

Village of Rosholt
Portage County,
Wisconsin
Zoning Ordinance
Adopted June 8, 2009

Prepared by:
Rosholt Plan Commission &
North Central Wisconsin Regional Planning Commission

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VILLAGE OF ROSHOLT
ZONING ORDINANCE

Adopted June 8, 2009

First Draft January 16, 2007/ Revised December 4, 2007 & June 4, 2008

Section 1: Title Purposes, Authority, Validity, and Conformance

A. Title:

This Ordinance shall be known, cited, and referred to as: The Village of Rosholt Zoning Ordinance.

B. Purposes:

The Zoning Ordinance of the Village is adopted for the following purposes: To lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience, and general welfare; to provide adequate standards of light, air, and open space; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial, agricultural and manufacturing uses for the mutual benefit of all. It is further intended to provide for the administration and enforcement of this Ordinance on a local level and to provide penalties for its violation.

C. Authority:

These regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23(7) of the Wisconsin Statutes.

D. Validity:

Should any section or part of this ordinance be declared invalid by a legal action, that action shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared to be invalid.

E. Conformance:

Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.

Section 2: Effective Date and Repeal of Previous Zoning Ordinance & Map

This Ordinance and Zoning Map shall be effective after a public hearing and adoption by the Village Board. This ordinance shall also repeal and replace the previous zoning ordinance and map.

Section 3: Plan Commission

The Village Plan Commission shall consist of seven members as follows: the Village President, who shall be its presiding officer, two trustees and 4 citizens. Citizen members shall be persons of recognized experience and qualifications.

Section 4: General Standards

A. Street Frontage Required:

Except as otherwise permitted in this ordinance no lot shall contain any building used in whole or in part for resident purposes, unless such lot abuts for at least 60 feet on at least one public street.

B. Accessory Buildings:

Accessory buildings which are not a part of the main building shall not occupy more than 30 percent of the area of the required rear yard, shall not be more than 15 feet high and shall not be nearer than 3 feet to any lot line except that when an accessory building has an entrance on an alley, such entrance shall be located not less than 10 feet from the nearest alley right-of-way line.

When an accessory building is a part of the main building, is substantially attached thereto or is closer than 10 feet thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building. No accessory building shall exceed one story or 15 feet in height, whichever is greater. Exceptions can made on a case by case basis through the conditional use permit process. See Sections 7 & S.

C. Corner Lots:

The setback requirements shall be observed on each street side of a corner lot; provided, however, that the buildable width of a lot shall not be reduced to less than fifty (50) feet.

D. Required Yard Area or Setback:

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

(1) Front Yard Setback

The Front Yard setback of any lot or parcel shall be measured from the right-of- way line abutting the street as shown on the Village’s “Official Street Map” to the primary structures.

(2) Side Yard Setback

The Side Yard setback of any lot or parcel shall be measured from the primary structure to the lot line on either side.

(3) Rear Yard Setback

The Rear Yard setback of any lot or parcel shall be measured from the primary structure to the rear lot line.

E. Fences and Vision Triangles:

(1) Fences, Wall in Front Yards

In any residence zone on any corner lot, no fence or accessory structures or planting shall rise over two (2) feet in height above the level of the public sidewalk or land surface within twenty (20) feet of any corner as to interfere with traffic visibility across any corner.

(2) Fences in Side Yards

No fence or wall, other than a retaining wall along a side line of a lot shall be higher than six (6) feet unless any part above such a height has at least fifty (50) percent of the surface uniformly open and unobstructed unless the adjoining lot is not in a residential zone. Except as provided for in (1) above, no side yard fence wall shall extend into the required street setback area.

(3) Fences and Rear Yards

Fences having a height of ten (10) feet or less may be located on property lines within the required rear yards in the resident districts.

F. Structures to Have Access:

Every main building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so situated on lots as to provide safety and convenient access for servicing, fire protection and required off street parking.

G. Moving of Structures:

If a building or structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

H. More than one Principal Building or Use on a Lot:

When a housing project consisting of a group of two (2) or more buildings comprising eight (8) or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this ordinance to the individual building units, the Village Board may approve a development plan after first submitting the same to the Planning Commission for its recommendation provided such plan complies with the regulations of this ordinance as applied to the whole plot.

Every building hereafter erected, converted, enlarged or structurally altered shall be located on a zoning lot and there shall not be more than one main building on one zoning lot except that the Plan Commission may authorize more than one main building on a one zoning lot after their review and approval of such a proposal.

I. Floor Area:

One and two family dwelling units shall have a minimum gross floor area of 900 square feet per unit.

J. Mobile Homes:

Mobile homes shall be permitted in Mobile Home Parks. Mobile Home Parks are allowed as a conditional use in the "R-4" District.

K. Waterline or Wetland Setbacks:

There shall be a seventy-five foot (75") foot setback from the high water line of any navigable stream to the nearest point of any permitted use or accessory use thereof. The high water line is either: 1) the established elevation line of the 100 year flood when the location of such line is known from a flood plain study officially accepted by the Village Board, or 2) the high water line along a stream or wetland as established by the Village Zoning Administrator when other more accurate information on the location of a high water line is not available. A surveyed meander line is not necessarily the high water line.

L. Drainage Standards:

The purpose of this section is to regulate the creation of drainage which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

The requirements of this section apply to all land uses and activities.

No land shall be developed and no use shall be permitted that results in water runoff, which causes property damage, a nuisance, and/or erosion on adjacent properties. Such runoff shall be properly conveyed to a public storm drain, drainageway or other such public drainage facility per approval of the Plan Commission.

Section 5: Required Permits

A. Land Use Permit:

A land use permit must be obtained from the Zoning Administrator before any new land use subject to the provisions of this ordinance may be initiated. All dimensions shown relating to the location and size of the lot shall be based upon a certified survey map (CSM). The lot shall be staked out on the ground before the land use permit is issued.

Except as otherwise provided in this ordinance, the Zoning Administrator shall issue or refuse to issue a land use permit within 10 days after receipt of an application therefore. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.

A land use permit will not be applicable to the remodeling of the interior or exterior of a structure which remodeling does not include the enlargement of the structure or which remodeling does not conflict with any other provision of the Zoning Ordinance. The Zoning Administrator is authorized and responsible for making the determination of non-applicability and shall certify thereto in appropriate cases which determination may be appealed to the Board of Zoning Appeals.

B. Building Permit:

No building permit shall be issued without the applicant for said permit first qualifying for and being granted a "Land Use Permit" as described above. The Zoning Administrator may devise appropriate means of integrating the application for and issuance of land use and "Building Permits." Land use and building permits shall also be coordinated with the issuance of permits for signs under the Village Sign Ordinance.

All applications for a building permit shall be accompanied by a location sketch drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing or intended use of the

building, the number of families to be accommodated, the distances between the nearest point on the building and the center line of the highway, and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this ordinance.

The term “building” as used in this section shall include any building, structure or use of land which is governed by the requirements of this ordinance, and any substantial alteration in the heating plant, sanitary facilities or mechanical equipment of any such building which would effect a change in its use.

A building permit shall lapse and become void unless the operations described in the permit are commenced within 90 days from the date of issue of such permit. Once started, a project must be completed within 24 months.

Such permits shall be posted in a prominent place on the premises prior to and during the period of construction, alteration or moving.

C. Certificate of Compliance:

No premise or lands shall be occupied or used, and no building hereafter erected, structurally altered or moved until a “Certificate of Compliance” permit has been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof and the proposed use thereof is in conformity with the provisions of this ordinance. Under such rules and regulations as may be established by the Village Board, the Zoning Administrator may issue a temporary certificate of compliance for part of a building.

Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the ordinance. Such certificate shall be applied for when application is made for a land use permit but only if the building or premises and the proposed use thereof conform with all the requirements of this ordinance.

With respect to enforcing compliance with flood plain regulations as per Statute 87.30 in the case of developments proposed in flood plain areas the Zoning Administrator shall request the applicant to submit a certification by a registered professional engineer or land surveyor that the finished fill and building floor elevations, flood proofing measures, or other flood protection factors were accomplished in compliance with the provisions of application state laws and administrative regulations. The Zoning Administrator shall within ten (10) days after receipt of such certification from the applicant issue a certificate of compliance only if the building or premises and the proposed use thereof conform with all the requirements of this ordinance.

D. Permit Issuance:

No land use or building permit shall be issued for any use which it would be in conflict with any other Village of Rosholt ordinances governing nuisances or with any State or Federal Laws.

E. Records:

The Village Clerk shall keep records of all permits.

Section 6: Official Village Zoning Map

The Village is divided into districts as shown on the Official Zoning Map, which is hereby adopted by reference and declared to be a part of this ordinance. There shall only be one Official Zoning Map. This map shall be located in the Village Offices and shall be the final authority as to the current zoning status of the land, water, buildings, and other structures in the Village.

Section 7: Zoning Districts

There are ten basic zoning districts used in the Village. They are:

- 7.1 C Conservancy
- 7.2 A Agricultural
- 7.3 R - 1 Single Family Residential (Low Density)
- 7.4 R - 2 Single Family Residential
- 7.5 R -3 Single Family & Two Family
- 7.6 R -4 Multiple Family
- 7.7 B - 1 General Business
- 7.8 CBD Central Business District
- 7.9 M - 1 Light Manufacturing
- 7.10 PDD Planned District Development

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7.1 (C) Conservancy District

District Intent: This district is established to provide protection to environmentally sensitive lands such as flood plains, wetlands, shorelands, well fields, and fringe lands remote from Village services and access. The district is also intended to be applied as a means of regulating the timing and direction of land development in accordance with the Village's Comprehensive Plan.

The "Conservancy" District shall be applied to all flood plain lands known to be within the 100-year flood plain zone of any navigable stream within the Village. The 100-year flood plain zone shall be that zone defined by a flood plain study accepted by the Village Board and by the Wisconsin Department of Natural Resources. In the absence of such a study the 100-year flood plain zone shall be delineated as those lands commonly known to be in a flood plain, including evidence of high water marks, soil surveys, available surveys and maps and the advice of specialists in flood plain delineation. Wisconsin Department of Natural Resources flood plain regulations NR 116 shall apply to all lands known to be within the 100 year flood plain and said regulations are hereby adopted by reference herewith.

The utilization of any conservancy-zoned lands shall be subject to the "conservation standards" as defined by this ordinance.

It is also intended that the Conservancy District include and regulate all flood plain lands known to be within the 100 year flood zone as required by sec. 87.30 of Wisconsin Statutes, Wisconsin Administrative Regulations NR 116, and Federal Register rules of sec. 1910.3 enacted pursuant to the National Flood Insurance Program; and Shoreland-Wetlands as established by sec. 62.231 and 61.351 of Wisconsin Statutes, and Wisconsin Administrative Code 117.

Permitted Uses:

- Truck gardening, field crops, hay fields, garden plots.
- Pasturing of horses associated with residential uses provided that sheltering is provided for such horses.
- Public parks and playgrounds.
- Study and research of plant material, fish and wildlife.
- Bicycling and hiking trails.
- Railroad rights-of-way.
- Accessory buildings or uses.

- Towers attached to existing towers (See Wireless Communications Ordinance).
- Free Standing Antennas (See Wireless Communications Ordinance).

Conditional Uses:

Open space leisure, instructional, or recreational activities requiring disruption of natural conditions including the placement of structures or devices not natural to the area.

Any corporate or municipal utility structure, substation, transmission line, or pipeline.

Dams, dikes drainage channels, reservoirs, bulkheads and other structures or devices for the control of flowing or standing water.

Private or public roads or streets.

Any public or private filling, grading, lagooning or dredging consistent with any State or Federal flood plain or wetland regulations, if applicable.

Campgrounds and lodges of civic or fraternal organizations.

Pine plantations and orchards.

Golf courses and the following accessory uses: clubhouses, pro-shops, restaurant and bar, swimming pool.

Municipal wastewater treatment plants.

Signs over six (6) square feet.

See Section 8.

Performance Standards:

These standards are intended to promote the health, safety and general welfare of the public through the protection of water quality, prevention of erosion and siltation, and the preservation of natural open spaces and plant material for the maintenance of esthetic living environment and the maintenance of air quality.

Trees and Shrubbery — The cutting of trees and shrubbery shall be regulated to protect scenic beauty, control erosion and reduce the flow of pollutants and nutrients from the shoreline.

In a strip 50 feet inland from the normal high water line of navigable streams and lakes 25 feet inland from all other natural and man-made drainage courses, no more than 30 feet in any 200 feet shall be clear-cut. In other conservancy areas, trees and shrub cutting shall be governed by consideration of the affect on water quality and basic esthetic quality and should be in accord with accepted lumber management practices.

These provisions shall not apply to the removal of dead, diseased or dying trees, or to silvicultural thinning.

Commercial harvesting of trees shall be allowed in accord with accepted forest management practices and the other specified standards of this section. Commercial harvesting of trees is not permitted within the 25-foot or 50 foot strips as outlined earlier in this section.

General Standards and Requirements

There are no height, area, yard or setback requirements for the Conservancy District.

7.2 (A) Agricultural District

District Intent: This district is established for the purpose of allowing and protecting agricultural activities. The district can provide some assurance to land owners and farmers, so zoned, that they are not subject to urban type regulations, which would interfere with their farm operations. The Agricultural District is also intended to provide a means for preserving and protecting good agricultural lands, which have prime production capabilities. The district is further intended to be available to the local governing body to guide the location and timing of urban land development by applying such a district in remote areas of the Village not immediately serviceable by public utilities and other services.

Permitted Uses:

- Any use permitted in Conservancy District.
- Farms over twenty (20) acres, including customary accessory activities and buildings, field crops and farm animals.
- Irrigation machinery and operations.
- Public parks and open space.
- Public or private forest lands and wildlife lands.
- Two single family, non-farm residences or lots of five (5) acres or more.
- Greenhouses and plant material nurseries.
- Temporary roadside vegetable and produce stands for sale of such products grown on the same premises.
- Customary erosion and water control devices and agricultural land treatment measures.
- Customary signs associated with farming, but not to include off premise billboards or other off-premise advertising devices.
- Field crops.
- Towers attached to existing towers (See Wireless Communications Ordinance).
- Free Standing Antennas (See Wireless Communications Ordinance).
- Customary accessory uses.

Conditional Uses

Corporate utility structures or substations.

Ponds, man-made lakes, borrow pits.

Dams, dikes, flood control structures.

Trap & sport shooting ranges, gun clubs.

Conditional Uses Standards & Requirements

As set by the Plan Commission and Village Board.

See Section 8.

General Standards & Requirements

Minimum Lot Size: Farms 20 Acres, Single Family Non-Farm Residences 5 Acres.

Front Yard: Farms None, Single Family Non-Farm Residences 25 feet.

Side Yard: Farms None, Single Family Non-Farm Residences 25 feet.

Rear Yard: Farms None, Single Family Non-Farm Residences 25 feet.

Height of Structure: Farms None, Single Family Non-Farm Residences 35 feet.
(Accessory Farm Use 90 feet).

Parking: Farms None, Single Family Non-Farm Residences 2 spaces.

7.3 (R-1) Single Family Residential District-Low Density

District Intent: This district is established to provide for low density residential land usage and accessory uses particularly in fringe areas of the Village to reduce the need for a cost of public services such as sewer and water, or to be applied in those areas of the Village where natural environmental conditions present physical development problems such as from high ground water, bedrock, clay soils, etc. A further purpose is to help preserve the open space and natural scenic and ecological qualities in special areas such as along shorelines, wetlands, bluffs, community parks or other areas identified by the Planning Commission and otherwise consistent with the Village's Comprehensive Plan.

Permitted Uses

- Any "permitted use" in the "C" District except Truck gardening, field crops, hay fields, garden plots; and Pasturing of horses associated with residential uses provided that sheltering is provided for such horses.
- Single-family dwellings.
- Signs as permitted in the municipal sign ordinance.
- Tennis courts, but not those located in the required front yard setback.
- Customary accessory uses.

Conditional Uses

Communication and utility & non-municipal structures or substations.

Home occupations-Professional home offices.

Towers attached to existing towers (See Wireless Communications Ordinance).

Conditional Uses Standards & Requirements

As set by the Plan Commission and Village Board.

See Section 8.

General Standards & Requirements

- Minimum Lot Size: 2 Acres.
- Lot Width: 130 Feet at Building Line.
- Front Yard: 50 Feet.
- Side Yard: 30 Feet.
- Rear Yard: 50 Feet.
- Height of Structure: 40 Feet or 2 1/2 Stories
- Parking: Two Spaces per unit.

7.4 (R-2) Single Family Residential District

District Intent: This district is established to provide the population density and uses primarily for single family living, which is expected to accommodate the numerous residential developments already at the density of this district, and the district would accommodate other housing intended to be served by Village sewer and water facilities. This district is to be located consistent with the Village's Comprehensive Plan.

Permitted Uses

- Any "permitted use" in the "R-1" and "C" District except "permitted uses", except Truck gardening, field crops, hay fields, garden plots; and Pasturing of horses associated with residential uses provided that sheltering is provided for such horses.
- Single family detached dwellings.
- Churches, convents, chapels, temples, synagogues, parish or rectory houses.
- Public, parochial and elementary schools.
- Private non-commercial recreational areas and facilities.
- Parks, playgrounds, athletic fields.
- Railroad right-of-way exclusive of switching, storage, freight yards or sidings.
- Day care and nursery schools.
- Cemeteries.
- Customary accessory uses.

Conditional Uses:

Gardening, and community garden plots.

Public or institutional community centers, senior centers, or youth centers.

Junior and Senior High Schools.

Communication and utility structures or substations of any public utility including transmission pipelines.

Group homes exclusive of halfway houses, but not to exceed 2,000 square feet.

Fire stations.

Development on Officially Recorded 66 foot lots.

Home occupations. Professional home offices.

Towers attached to existing towers (See Wireless Communications Ordinance)..

Conditional Uses Standards & Requirements

As set by the Plan Commission and Village Board.

See Section 8.

General Standards & Requirements

Minimum Lot Size: 15,000 Square Feet.

Lot Width: 80 Feet at Building Line.

Front Yard: 25 Feet.

Side Yard: 10 Feet.

Rear Yard: 15 Feet.

Height of Structure: 35 Feet or 2 ‘ Stories

Parking: 2 Space per unit.

7.5 (R-3) Single & Two Family Residential District

District Intent: This district is established to provide for both single family residents and two family residences intended particularly to act as a transition district between lower intensity uses such as permitted in “C”, “A”, “R”, and “PDD” districts and higher intensity districts such as “R-4”, “B”, and “M” districts consistent with the Village’s Comprehensive Plan. This district is intended to be provided for all lands where sewer and eventually water perhaps, is or will be required.

Permitted Uses

- All “permitted uses” in the ‘ District.
- Two Family dwellings.
- Customary accessory uses.
- Sign per municipal sign ordinance.

Conditional Uses

All conditional uses permitted in the “R-3” District.

Governmental administrative and protective facilities such as municipal halls, fire and police stations.

Towers attached to existing towers (See Wireless Communications Ordinance).

Conditional Uses Standards & Requirements

As set by the Plan Commission and Village Board.

See Section 8.

General Standards & Requirements:

Minimum Lot Size:	One — Family 15,000 Square Feet
	Two — Family 15,000 Square Feet (7,500 sq. ft. per family)
Lot Width:	80 Feet.
Front Yard:	25 Feet.
Side Yard:	10 Feet.
Rear Yard:	15 Feet.
Height of Structure:	35 Feet or 2 1/2 Stories.
Parking:	2 Spaces per unit.

7.6 (R-4) Multiple Family Residential District

District Intent: This district is established to provide a higher density, mixed residential district intended to provide a transition between lower density detached housing areas and more intense non-residential land usage consistent with the Village's Comprehensive Plan.

Permitted Uses

- All "permitted uses" in the "R-3" District.
- Multiple family dwellings and apartment buildings.
- Townhouses and garden apartments.
- Condominium housing.
- Religious and charitable institutions.
- Funeral homes.
- Customary accessory uses.
- Signs per Village sign Ordinance.

Conditional Uses

Conditional uses permitted in the "R-3" district except truck gardens.

Hospitals & clinics.

Rest homes, nursing homes & homes for the aged.

Boarding, lodging, & rooming houses, including Halfway houses.

Private clubs, lodges, fraternities, sororities, except those the principal use of which is a service customarily carried on as a business.

Mobile home parks.

Professional & medical offices.

Towers attached to existing towers (See Wireless Communications Ordinance).

Conditional Uses Standards & Requirements:

As set by the Plan Commission and Village Board.

See Section 8.

Standards & Requirements

- Minimum Lot Size: One — Family 12,000 Square Feet.
Two — Family 10,000 Square Feet (5,000 sq. ft. per family)
Multi-Family Units, by bedroom size:
One
Two
Three or more
- Lot Width: 80 Feet.
Front Yard: 25 Feet.
Side Yards: 10 Feet.
Rear Yard: 15 Feet.
Height of Structure: 35 Feet of 2 1/2 Stories.
Parking: 2 Spaces per unit

7.7 (B-1) General Business District

District Intent: This district is established to provide larger areas for retail, commercial, office, service, and apartment uses in areas of good accessibility along arterial streets consistent with the Village's Comprehensive Plan. This district is primarily intended to accommodate commercial uses requiring large land, multiple structures, and parking areas and depending upon usage.

Permitted Uses

General Business or Commercial uses such as:

- All permitted and conditional uses of the R-4 Residential District except mobile home parks and one and two family homes.
- Repair shops less than 3,000 sq. ft.
- Apartment buildings and apartment flats.
- Greenhouses and nurseries.
- Banks.
- Drive-In restaurants.
- Fruit and vegetable market.
- Wholesale and distributing establishments.
- Farmer's market.
- Savings and Loan Associations.
- Board, lodging and rooming houses.
- Pet shops.
- Building, plumbing, electrical and general contracting offices and sales outlets.
- Supermarket, grocery stores.
- General retail uses including department stores.
- Taverns, nightclubs.

- Gas or service stations.
- Printing shops and newspaper publishing.
- Bakeries not over 6,000 sq. ft.
- Laundromats not over 6,000 sq. ft.
- Libraries, museums, senior centers.
- Automotive and marine recreational vehicle sales & servicing.
- Farm implement and trailer sales and repair, excluding rebuilding, salvage, wrecking, storage or junking operations if such activities are the primary land area use or the primary revenue-producing element of the permitted use.
- Governmental administrative and protective facilities.
- Towers attached to existing towers (See Wireless Communications Ordinance).
- Free Standing Antennas (See Wireless Communications Ordinance).
- Accessory uses to the above permitted uses.

Conditional Uses

Shopping centers.

Sign companies including fabrication and repair of all types of signs.

Hotel and motel complexes including other directly related facilities.

Experimental, testing or research facilities.

Ballrooms or dance halls.

Transfer, storage, moving, freight and parcel delivery operation and excavating contractors.

Non-municipal utility substations, structures or facilities.

Animal hospital and veterinary clinics or kennels.

Commercial or institutional recreational game fields, swimming pools, skating, golf driving ranges, miniature golf, go-cart tracks, or similar open air recreational facilities.

Indoor skating and archery ranges.

Railroad tracks and spurs.

Indoor shooting clubs-ranges.

Conditional Uses Standards & Requirements

As set by the Plan Commission and Village Board. See Section 8.

Standards & Requirements

Minimum Lot Size: Multi-Family (See “R-4”), All other uses 7,000 Sq. Ft.

Front Yard: 25 Feet.

Side Yard: None, except where it abuts an “R” District then 10 Feet.

Rear Yard: 20 Feet, plus 3 additional feet per story above 2 Stories.

Parking & Loading: See Section 7 of this ordinance.

7.8 (B-2) Central Business District

District Intent: This district is established to provide a single contiguous district encompassing the central business district or downtown area which will encourage primarily retail uses and a variety of supporting uses. This district is intended to help implement the community's specialized development goals and planning principles, for the CBD, particularly the development and maintenance of the downtown sea as a specialized-pedestrian-oriented shopping and community center.

Permitted Uses

- Gas and service stations.
- Household equipment sales and service.
- Department stores and discount variety stores.
- Motor vehicle, marine, sales and repair but not rebuilding, salvage, wrecking, storage or junking operations if these uses are the primary land use or primary revenue producing element of the permitted use.
- Retail stores and grocery stores.
- Movie theatres.
- Financial, business, professional and medical institutions.
- Banks, savings and loans, brokerage institutions, insurance companies, credit unions.
- Arts & crafts, antiques, second-hand stores and other specialty sales.
- Laundry and dry cleaning.
- Butcher shops, locker plants.
- Restaurants, taverns nightclubs, beer and liquor stores.
- Apartment flats of at least 720 square feet located on floors other than the ground floor of any building in the B-2 District.
- Indoor commercial recreational enterprises, excluding facilities such as auditoriums, arenas, iceodromes and similar facilities.
- Commercial and public parking lots.

- Private clubs, lodges, charitable and non-profit organizations.
- Furniture, carpet, appliance and auto supplier stores.
- Blueprinting and photocopying establishments.
- Printing, publishing, engraving and bookbinding.
- Photo studios.
- Used car lot.
- Bicycle sales and service.
- Plumbing, heating, electrical, lighting, and paint sales and service.
- Sales of hardware, building, lawn and garden supplies excluding lumber yards.
- Bakery shops.
- Professional and general office uses.
- Funeral homes.
- Post Office.
- Towers attached to existing towers (See Wireless Communications Ordinance).
- Free Standing Antennas (See Wireless Communications Ordinance).
- Accessory uses to the above permitted uses.

Conditional Uses

Community Centers.

Governmental administrative, protective and recreational uses.

Ice and/or coal dealers.

Experimental testing or research laboratories.

Wholesale and distributing and warehousing establishments.

Repair shops.

Hotels and motels facilities including other directly related facilities.

Accessory uses.

Conditional Uses Standards & Requirements

As set by the Plan Commission and Village Board.

See Section 8.

Standards & Requirements

Lot Size: None.

Street Setback: None.

Side yard: None.

Rear Yard: None.

Height of Structures: 50 feet.

Parking & Loading: No off-street parking required.

7.9 (M-1) Manufacturing

District Intent: This district is established to provide for those manufacturing or other industrial uses having the least obnoxious nuisance affects and having a lower intensity of activity as compared with permitted uses of the “M-2”, Heavy Manufacturing District. It is intended that the “M-1” district be located as a buffer between heavy manufacturing uses and commercial or high density residential uses or at other locations all consistent with the land use planning principles, industrial location standards and the Village Comprehensive Plan and policies.

Permitted Uses

- Manufacturing and Industrial uses such as:
- Photograph processing.
- Sign companies including fabrication and repair of all types of signs.
- Transfer, storage, moving, freight, and parcel delivery operation and excavating contractors.
- Warehouses.
- Lumberyards providing such uses are enclosed by a minimum 8-foot high fence.
- Building, plumbing, electrical, and general contractor offices and storage yards.
- Sheet metal, welding, body, machine shops, and towing services.
- Farm implement and trailer sales and repairs.
- Greenhouses and nurseries.
- Mobile home sales.
- Repair shops.
- Processing, bottling and distribution facilities for non-alcoholic beverages.
- Preparation, assembly and packaging of foods.
- Manufacturing and assembling of commercial and household fixtures, cabinets, and counters including furniture.
- Sales, rental, storage, and distribution of household and commercial fuel tanks.

- Hatcheries.
- Manufacturing of pottery or similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- Farmer's Market.
- Industrial research laboratories.
- Ice, coal, brick and stone sales and storage.
- Bag, carpet and rug cleaning and commercial laundries.
- Circus, carnival or similar transient enterprises.
- Truck gardening, field crops, pasturing of horses, hayfields.
- Bakeries.
- Railroad rights-of-way and spur tracks.
- Truck, terminal and storage facilities & shops including governmental motor pool uses & garages.
- Wholesale and distributing establishments.
- Printing and publishing.
- Feed mills.
- Gas and service stations.
- Towers attached to existing towers (See Wireless Communications Ordinance).
- Free Standing Antennas (See Wireless Communications Ordinance).

Conditional Uses

Single-family residence housing a custodian, watchman or caretaker and his family whose employment is directly related to a permitted use” of the “M- 1” District. Racing tracks for stock cars, snowmobiles, mini bikes and other motorized vehicle demonstrations and exhibitions.

Public fairgrounds.

Non-municipal utility substations, structures or facilities.

Junk, iron or rags, storage or baling where the premises upon which such activities conducted are wholly enclosed within a building, wall or fence not less that eight (8) feet high completely obscuring the activity: but not including automobile, tractor, or machinery wrecking or used parts yards.

Military reserve and National Guard armories and training grounds.

Fertilizer Blending.

Any other manufacturing or processing activity.

Conditional Uses Standards & Requirements:

As set by the Plan Commission and Village Board. See Section 8.

Standards & Requirements

Minimum Lot Size: 8,000 Square Feet.

Lot Width: 100 Feet at Building Line.

Front Yard: 30 Feet.

Side Yard: 10 Feet each side, except where abuts “R” District then 20 Feet.

Rear Yard: 20 Feet, plus 5 Feet for every story over 3 Stories.

Height of Structure: 50 Feet or 5 Stories.

Parking & Loading: See Section 7 of this ordinance.

7.10 (PDD) Planned Development District

District Intent: The Board may, with the consent of owners, establish special districts, to be called planned development districts, with regulations in each which will over a period of time tend to promote the maximum benefit from coordinated site planning, diversified location of structures and mixed compatible uses. Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities and insure adequate standards for construction and planning. Such regulations may also provide for the development of the land in such districts with one or more principal structures and related accessory uses, and in such districts the regulations need not be uniform.

This district is established to permit greater incentives and flexibility for promoting creative and imaginative design for the development of residential neighborhoods and of special areas having mixed use potential. This district can be used to provide cluster residential development with commonly owned and managed open space and recreational areas and to allow integration of compatible non-residential land uses in a controlled manner which would not be subject to repeated governmental reviews and approvals such as rezonings, or plat submission or spot zoning requests. It is further intended to promote more economical and efficient use of land submission or spot zoning requests. It is further intended to promote more economical and efficient use of land while providing a harmonious variety and mixture of housing choices, shopping and employment activities, recreation and natural areas, utility and circulation systems and building styles. This district is also intended to preserve to the greatest extent possible natural and valuable landscape features and to allow variability in the yard, area, height and street setback requirements for the purpose of accomplishing other extension of the district. This district is also intended to be a management tool for the Village and for private developers to be applied as a floating zone to stimulate and regulate land uses having special development characteristics all in accord with the Village's Comprehensive Plan.

Permitted Uses

Any "permitted use" of the "R", "B-1" and M-1 Districts.

PDD Zoning Procedures

A PDD zoning permit application shall be accompanied by a Preliminary Sketch Plan to be reviewed by the Village Plan Commission and Village Board prior acting on the zoning application.

Step 1: Preliminary Conference

After the PDD rezoning application and Preliminary Sketch Plan have been submitted there shall be an informal preliminary conference between the applicant and the Zoning

Administrator, the Village's planning staff or planning consultants, the Village Board President and any others judged necessary by said President. The purpose of this conference shall be to establish a mutual understanding of the proposal between the Village and the applicant to resolve any initial problems and expedite the Village Board's decision on the application.

Step 2: Preliminary Approval

The PDD rezoning application shall be scheduled for the Plan Commission preliminary conference. The Plan Commission's review shall be based upon the Preliminary Sketch Plan and such other information that is presented. The Plan Commission shall make a recommendation to approve, approve conditionally or reject said application with such preliminary recommendation being forwarded to the Village Board for preliminary approval or rejection.

Step 3: Final Approval

The zoning application and a Final Development Plan which is based upon the approved Preliminary Sketch Plan may be submitted to the Plan Commission and Board after receiving preliminary approval. The application and Final Development Plan shall be recommended for approval or rejection by the Plan Commission with such recommendation presented to the Village Board. If the Board approves the application and Final Development Plan such Plan shall be recorded in the Register of Deeds office within 60 days of such approval. Three copies of the Final Development Plan shall be presented to the Village Zoning Administrator's office before any land use or building permit shall be issued or before any public improvement in said PDD development shall be built or accepted by the Village.

Step 4: Preliminary Sketch Plan

This plan shall show the following elements: building locations and sizes, designated land uses, areas, open space, public lands, streets, utility locations and easements, parking areas, visual screening, surface drainage features, lot layout for any proposed subdivision of lands for conveyance to others, and any other physical features required by the Plan Commission after initial review. Additional information which shall accompany same sketch includes: estimated development number housing units and type of housing, whether or not these will be a homeowners association or similar group of property owners to be responsible for ownership maintenance, etc. of common lands. Two copies of all maps, photographs, charts and other required information shall be submitted to the Village Zoning Administrator.

The violation of any part of the recorded Final Development Plan shall void any related building permit and shall disqualify and such development or part thereof from receiving an occupancy permit or certificate of compliance.

Such violations shall also be subject to the provisions of this ordinance.

Section 8: Conditional Uses

A. Intent

It is the intent that some special uses be allowed as permitted uses if they are generally compatible with the land use intent of the district and if such special use meets or can be adjusted to meet necessary conditions or performance standards which would make such special uses basically compatible with the permitted uses in the district.

Conditional uses may be allowed in any district providing for them without rezoning land. The intent of conditional uses is to allow certain borderline uses in a district subject to performance standards or conditions without which the use would not be permissible within that particular district. This provision is intended to provide flexibility in the ordinance and give the municipality an opportunity to review and regulate specialized or unique uses, and to decide if borderline uses are conducive to being located in a specific proposed location rather than forcing the applicant to rezone land which would also allow many other permitted uses under the new district if the proposed use is not actually developed.

B. Procedure

Only those uses listed as Conditional Uses in the individual districts of this ordinance can be considered for being permitted in such district.

Application — Application must be made to the Village Zoning Administrator for the Conditional Use Permit. The necessary information as determined by the Zoning Administrator will be supplied with such application.

Plan Commission Review - The Conditional Use Permit application shall be considered by the Village Planning Commission and shall make a recommendation to the Village Board on same. Conditions can be attached to the recommended approval of a Conditional Use consistent with the intent of this section.

Hearing and Final Determination — The Village Board shall make the final determination on a Conditional Use Permit after conducting a public hearing on the matter. Said Public Hearing shall be publicized and conducted by the Village Board.

The Village Board and Plan Commission have the right to attach conditions to the issuance of such permits.

Any existing land use which would be included in the “Conditional Use” category of any zoning district after the effective date of this ordinance shall be entitled to a Conditional Use Permit which shall be issued by the Zoning Administrator.

All Conditional Use Permits shall be valid only for the use specified on said permit and the permit shall expire at the time that any such Conditional Use shall terminate.

Conditional Use Permits shall not be transferable to other Conditional Uses on the same site nor shall the permit be transferred by the person or firm having the permit to a different location from that described on the permit for the purpose of changing the location of the permit.

C. Standards

No conditional use shall be recommended by the Plan Commission unless such Commission shall find:

- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That the exterior architectural appeal and functional plan or any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.
- (5) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- (6) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (7) That the proposed conditional use is not contrary to the objectives of any duly adopted land-use plan for the Village of Rosholt any of its components and/or its page 12 environs.
- (8) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

Section 9: Off — Street Parking & Loading Requirements

Purpose: It is the intent of these requirements to assure that all land uses provide adequate vehicle parking spaces on their premises and to prevent burdens on public roads or neighboring properties due to hazardous driveway or parking arrangements or other causes of traffic blockage.

A parking space is defined as a rectangular area with minimum width of ten feet and a minimum length of 18 feet. Useable garage space can satisfy parking requirements.

A. Residential Standards:

Two parking spaces will be provided for each dwelling unit.

B. Non-Residential Standards:

Commercial uses shall provide one parking space for each 150 square feet of building area; Industrial uses shall provide one parking space for each employee.

Exceptions to the above:

Movie theatres, churches & funeral parlors shall provide one parking space for every four fixed seats or one for every 30 sq. ft.

Hotels & motels shall provide one parking space for each lodging room.

Nursing Homes and Sanitariums shall provide one parking space for each 5 beds.

Bowling Alleys shall provide 5 spaces for each alley.

C. Loading Standards:

All commercial and industrial buildings shall provide sufficient off-street loading spaces so that no public street or adjoining property will be blocked by the activities of that use.

Section 10: Annexation

All territory annexed to the Village of Rosholt shall automatically become a part of the "A" Agricultural District until definite boundaries and zoning districts are recommended by the Plan Commission and adopted by the Village Board; provided, however, that the Village Board shall adopt definite boundaries and district regulations within 90 days from the date of the annexation. The Plan Commission may recommend a definite zoning

district(s) and boundaries to the Village Board prior to or at the time the Board acts on a proposed annexation.

Section 11: Nonconforming Uses

The lawful use of land and buildings existing at the time of the adoption of this ordinance, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued for more than 12 months or changed to another use, any future use of the said premises shall be in conformity with the provisions of this ordinance.

Section 12: Appeals and Variances

A. Appeals

Any person aggrieved by any officer, department, board or commission of the Village may appeal to the Board of Zoning Appeals by filing a notice of appeal and completing an application with the clerk and with the board specifying the grounds of appeal within 30 days after the decision or action complained.

B. Variance

A person may request a variation from this ordinance by completing a variance application. A variance may be granted where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. The granting of a variance shall not have the effect of increasing any use of property, which is prohibited in that zoning district by this ordinance. No variance from the terms of this ordinance shall be granted which is contrary to the public interest.

The Board of Zoning Appeals hears both Appeals and Variances.

Section 13: Board of Zoning Appeals & Procedures

The board of zoning appeals of the Village of Rosholt shall consist of 5 members and one alternate member who shall be residents of the village appointed by the village president and confirmed by a majority vote of the village board. Members first appointed shall serve: 1 for one year, 2 for two years and 2 for three years and the alternate member shall serve three years. Thereafter, all members shall be appointed for three years. The board shall have the powers and duties prescribed by Sec. 62.23 of the Wisconsin Statutes. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, and shall keep records of its examinations and other official actions.

The basic procedures of operation for both Variance and Appeals are as follows:

1. A completed application is submitted to the clerk, including basic information, such as a legal description of the property, a statement of the issue, a formal request, and any other information needed by the Village to make a determination.
2. Zoning Administrator (Clerk) will review application and prepare a report.
3. Public Hearing will be scheduled with the Board of Appeals. In the case of a variance the surrounding properties will be notified by mail. All persons wishing to testify will be heard.
4. Board of Adjustment Action:

Where an “Appeal” is reversed or affirmed, the Board of Appeals shall report findings of fact upon which they based their determination.

Where a “Variance” from these regulations was granted, the Board of Appeals shall show that “unnecessary hardship” or “practical difficulty” exists and records clearly the particular facts of the finding. A variance shall expire twenty- four months from the date of issue if the action in the application is not commenced. The Board of Adjustment, prior to the expiration date, may grant a one-year extension.

Section 14: Enforcement

It shall be the duty of the Zoning Administrator, with the aid of the Sheriffs Department and Village Attorney to enforce the provisions of this ordinance.

Any building or structure hereafter erected, moved, or structurally altered or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or use. The Zoning Administrator shall promptly report all such violations to the Village Attorney, who shall bring action to enjoin the erection, moving, or structural alteration of such building, or the establishment of such use or to cause such building, structure, or use to be vacated or removed.

Every structure, building, fill or development placed or maintained within any floor plain in violation of this ordinance is a public nuisance and the creation thereof shall be enjoined and maintenance thereof shall be abated. By action at suit of the Village, the State, or any citizen thereof.

Section 15: Violations and Penalties

Any person who shall violate any provision of this ordinance shall be subject to a penalty as outlined. Whenever a “Certificate of Compliance” is issued under the provisions of this ordinance, the occupancy or use of buildings or land for any purpose or purposes other than that proposed in an application for such certificate without certification of such change in use or proposed use by the building inspector under the provisions of this chapter shall constitute a violation hereof. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

Section 16: Penalty Provisions

General penalty. Whenever so provided in this code, any person who shall violate any of the provisions of this code shall upon conviction of such violation be subject to a penalty, which shall be as follows:

First offense-penalty. Any person who shall violate any provision of the code subject to a penalty shall, upon conviction thereof, forfeit not less than or more than that listed in the Village “Schedule of Fees”, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 30 days.

Second offense-penalty. Any person who shall violate any ordinance or part of an ordinance of this code who shall previously have been convicted of a violation of the same ordinance shall upon conviction thereof, forfeit not less than or more than that listed in the Village “Schedule of Fees” for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed 90 days.

Execution against defendant’s property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

Section 17: Changes & Amendments

The Village Board may: (1) on its own motion, (2) on recommendation by the Plan Commission, or (3) on petition by the owner (or his agent) amend, supplement or change the text or district boundaries or regulations originally set forth in this zoning ordinance or subsequently established. However, all said petitions to amend, supplement, or change

this ordinance shall be first submitted to the Plan Commission for review and recommendation.

A change or amendment shall require a fee from the petitioner. See current Village "Schedule of Fees." Proposals originating in the Village Board shall likewise be submitted to the Plan commission for review and recommendation before further action thereon by the Village Board.

After a recommendation by the Plan Commission on any such proposed amendment supplement or change, and a preliminary acceptance of the proposal(s) by a simple majority vote of the Village Board, the Village Board shall order a public hearing on each proposed amendment, supplement, or change. Said hearing shall be held in accordance with the Wisconsin State Statutes.

The Village Clerk shall cause notice of said public hearing to be published as a Class 2 notice under Chapter 985, of the Wisconsin Statutes of the proposed changes or amendment. The notice shall include the proposed amendment, supplement, or change and explain the meaning thereof. The Board shall further direct the Clerk to notify in writing all property owners whose lands lie within or adjacent to the area proposed for a change in district zoning, whose post office address are known or can be ascertained with reasonable diligence, within ten (10) days prior to the date set for public hearing of such district change. At any public hearing an opportunity shall be given to any person to be heard on the subject or subjects noticed. Following said public hearing, the Board shall take final action to accept or reject any or all proposals heard no later than the next regularly scheduled Board meeting.

In case of protest against any Plan Commission proposal signed and acknowledged by the owners of 20 percent or more of the area or areas of land included in such proposed amendment, supplement, or change, or by the owners of 20 percent or more of the land abutting on all sides of the land in question and extending 100 feet from the street frontage of such opposite land, the proposed amendment, supplement, or change shall not be come effective except by the favorable vote of three-fourths of the members of the Village Board.

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Section 18: Definitions

Accessory use or building. An accessory use or building is a subordinate use, or a building or portion of a main building the use of which is customarily incidental to and located on the same lot with the main building or use.

Basement. Is that portion of a building below the first ground floor level with its entire floor below exit discharge grade.

Building. A building is a structure having a roof supported by columns or walls. When separated by division from the ground up, without openings, each portion of such building shall be deemed a separate building.

Building Height. Is a vertical distance from the grade of the highest point of the coping of a flag roof or to the deck line of a mansard roof or to the average height of the highest gable, pitch or hip roof.

Building Line/Street Setback Line. Minimal horizontal distance between an existing or proposed street right-of-way as shown on the Official Street Map, and the nearest point of a building or any projection thereof, excluding uncovered steps.

Building Permit. Written permission issued by the Village for the construction, repair, structural alteration, or addition to a structure.

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

Certificate of Compliance. A document issued by the Village that the plans for a proposed use meets all applicable codes and regulations.

Certified Survey Map (CSM). A map prepared as outlined in Wisconsin Chapter 236, for the division of no more than four parcels. The statute details the specifications for the preparation of the map, including a registered land surveyor's certificate.

Drainageway. Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

Dwelling. Is a building, or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, multiple-family dwellings and apartment hotels.

Dwelling, Attached. A dwelling joined to one or more other dwellings by party wall or walls, such as Townhouses.

Dwellings, Detached. A dwelling entirely surrounded by open space, said open space being on the same zoning lot as the dwelling.

Dwelling, Multiple Family. A dwelling containing three (3) or more dwelling units, designed with more than one (1) dwelling unit connecting to a common corridor or entranceway, originally constructed for said purpose; and not including converted dwellings or attached row dwellings (party-wall type) as defined herein.

Dwelling Single Family. A detached dwelling containing accommodations for and occupied by one family only.

Dwelling, Two-Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

Family. A family is a body of persons who live together in one dwelling unit as a single housekeeping entity in a domestic relationship based upon birth, marriage or similar domestic bond as distinguished from a group occupying a boarding house, lodging house, club, cooperative living unit, fraternity or hotel.

Farm. A use of land for agricultural purposes including customary accessory farm uses and a residence.

Fence. A structure providing enclosure or serving as a barrier, but not protecting against the elements.

Frontage. Frontage is defined to mean all property abutting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

Front Yard. A front yard is an open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the principal building projected to the side lines of the lot.

Garage, Private. Is a detached accessory building or portion of a main building housing **the automobiles of the occupants of the premises.**

Gross Floor Area. The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basements or cellar space is used for storage or incidental uses.

Ground Floor. Is that level of a building on a sloping or multi-level site which has its floor line at or not more than four and one-half (4¹/₂) feet above exit discharge grade.

Home Occupations. A home occupation is a gainful occupation conducted by members of the family only, within its place of residence provided, that the specified use is

incidental to the residential use and that no article is sold or offered for sale on the premises except one produced by such home occupation.

Hotel. Is an establishment which is open to transient guests as compared to a boarding, rooming, or lodging house, and is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service.

Industrial Park. Is a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organization.

Junk (or Salvage) Yard. Is an open area where waste or scrape materials are brought, 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 or salvage yard” includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings. All “junk or salvage yards” shall comply with applicable DNR regulations governing same.

Land Use Permit. Refers to the written approval of the Zoning Administrator certifying that the applicant’s plans and proposed use comply with all applicable provisions of this ordinance. The “zoning certificate” may consist of a standardized independent form bearing the signature of the Zoning Administrator or it may be integrated with the building permit application.

Loading Areas. Any area where trucks are parked, maneuvered, or loaded or unloaded of materials or equipment.

Loading Space. An off-street space or berth on the same lot with a building, or contiguous to group of buildings and abutting on or affording direct access to a public street or alley, for the temporary parking of a commercial vehicle while loading or unloading cargo. No part of any public street or right-of-way shall be a part of or used as loading space.

Lot. Is a parcel of land which a “lot of official record.” Every building or use shall be located on a single lot of official record and there shall not be more than one main building on one lot of official record except that the Plan Commission may authorize more than one main building on one lot of official record after theft review and approval of such a proposal.

Lot Area, Gross. Is the area or a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a lake or river.

Lot Line, Front. Shall be that boundary of a lot which is along any existing or dedicated public street or where no public street exists is along a public way. The owner of a corner lot may select either street lot line as the front lot line. In the case of land-locked or partially land-locked land, the front lot line shall be that lot line that faces the access to the lot.

Lot Line, Rear. Shall be that boundary of a lot which is most distant from and is or is most nearly parallel to the front lot line. If there be an alley abutting on a rear yard, the rear lot line shall be the center line of such alley. In case of irregular or triangular lots where none of the lines bounding the rear of the lot are at an angle of less than 45 degrees to the front lot line, the rear lot line shall be a line 15 feet long within the lot, parallel to the front lot line or the main chord thereof, and at the maximum distance from the front lot line.

Lot Line, Side. Shall be any boundary of a lot which is not a front lot line or a rear lot line.

Lot Width. Is the horizontal distance between the side lot lines of a lot measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

Mobile Home Park. A tract of land designed, maintained, or intended for the purpose of supplying a long term location or accommodations for one or more mobile homes, and upon which any mobile home, coach, or mobile home coaches are parked, and shall include all buildings used or intended for use as a part of the equipment thereof whether or not a change is made for the use of the mobile home park facilities.

Motel. A combination or group of two (2) or more detached, semi-detached or connected permanent dwelling occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.

Navigable Waters. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters which are navigable under the laws of this State. "Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this State though it may be dry during other seasons."

Non-Conforming Use. Any use of land, buildings, or structures lawful at the time of the enactment of this ordinance which does not comply with all of the regulations of this ordinance or of any amendment here to governing use of the zoning districts in which such use is located.

Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

Parking Lot. Is a building or premises containing one or more vehicle parking spaces excluding parking for single and two-family residences.

Parking Space. An unobstructed and clearly marked 200 sq. ft. area not counting turning ingress and egress areas. Each such parking space shall be located off the public street but accessible thereto. A loading space is not a parking space.

Permitted Use. Is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

Primary Use. Is the main use of land or buildings as distinguished from a subordinate or accessory use. A “principal use” may be “permitted” or “conditional.”

Professional Office. The office of a doctor, practitioner, dentist, minister, architect, engineer, lawyer, author, musician or other recognized profession is a professional office.

Public Way. Is any sidewalk, street, alley, mall highway, or other public thoroughfare.

Rear Yard. A rear yard is an open, unoccupied space, except for permitted accessory buildings or structures, on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal building projected to the side lines of the lot.

Setback. The minimum horizontal distance between the street right-of-way line and the nearest point of a building.

Shoreland. Lands within the following distances from the ordinary high watermark of navigable waters: 1,000’ from a lake, pond or flowage; and 300’ from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Side Yard. A side yard is an open, unoccupied space, except for permitted accessory buildings or structures on the same lot with a principal building, situated between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Sign. The term “sign” shall mean any material, structure or device, or part thereof, upon which lettered or pictorial matter is placed which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which directs attention to a product, place, activity, person, institution, organization or business in view of the

general public. This zoning ordinance shall not apply to any sign exerted within or extended over only public street rights-of-way. See Sign Ordinance.

Story. Is that part of a building between any floor and the floor next above and if there be no floor above then the ceiling above. A basement is a story if its ceiling is six (6) feet or more above the level from which the height of the building is measured or if it is used for business purposes or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.

Street Line. The street line is the dividing line between the street and the lot.

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

Structural Alteration. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. This excludes general maintenance such as painting, roof & window replacement, and siding.

Unnecessary Hardship. Circumstances where special conditions which were not self-created affect a particular property and make strict conformity with restrictions governing area, setback, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this subchapter.

Use. "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.

Use, Accessory. A use subordinate to the principal use on a lot and used for purposes customarily incidental to those of the principal use.

Use, Conditional. A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this ordinance and authorized by the Plan Commission.

Variance. Authorization wanted to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance as applied to a specific piece of property. Variances can be considered and granted by the Zoning Board of Appeals only

Wetland. Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic vegetation and which have soils indicative of wet conditions.

Wetland Alteration. Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Zoning Districts. All zones established by this ordinance are as shown on the Village's Official Zoning Map which is incorporated herein by reference thereto.

Zoning Administrator. Is the officer and assistants designated by the Village Board as the officer responsible for enforcing and administering all requirements of this zoning ordinance.

Passed by the Village Board of the Village of Rosholt on this 8th day of June, 2009

SIGNED:

X _____
Rick Osowski, Village President

ATTEST:

X _____
Theresa K. Hartvig, Village Clerk-Treasurer

POSTING AFFIDAVIT

VILLAGE ROSHOLT, COUNTY OF PORTAGE, STATE OF WISCONSIN

I, Theresa Hartvig, Clerk-Treasurer, for the Village of Rosholt, do hereby certify on this 11th day of June, 2009 at three o'clock did personally post the following described item: **Adopted Zoning Ordinance**. These postings have been made at the Village Office, the United States Post Office, and the Village Hall, dated this 11th^t day of June, 2009

Clerk Subscribed and sworn to before me this ____ day of _____

Notary Public X _____ My Commission expires _____

Date of Public Hearing: June 8, 2009 (Posted on May 21, 2009 at Village Office, Village Hall & US Post Office)

Date of Adoption: June 8, 2009

Date of Publication: June 11, 2009 (Posted entire text of the ordinance and Village Office, Village Hall & US Post Office).