

Article B: General Provisions

Sec. 10-1-20 Jurisdiction and Compliance.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall include all lands and water within the corporate limits of the Village of Friendship, Adams County, Wisconsin.
- (b) **Compliance.** No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable Village, county and state regulations.
- (c) **District Regulations to Be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.

Sec. 10-1-21 Use Restrictions.

The following use restrictions and regulations shall apply:

- (a) **Principal Uses.** Only those principal uses specified for a district, their essential services and the following shall be permitted in that district:
- (b) **Unclassified or Unspecified Uses.** Unclassified or unspecified uses may be permitted by the Village Board provided that such uses are similar in character to the principal uses permitted in the District.
- (c) **Performance Standards.** Performance standards listed in Article H shall be complied with by all uses in all districts.
- (d) **Conditional Uses.** Provisions applicable to conditional uses generally:
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Village Board in accordance with Article D of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Village Board to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - (3) Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board in accordance with Article D.
 - (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Village Board in accordance with Article D.

- (5) Provisions in this Chapter relating generally to conditional uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provision would then control), be deemed to be applicable to both regular and limited conditional uses.
- (6) Conditional uses authorized by Village Board resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
- (7) Conditional uses authorized by the Village Board shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Board approval and the procedures required in Article D.
- (e) **Uses Not Specified in Code.**
 - (1) Uses not specified in this Chapter which are found by the Village Board to be sufficiently similar to specified permitted uses for a district shall be allowed by the Zoning Administrator.
 - (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board public hearing and approval pursuant to Article D.

Sec. 10-1-22 Reduction or Joint Use.

- (a) **Required Area.** No lot, yard, parking area, building area or other required space shall be reduced in size or dimension so as not to meet the provisions of this Chapter.
- (b) **Joint Use.** 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. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Chapter shall be included as part of a yard or open space required for another building.

Sec. 10-1-23 Site Regulations.

- (a) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Village Board, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify, or withdraw its determination of unsuitability.
- (b) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of thirty (30) feet; however, to be buildable, the lot shall comply with the frontage requirements of the Zoning District in which it is located. In the case of a corner lot, the standard specified for "Front Yard Setback," for the zoning district, shall apply to those sides of the lot which abut both streets forming the corner.

- (c) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (d) **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (e) **Lots Abutting More Restrictive Districts.** The street yard setbacks in the less restrictive district shall be modified for a distance of not less than thirty (30) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (f) **Vision Clearance Triangle.** In each quadrant of every street intersection there shall be designated a vision clearance triangle bounded by the inner street lines and a line connecting them at a specified distance from their intersection. The distance specified shall be determined by the type of street or road, the kind of traffic controls in effect, and other factors affecting public safety. Within this triangle, no object shall be allowed above a height of two and one-half feet above the streets if it obstructs the view across the triangle. In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the vision clearance triangle from one street or road to another, the intent being to provide for the public safety; but it shall not necessarily be construed to mean that every tree in the vision clearance triangle must be removed. In a like manner, this restriction shall not apply to the posts and wires of wire fences provided that they do not obstruct visibility across the vision clearance triangle.
- (g) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than two (2) horizontal to one (1) vertical, within a distance of ten (10) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (h) **Decks.** For purposes of this Chapter, decks shall be considered a part of a building or structure.
- (i) **Lots Abutting Two Streets.** Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.
- (j) **Double-Frontage Lots.** Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space

on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.

- (k) **Open Yards.** Every part of a required yard shall be open to the sky, unobstructed, except accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than twelve (12) inches.
- (l) **Lakeshore Setbacks.** All principal building constructed on parcels of land which abut on Friendship Lake shall conform to the following standards in regard to the setback distance from the shoreline of the lake. The term "Shoreline" as used herein, shall be interpreted to mean the normal high water line. The term "Building," as used herein, shall be interpreted to mean a principal building.
 - 1. No building shall be constructed, and no existing building shall be reconstructed or altered, in such a way that any portion thereof will be closer to the shoreline of the lake than seventy-five (75) feet.
- (m) **Certificate of Occupancy Required.** No vacant land shall be occupied or used and no building hereafter erected, altered, moved or shall be occupied until a Certificate of Occupancy has been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and the use thereof are in conformity with the provisions of this Chapter. Such Certificate shall be issued only when the building or premises and the use thereof conform to all the requirements of this Chapter.
- (n) **Establishment of Grades.** No person, corporation, or entity shall establish grade for a building erected, structurally altered, or relocated under this ordinance without prior approval of the Building Inspector. This provision applies to all applications for Zoning Permits, including Residential Zoning Districts.

Elevations for buildings shall be established as based on an average building-to-street height relationship, which shall be a minimum of two (2) feet with a front yard/driveway slope range of between 1% and 10%, as illustrated within Attachment A of this article. The Building Inspector shall review information regarding the building-to-street height relationship within information submitted at the time of the zoning permit request. If the building-to-street height relationship is not provided at the time of the permit request or if verification is required, the Building Inspector may require the permittee to supply necessary elevations on a plan drawing, prepared by a qualified Contractor, Land Surveyor, or Engineer prior to permit issuance.

The building-to-street height relationship shall be referenced from the curb grade as defined in Section 10-1-8 (16), or street centerline grade where no curb is present. For streets of significant slope, the average elevation shall be used and is considered to be the mean of two (2) street elevations taken at the straight projection on the frontage street of the side building lines. Additional information may be required in the cases of non-uniform lot dimensions, non-uniform building lines or reversed corner lots, as determined by the Building Inspector.

The building-to-street height relationship may be dictated as based on existing utility services, such as Village sanitary sewer service. In the case of a conflict between interests between sanitary sewer and street grades, the most restrictive condition shall apply.

The building elevation shall be taken on the finished top of concrete foundation wall, or finished garage slab, of the existing or planned building. The Building Inspector shall determine the building-to-street height relationship based on this information and identify the controlling building level where surface storm water drainage above that elevation would adversely affect exterior or interior building appurtenances. Buildings with walk-out provisions and partial exposure amenities are deemed special conditions that may require more information for review prior to permit action.

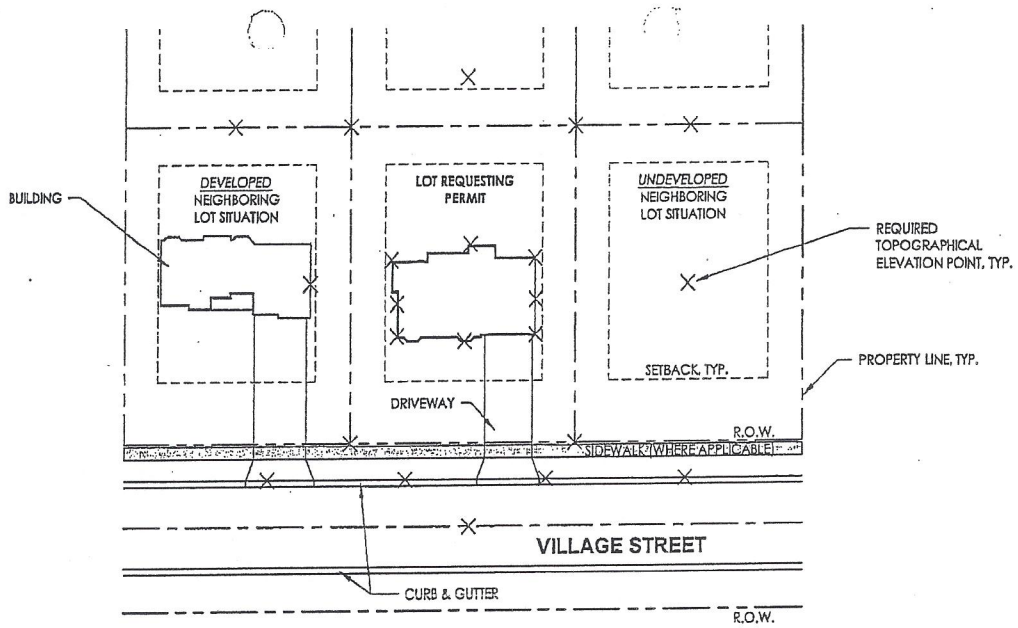
If the Building Inspector in this review does not see a potential problem with regard to site grades, the permit shall be issued pursuant to other permit requirements that may be imposed. The zoning permit shall be issued simultaneously with the building permit request.

If the Building Inspector, upon the review of this information, determines a potential problem in the site grading or drainage aspect to a neighboring property, the Building Inspector shall notify the permittee/applicant and the Director of Public Works. No building permit shall be issued until zoning permit requirements have been met in plan. The Village may require written consent of neighboring properties for the appropriate activity prior to any permit action. In any case the Village shall not be responsible for grading or drainage conflicts if a problem has or has not been identified in the permit process.

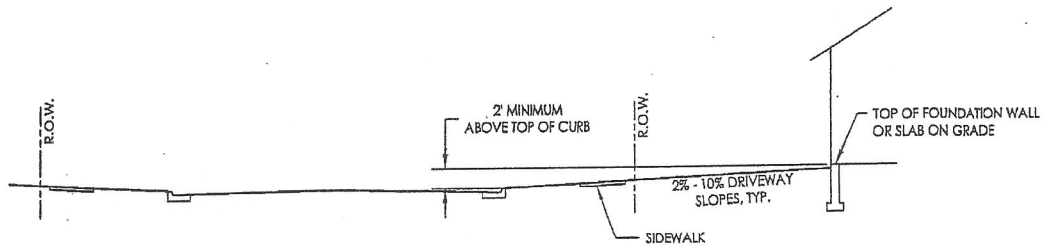
For any accessory building, establishment of grade shall be determined per the provisions of this Section, and/or Article J, and/or sub-section (a), (f) above, and/or existing or new driveway permit conditions, and/or applicable deed restrictions on the subject property, and/or applicable restrictive covenants, and/or referenced off the existing principal structure, which ever is more restrictive in the intent of the establishment of grade as determined by the Building Inspector and/or Director of Public Works.

As determined by the Building Inspector and/or the Director of Public Works, deviations that are proposed outside the minimum or maximum standard as set forth above, for the cases outlined above, shall be forwarded to the Village for review and approval, through the variance procedures as referenced in Article N of this Ordinance, prior to permit issuance/approval.

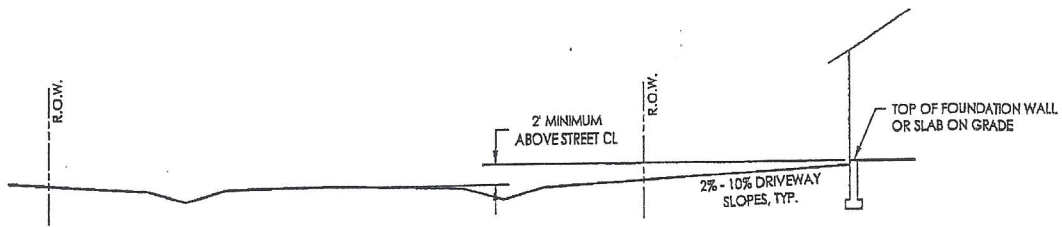
Non-Conforming Buildings: Buildings that are deemed non-conforming by this provision may also be subject to the specifications of Article E of the Zoning Ordinance.



PLAN VIEW



TYPICAL SECTION WITH CURB



TYPICAL SECTION WITHOUT CURB

ATTACHMENT A

Sec. 10-1-25 through Sec. 10-1-39 Reserved for Future Use.

