29) **Curb Level.** The level of the established curb in the front of the building measured at the center of such front.
- (30) **Day Care Center.** A place or home which provides care for four (4) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec. 48.65, Wis. Stats.
- (31) **Dwelling.** A detached building designed and used exclusively as a single-family residence, or a single-family residence incorporated into a multi-family complex of dwelling units. Does not include: boarding or lodging house; motels or hotels; cabins, tents, travel trailer, or recreational vehicles; or mobile homes not securely attached to a permanent foundation with wheels and axles removed and thus taxed as single-family dwelling.
- (32) **Dwelling, One-Family.** A detached building designed, arranged or used for and occupied exclusively by one (1) family, whether attached, detached or semi-attached. Shall include specially designed buildings covered by earth and manufactured homes.
- (33) **Dwelling, Two-Family.** A building designed, arranged or used for, or occupied exclusively by, two (2) families living independently of each other.
- (34) **Dwelling, Multiple.** A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including

- apartments, attached townhouses and condominiums.
- (35) **Dwelling Group.** A group of two (2) or more multi-family dwellings occupying a lot in one (1) ownership with any two (2) or more dwellings having any yard or court in common.
- (36) **Emergency Shelters.** Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (37) **Family.** One (1) or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this Section if he is dwelling for the purpose of adoption or for a foster care program.
- (38) **Farm.** Land consisting of five (5) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.
- (39) **Floor Area.** The total usable space available within the perimeter walls on all floors of a building including interior corridors, stairs, elevators, passageways, and finished basements serving the primary function of the building. Unfinished basements and attics, unheated porches and breezeways, garages and maintenance shops are excluded from floor area determinations.
- (40) **Floor Area Ratio (Multi-Family Residences).** The minimum area of a building lot expressed as a function of the floor area of the structure to be placed or erected thereon. For example, a building with floor area of two thousand (2,000) square feet placed on a twelve thousand (12,000) square foot lot computes as a floor area ratio of six (6.0). With a required FAR of five (5.0), the same two thousand (2,000) square foot building could be placed on a ten thousand (10,000) square foot lot.
- (41) **Foster Family Home.** The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Sec. 48.62, Wis. Stats.
- (44) **Garage, Public.** A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.
- (45) **Gasoline Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.
- (46) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under Sec. 48.62, Wis. Stats., for the care and maintenance five (5) to eight (8) foster children.
- (47) **Home Occupation.** Any business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building thereto and meeting the standards of Section 10-1-72.
- (48) **Hotel** A building occupied as the more or less temporary abiding place of

- individuals who are lodged, with or without meals, and in which there are more than six (6) sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.
- (49) **House Trailer.** A nonself-propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.
- (50) **HUD Code.** Enacted in 1976 by the federal government to establish minimum construction and safety standards for factory-built dwellings, these standards are enforced by the Federal Department of Housing and Urban Development and thus Referred to as the "HUD Code".
- (51) **Junk Yard.** An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- (52) **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.
- (53) **Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter.
- (54) **Lot Coverage (residential).** The area of a lot occupied by the principal building or buildings and accessory building.
- (55) **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.
- (56) **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five Degrees (135°) or less, measured on the lot side.
- (57) **Lot, Interior.** A lot situated on a single street which is bounded by adjacent lots along each of its other lines.
- (58) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (59) **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.
- (60) **Lot Width.** The width of a parcel of land measured at the rear of the specified street yard.
- (61) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (62) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

- (63) **Lot, Zoning.** A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.
- (64) **Marquee or Canopy.** A roof-like structure of permanent nature which projects from the wall of a building.
- (65) **Manufactured Home.** A structure certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:
- a. Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and Comm. 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - b. Is installed in accordance with the manufacturer's instructions;
 - c. Is properly connected to utilities;
 - d. Is a dwelling consisting of one (1) or more post 1976, factory-built units in compliance with HUD Code standards and transported to the homesite over the public roads and streets using removable tongues, wheels and axles, and/or dollies, and then assembled, placed and secured on a Single-Family Lot in accordance with the manufacturer's recommendations and/or the pertinent provisions of the Village Building Code. (Manufactured homes typically have shingled roofs with three (3) in twelve (12) of steeper slopes, horizontal lap siding or vertical board and batten siding and a unit width of at least fourteen (14) feet; for the purpose of this Chapter, a manufactured home placed in a mobile home park shall be deemed a mobile home); and
 - e. Meets other applicable standards of this Chapter.
- (66) **Minor Street.** A public right-of-way, not less than fifty (50) feet wide, providing direct access to abutting property and serving low volumes of low speed traffic.
- (67) **Mobile Home.** A pre-1976 factory-built, single-unit, dwelling transported to the building site over public roads and streets using attached tongue, wheels and axles or dollies and then placed and secured on a single-family lot or in a mobile home park in accordance with the manufacturers recommendations and/or pertinent provisions of the Village Building Code. [Pre-1976 mobile homes do not necessarily comply with the HUD Code and typically have relatively flat roofs, embossed sheet metal siding and a width of sixteen (16) feet or less.] Excluded from this definition is every "manufactured home" as defined above.
- (68) **Motel.** A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- (69) **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.
- (70) **Motor Vehicle.** Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.
- (71) **Nonconforming Building or Structure.** Any building or structure which does not comply with all of the regulations of this Chapter or of any amendment hereto

- regulating any building or structure for the Zoning District in which such building or structure is located.
- (72) ***Nonconforming Use.*** Any use of land, buildings or structures which does not comply with all of the regulations of this Chapter or of any amendment hereto governing use for the Zoning District in which such use is located.
- (73) ***Nursery.*** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (74) ***Nursery School.*** Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.
- (75) ***Nursing Home.*** Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (76) ***Parking Area, Semi-Public.*** An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- (77) ***Parking Space.*** An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto.
- (78) ***Place.*** An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.
- (79) ***Planned Residential Development.*** A tract of land which contains or will contain two (2) 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.
- (80) ***Property Lines.*** The lines bounding a platted lot as deemed herein.
- (81) ***Public Way.*** Any sidewalk, street, alley, highway or other public thoroughfare.
- (82) ***Principal Structure.*** The main or primary structure on a property. In the case of a farm, the residence is the principal structure on the property
- (83) ***Professional Home Offices.*** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed the standards in Section 13-1-72 and only one (1) nonresident person is employed.
- (84) ***Railroad Right-of-Way.*** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
- (85) ***School, Commercial.*** A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.
- (86) ***School, Private.*** An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for mental defectives or a college or other institution of

- higher learning.
- (87) **Signs.** Any 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.
- (88) **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.
- (89) **Story, Half.** A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- (90) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (91) **Structure.** Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.
- (92) **Structural Alterations.** Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.
- (93) **Travel Home.** A vehicle designed to be towed or self-propelled over the public roads and streets and constructed in a manner to provide living space and thus serve as a temporary residence or sleeping place for one (1) to six (6) persons.
- (94) **Use.** The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
- (95) **Use, Principal.** The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or conditional."
- (96) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (97) **Use, Conditional.** See definition for "conditional use".
- (98) **Vending Machine.** A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.
- (99) **Vision Triangle.** A triangular space at the corner of a lot abutting two (2) existing or proposed intersecting streets or alleys and bounded by a diagonal line connecting points on such street right-of-way lines at a distance as specified and measured from their intersection.
- a. Alley - ten (10) feet, minor street - fifteen (15) feet.
 - b. Secondary Arterial Street - twenty-five (25) feet.
 - c. Collector Street - twenty (20) feet.
 - d. Primary arterial street - thirty (30) feet.
- (100) **Vision Clearance.** No obstruction to traffic visibility, such as structures, trees, shrubs or parked vehicles, shall be permitted in a vision triangle as defined herein, between the heights of two (2) feet and ten (10) feet above the mean curb grade or mean centerline grade where streets are without curbs.
- (101) **Yard.** An open space on the same lot with a structure, unoccupied and

- unobstructed from the ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot.
- (102) **Yard, Front.** A yard extending across the width of the lot with minimum depth as specified and measured as a horizontal distance between the front or street property line and a line parallel thereto through the nearest point of the principal structure. Street/front yards shall be maintained free of structures, obstacles, sight obstructions and related man-made facilities other than the overnight parking of motor vehicles in defined driveways.
- (103) **Yard, Rear.** A yard extending across the width of the lot with minimum depth as specified and measured as a horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. Rear yards shall have the required area free of structures, obstacles, sight obstructions and related man-made facilities.
- (104) **Yard, Side.** A yard extending along a side lot line from the front yard to the rear yard.
- (105) **Yard, Corner Side.** A side yard which adjoins a public street.
- (106) **Yard, Interior Side.** A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.
- (107) **Yard, Street.** Yard abutting a street. (See "Yard, Front").
- (108) **Yard, Street Side.** A second yard on the side of a corner lot abutting two (2) or more streets at their intersection. Street side yards have widths equal to or greater than ordinary side yards to assure safe sight distances for intersecting traffic flows.
- (109) **Yard, Transitional.** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.
- (110) **Zero Lot Line Structure.** A zero lot line structure is a single-two (2) unit dwelling which exists on two lots and has a common property line where the dwelling units meet. Any division of land associated with the construction or development of a Zero Lot Line Structure shall comply with any applicable land division regulations contained in Title 10, Chapter 3 of the Village Code. A zero lot line structure has a side yard of zero (0) feet on the side where the dwelling units meet at the common property line, and at least eight (8) feet for the other side yard except on corner lots where the twenty-five foot setback is required on both the front and street sides.
- (111) **Zoning District.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

Sec. 10-1-9 through Sec. 10-1-19 Reserved for Future Use.