

TITLE IX: LAND USAGE

Chapter

- 1. DWELLING CODE**
- 2. ZONING**
- 3. HOUSING CODE**

CHAPTER 1: DWELLING CODE

Section

- 9-1-1 Authority
- 9-1-2 Purpose
- 9-1-3 Scope
- 9-1-4 Wisconsin Uniform Dwelling Code adopted
- 9-1-5 Building Inspector
- 9-1-6 Zoning permit required
- 9-1-7 Zoning permit fees
- 9-1-8 Penalties
- 9-1-9 Effective date

§ 9-1-1 AUTHORITY.

These regulations are adopted under the authority granted by Wis. Stats. § 101.65.
(Ord. 9.0, passed 7-10-2000)

§ 9-1-2 PURPOSE.

The purpose of this chapter is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.
(Ord. 9.0, passed 7-10-2000)

§ 9-1-3 SCOPE.

The scope of this chapter includes the construction and inspection of 1 and 2-family dwellings built since June 1, 1980.
(Ord. 9.0, passed 7-10-2000)

§ 9-1-4 WISCONSIN UNIFORM DWELLING CODE ADOPTED.

The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this chapter.

(Ord. 9.0, passed 7-10-2000) Penalty, see § 9-1-8

§ 9-1-5 BUILDING INSPECTOR.

There is hereby created the position of Building Inspector, who shall administer and enforce this chapter and shall be certified by the Division of Safety and Buildings, as specified by Wis. Stats. § 101.66(2), in the category of Uniform Dwelling Code, Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical and UDC Plumbing.

(Ord. 9.0, passed 7-10-2000)

§ 9-1-6 ZONING PERMIT REQUIRED.

(A) No person shall alter, in excess of \$1,000 value in any 12-month period, build, add onto or alter any building within the scope of this chapter without first obtaining a zoning permit for the work from the Zoning Administrator.

(B) Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements.

(Ord. 9.0, passed 7-10-2000; Am. Ord., passed 4-11-2016) Penalty, see § 9-1-8

§ 9-1-7 ZONING PERMIT FEE.

The zoning permit fee shall be determined by resolution.

(Ord. 9.0, passed 7-10-2000)

§ 9-1-8 PENALTIES.

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of zoning permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$100 nor more than \$100 for each day of noncompliance.

(Ord. 9.0, passed 7-10-2000)

§ 9-1-9 EFFECTIVE DATE.

This chapter shall be effective August 14, 2000 upon passage and publication as provided by law.
(Ord. 9.0, passed 7-10-2000)

CHAPTER 2: ZONING

Section

Introduction

- 9-2-1 Title
- 9-2-2 Conflicting provisions repealed
- 9-2-3 Statement of purpose
- 9-2-4 Authority
- 9-2-5 Interpretation
- 9-2-6 Effective date
- 9-2-7 Validity
- 9-2-8 Changes and Amendments
- 9-2-9 Definitions

General Provisions

- 9-2-25 Street frontage required
- 9-2-26 Accessory buildings
- 9-2-27 Corner lots
- 9-2-28 Fences and vision triangle
- 9-2-29 No more than one principal building on a lot
- 9-2-30 Child day care
- 9-2-31 Nonconforming uses
- 9-2-32 Use of existing lots of record
- 9-2-33 Parking requirements
- 9-2-34 Traffic visibility
- 9-2-35 Street closure
- 9-2-36 Annexation
- 9-2-37 Average setbacks
- 9-2-38 Wireless communication towers
- 9-2-39 Swimming pools; portable/storable and permanent

Zoning Districts and Zoning Map

- 9-2-55 Zoning districts
- 9-2-56 Zoning map
- 9-2-57 "A" Agricultural District
- 9-2-58 "R" Single-Family Residential District
- 9-2-59 "B-1" Business District

Almond - Land Usage

- 9-2-60 "B-2" Business District
- 9-2-61 "M" Manufacturing District

Conditional Uses

- 9-2-75 Intent
- 9-2-76 Procedure
- 9-2-77 Standards
- 9-2-78 Determination
- 9-2-79 Termination

Administration and Enforcement

- 9-2-95 Zoning Administrator
- 9-2-96 Required permits
- 9-2-97 Violations and penalties
- 9-2-98 Fees
- 9-2-99 Penalties

Zoning Board of Appeals

- 9-2-115 Membership
- 9-2-116 Rules and meetings
- 9-2-117 Minutes
- 9-2-118 Jurisdiction and authority
- 9-2-119 Appeal process
- 9-2-120 Powers of the Board
- 9-2-121 Limitations of the Board

INTRODUCTION**§ 9-2-1 TITLE.**

This chapter shall be known and may be cited and referred to as the Zoning Ordinance of the Village of Almond, Wisconsin and hereinafter is referred to as the "Zoning Ordinance" or "chapter."

§ 9-2-2 CONFLICTING PROVISIONS REPEALED.

All ordinances or parts or sections of ordinances, adopted by and for the Village of Almond, Wisconsin, pursuant to law, which are in conflict herewith, are hereby repealed.
(Am. Ord., passed 4-11-2016)

§ 9-2-3 STATEMENT OF PURPOSE.

(A) *Purpose.* The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community.

(B) *Intent.*

(1) It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to:

(a) Lessen congestion in and promote the safety and efficiency of the streets and highways;

(b) Secure safety from fire, flooding, panic and other danger;

(c) Provide adequate light, air, sanitation and drainage; prevent overcrowding;

(d) Avoid undue population concentration; facilitate the adequate provision of public facilities and utilities;

(e) Stabilize and protect property values; further the appropriate use of land and conservation of natural re-sources; preserve and promote the beauty of the community; and

(f) Implement the community's comprehensive plan or plan components.

(2) It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

§ 9-2-4 AUTHORITY.

These regulations are adopted under the authority granted by Wis. Stats. §§ 61.35 and 62.23(7) as amended, and those sections of Wisconsin Statutes are hereby adopted.

§ 9-2-5 INTERPRETATION.

(A) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.

(B) 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 chapter for the district in which the building or land is located.

§ 9-2-6 EFFECTIVE DATE.

This chapter shall be effective after a public hearing, adoption by the governing body, and posting or publication, in accordance with the Wisconsin Statutes.

§ 9-2-7 VALIDITY.

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

§ 9-2-8 CHANGES AND AMENDMENTS.

(A) The Village Board may amend, supplement or change the district boundaries or regulations originally set forth in this Zoning Ordinance or subsequently established:

- (1) On its own motion;
- (2) On original recommendation by the Plan Commission; or

(3) On petition by the owner or his or her agent or a person or corporation holding an option on the land involved. However, all the petitions to amend, supplement or change this chapter shall be first submitted to the Plan Commission for study and recommendation. Proposals originating in the Village Board shall likewise be submitted to the Plan Commission for study and recommendation before further action thereon by the Village Board.

(B) 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 the proposed amendment, supplement or change. The hearing shall be held in accordance with the Wisconsin State Statutes.

(C) The Village Clerk shall cause notice of the public hearing to be published as a Class 2 notice under Wis. Stats. Ch. 985 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 by ordinary mail all property owners whose lands lie within 300 feet of the area proposed for a change in district zoning, whose post office addresses are known or can be ascertained with reasonable diligence, within 10 days prior to the date set for public hearing of the district change. At any public hearing an opportunity shall be given to any person to be heard on the subject or subjects noticed.

Following the 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.

(D) In case of protest against a petition for zoning map amendment, signed and acknowledged by the owners of 20% or more of the area or areas of land included in the proposed amendment, supplement or change, or by the owners of 20% or more of the land abutting on all sides the land in question and extending 100 feet therefrom, or by the owners of 20% or more of the land abutting on all sides of the land in question and extending 100 feet from the street frontage of the opposite land, the proposed amendment, supplement or change shall not become effective except by the favorable vote of 3/4 (unanimous) of the members of the Village Board.

§ 9-2-9 DEFINITIONS.

(A) In the construction of this chapter the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise.

(B) In further amplification and for clarity of interpretation of the context, the following definitions of word use shall apply.

(1) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.

(2) The word **SHALL** is mandatory and not discretionary.

(3) The word **MAY** is permissive.

(4) The word **LOT** shall include the words "piece," "plots," and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

(5) All "measured distances" shall be to the nearest foot. If a fraction is ½ foot or less, the full number next below shall be taken.

(C) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING OR USE. A building or use which is conducted or located on the same lot as the principal building or use served, except as maybe specifically provided elsewhere in this chapter; clearly incidental to, subordinate in purpose to the principal use; and either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of the principal use.

AGRICULTURE. The use of land for agricultural purposes, including farming, pasturage, agriculture, horticulture, floriculture, viticulture and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

ALLEY. A public or private right-of-way primarily designated to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

APARTMENT. A room or suite of rooms, located within a large structure, where the apartment includes a bath and kitchen accommodations, and is intended or designed for use as an independent residence by a single family or individual.

APARTMENT, SECOND-FLOOR. One or more apartments located above the ground floor of any structure.

ANIMAL CONFINEMENT FACILITY. Any structure or fenced enclosure where one or more animals are housed or kept, other than common household pets belonging to a resident on the site.

BALCONIES. Platforms that project from the wall of a building and are enclosed by a parapet or railing, which are large enough to be used for leisure time activities, excluding jump balconies used for fire exit purposes.

BASEMENT. That portion of a building below the first ground floor level.

BED AND BREAKFAST ESTABLISHMENT. A place of lodging (not more than 7 consecutive days) that provides no more than 4 rooms for rent, with no cooking facilities in the rooms, in which breakfast is the only meal served for guests, and is the owner's personal residence.

BLOCK. A tract of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

BOARDING HOUSE. A building, other than a hotel where, for compensation and by prearrangement for definite periods, lodging and meals are provided for persons, not members of the same family.

BUILDING. Any structure built, used, designed or intended for the support, shelter, protection or enclosure of persons, animals or property of any kind, and which is permanently affixed to the land.

BUILDING HEIGHT. A vertical distance from the average building grade at the front of the structure to the roof, not including the chimney or any vent pipe.

BUILDING, DETACHED. A building surrounded by open space on the same lot.

BUILDING, MAIN. A building constituting the principal use of a lot.

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.

CANOPY. A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground are erected primarily to provide shelter from the weather.

CELLAR. That part of a building having more than ½ of its height below the average grade of the adjoining ground.

CHANNEL. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. **CHANNEL** flow thus is that water which is flowing within the limits of the defined channel.

CLINIC. A building or buildings used by 2 or more physicians and/or dentists, osteopaths, chiropractors and allied professions for outpatient care of persons requiring such professional service.

CLUB OR LODGE, PRIVATE (NONPROFIT). A nonprofit association of persons, who are bona fide members paying dues, which aims, hires or leases a building or portion thereof; the use of the premises being restricted to members and their guests. The affairs and management of the **PRIVATE CLUB OR LODGE** are conducted by a board of directors, executive committee or similar body chose by the members. It shall be permissible to serve food, meals and beverages on the premises.

CONDITIONAL USE. See **USE, CONDITIONAL.**

CONDOMINIUMS. Individual ownership of a unit in a multi-unit structure (as an apartment building).

CONVALESCENT HOME/REST HOME/NURSING HOME. A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent or physically disabled or injured persons, not including insane or other rental cases, inebriate or contagious cases.

DAY CARE CENTER. Any dwelling or facility where compensation is provided for care or supervision of 9 or more children, regardless of age, for less than 24 hours per day.

DAY CARE, HOME. Any dwelling where compensation is provided for care of 4 to 8 children, regardless of age, for less than 24 hours per day.

DORMITORY. A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite period lodging and meals are provided.

DWELLING. A building designed or used exclusively for residential occupancy, including single-family dwellings, 2-family dwellings and multiple-family dwellings.

DWELLING, ATTACHED. A dwelling joined to one or more other dwellings by party walls or walls.

DWELLING, DETACHED. A dwelling entirely surrounded by private yard or open space, and not physically attached to any other dwelling.

DWELLING, MULTIPLE-FAMILY. A dwelling containing 3 or more dwelling units.

DWELLING, SINGLE-FAMILY. A detached dwelling containing accommodations for and occupied by 1 family only.

DWELLING, 2-FAMILY. A dwelling designed exclusively for occupancy by 2 families living independently of each other.

DWELLING UNIT. One or more rooms in a dwelling designed for occupancy by 1 family for living purposes and having its own permanently installed cooking, sanitary and sleeping facilities.

FAMILY. A group of persons residing in a dwelling unit and functioning as a single housekeeping entity.

FARM. A use of land for agricultural purposes, including customary accessory farm uses.

FARM DWELLING. A residence occupied by the farm owner, farm operator, farm laborer or farm family member involved in the farm operation.

FARMER'S MARKET. An area designated by the municipality to be used by producers of farm products for sale of such products.

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

FIELD CROPS. The growing of crops such as vegetables, fruit trees and grain, and the packing or storing of the products produced on the premises.

FLOOR AREA, GROSS. 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; except it does not include porches, garages or space in a basement or cellar when the basement or cellar space is used for storage or incidental uses.

FRONTAGE. See *LOT LINE, FRONT* below.

GARAGE, PRIVATE. A detached accessory building or portion of a main building housing the automobiles of the occupants of the premises.

GAS/SERVICE STATION. Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and other items customarily associated with the sale of such products; for the rendering of services to motor vehicles and the making of repairs to motor vehicles.

GRADE. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GROUP HOME.

(a) A facility wherein:

1. The operator is not legally related to the individuals supervised and is licensed by the State of Wisconsin or by a state agency; and

2. One or more physically, mentally or emotionally handicapped individuals is provided with room, board, ordinary care and supervision in a family environment.

(b) A **GROUP HOME** is not a halfway house.

HALFWAY HOUSE/REHABILITATION CENTER/HOME FOR ADJUSTMENT. A use providing board and room, recreational, counseling and other rehabilitative services to individuals, of either sex, who by reason of addiction to drugs or alcohol, or social adjustment problems, require specialized attention and care in order to achieve personal independence. Individuals participating in a work release, or similar program from a state institution, and under the supervision of a county, state or local agency shall be included within this definition.

HOME OCCUPATION/PROFESSIONAL OFFICE. Any profit oriented activity conducted within a residence; provided that:

(a) The activity is secondary to the residential use of the premises;

(b) That the activity is operated by a member of the resident family;

(c) That no more than 1 person who is not a member of the resident family is employed on the premises;

(d) The dwelling is not altered such that it loses its residential character; and

(e) That no substantial amount of stock-in-trade is sold on the premises. Home occupations/professional offices include such uses as home beauty or barber shops, crafts, home offices for doctors, dentists, engineers and real estate and insurance sales.

HOTEL. An establishment which is open to transient guests, as compared to a boarding, rooming or lodging house, and is mainly 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. 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 organizations.

JUNK (OR SALVAGE YARD). An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, papers, 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.

LOADING AREAS. Any area where trucks are parked, maneuvered, 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 a 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.

LODGING HOUSE (INCLUDING BOARDING AND ROOMING HOUSE). A residential building or portion thereof, other than a motel, apartment hotel or hotel, lodging rooms which accommodate persons, who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

LOT. A parcel of land which is a "lot of official record."

LOT OR PLAT OF OFFICIAL RECORD. A parcel of land or subdivision of parcels which would be recorded in the office of the Portage County Register of Deeds, or a single lot or parcel described by metes and bounds or by a certified survey map, the description and deed of which has been so recorded.

LOT AREA, GROSS. The area of 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, CORNER. A lot located at the intersection of 2 streets or a lot bounded on 2 sides by a curving street.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT, DOUBLE FRONTAGE. A lot having frontage on 2 nonintersecting streets as distinguished from a corner lot.

LOT LINE, FRONT. That boundary of a lot which is along any existing or dedicated public street. In the case of landlocked or partially landlocked lot, the ***FRONT LOT LINE*** shall be that lot line that faces the access to the lot.

LOT LINE, REAR. 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 the alley.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT WIDTH. 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. A long term living quarters designed, built and intended to be transported as a single housing unit, as defined herein. A **MOBILE HOME** is not a modular type of housing unit.

MOBILE HOME LOT. A parcel of land rented or sold for the exclusive use of the occupants of a single mobile home, only in a mobile home park.

MOBILE HOME PARK. A tract of land designed, maintained or intended for the purpose of supplying a long term location or accommodation for 1 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 part of the equipment thereof, whether or not a change is made for the use of the mobile home park facilities.

MODULAR HOME. A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final placement is made, permanently affixing the unit to the site.

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

NONCONFORMING USE. Any use of land, buildings or structures, lawful at the time of the enactment of this chapter, which does not comply with all of the regulations of this chapter or of any amendment hereto governing the use of the zoning districts in which the use is located.

ORDINARY HIGH WATER MARK. The highest point on the bank of a normal stage channel at which the water level has been for a sufficient period of time to leave a distinguishable mark including stream bands, limits of vegetation or other obvious indicators.

PARKING LOT. A building or premises containing 1 or more vehicle parking spaces, excluding parking for single and 2-family residences.

PARKING SPACE. An unobstructed and clearly marked area designed to accommodate a parked motor vehicle, not counting turning, ingress and egress areas. The parking space shall be located off the public street, but accessible thereto. A loading space is not a **PARKING SPACE**.

PERSON. Any individual, firm, association, corporation or body politic and includes any receiver, assignee or similar representative thereof.

PETS, HOUSEHOLD. Animals matronly found in residences as pets, such as dogs, cats, songbirds and other small animals, providing that they are not raised or reared primarily for commercial purposes.

PROFESSIONAL OFFICE. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. Also see: **HOME OCCUPATION, PROFESSIONAL OFFICE** above.

PUBLIC WAY. Any sidewalk, street, alley, mall, highway or other public thoroughfare.

SHOPPING CENTER. A retail center designed primarily for the purpose of retailing and providing a wide range of goods and services of both the "convenience" and the "shoppers of durable" nature such as apparel, furniture and banking and financial services, for a trade area comprising the entire community and extending beyond such center may include a number of separate businesses and stores within 1 or more structures under the ownership and management by 1 or more individual business and/or by a separate developer or corporation.

SIGN. 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.

STORY. 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 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 1 dwelling unit for the caretaker of the premises.

STREET SETBACK. The minimum horizontal distance between the street right-of-way line and the nearest point of a building or any projection thereof, excluding uncovered steps.

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

TOWNHOUSE. A multiple-family dwelling which is 1 or 2 stories in height, usually with the living room, dining room, and kitchen on the ground floor, with sleeping units on the second floor.

TRAILER. A movable or portable unit to be towed on its own chassis and which is used for recreational purposes, and is not designed for permanent or long-term residence.

TRUCK GARDEN/TRUCK FARM. A farm devoted to the production of vegetables or other field products such as cash crops.

UNNECESSARY HARDSHIP. A circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as area, setbacks, frontage or height) unnecessarily burdensome or

unreasonable in light of the purpose of this chapter. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

USE. The *USE* of property as 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, either public or private, which because of its special characteristics, cannot be allowed as a permitted use in a particular district or districts, and requires a public hearing. After due consideration, in each case, of the impact of the use upon neighboring land, the *CONDITIONAL USE* may or may not be granted, subject to the terms of this chapter and the intent of the respective district.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations and standards of the district.

USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use. A *PRINCIPAL USE* may be "permitted" or "conditional."

VARIANCE. A modification or variation of the provisions of this chapter, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a variance. *VARIANCES* can be considered and granted by the Zoning Board of Appeals only.

VISION CLEARANCE. An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

YARD. An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky. A *YARD* extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which the zoning lot is located.

YARD, CORNER SIDE. A side yard which adjoins a public street.

YARD, FRONT. A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR. A yard extending the full width of the lot between the rear lot line and the nearest part of the main building, excluding uncovered steps; provided that if there be an alley abutting on a rear yard, the rear lot line shall be the center line of the alley.

YARD, SIDE. A yard extending from the front yard, to the rear yard, being the horizontal distance between a building and the side lot line.

ZONES. All zones established by this chapter and as shown on the Village's Official Zoning Map, which is incorporated herein by reference thereto. Zoning districts apply to all lands in the village except public rights-of-way improved for public travel.

ZONING ADMINISTRATOR. The officer and assistants designated by the Village Board as responsible for enforcing and administering all requirements of this Zoning Ordinance.

ZONING PERMIT. The written approval of the Zoning Administrator certifying that the applicant's plans and proposed use comply with all applicable provisions of this chapter. The **ZONING PERMIT** may consist of a standardized independent form bearing the signature of the Zoning Administrator or it may be integrated with the building permit application.
(Am. Ord., passed 4-11-2016)

GENERAL PROVISIONS

It shall be the property owner's responsibility to know the property lines, not the Zoning Administrator's.

§ 9-2-25 STREET FRONTAGE REQUIRED.

Except as otherwise permitted in this chapter, no lot shall contain any building unless the lot abuts a public street.

§ 9-2-26 ACCESSORY BUILDINGS.

(A) *General.*

(1) Accessory buildings, which are not a part of the main building, shall not occupy more than 30% of the area of the required rear yard, shall not be more than 15 feet above grade, and shall have the same setback requirements as the principal structure in the zone it is located in. Accessory buildings shall not be permitted within any required front yard area.

(2) When an accessory building is a part of the main building or 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 1 story or 15 feet above grade, whichever is greater, except as otherwise permitted in this chapter.

(3) Accessory buildings including garages and buildings clearly incidental to the residential use of the property may not be used as a separate dwelling unit. The accessory building shall match the design and color of the residence and there shall not be any commercial activity conducted out of the accessory building.

(4) Any questions on the determination by the Zoning Administrator shall be referred to the Planning and Zoning Commission for review.

(B) *Tents.*

(1) Tents would be considered a temporary structure.

(2) A temporary structure is one that is not permanently attached and can be moved. If it were attached to a concrete floor, it would be considered a permanent structure and would have to be compatible to the main structure as per accessory buildings.

(3) A temporary structure would only be allowed for 6 months out of any 12-month period.

§ 9-2-27 CORNER LOTS.

The front yard 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 50 feet.

§ 9-2-28 FENCES AND VISION TRIANGLE.

(A) *Fences.* Fences are a permitted accessory use in any district and may be erected provided that the fence is maintained in good repair, that the finished or decorative side of the fence shall face the adjoining property, and comply with the following requirement:

(1) *Residential fences.* Including solid fences are permitted, upon issuance of a building permit, in the side and rear yards of residential districts, and may be placed on the lot line, but shall not exceed a height of 6 feet, and shall not extend into the front yard or any street yard. No fence shall be located closer than 2 feet to any alley right-of-way line;

(2) *Ornamental fences.* Which is a fence that is 50% or less opaque, are permitted, upon issuance of a building permit, adjacent to the lot line in any district, but shall not exceed the height of 4 feet when located in the front yard or street yard in a residential district. Ornamental fences shall not conflict with the vision triangle requirements set forth in division (B) below; or

(3) *Security fences.* Are permitted, upon issuance of a building permit, adjacent to all property line in all districts except residential districts, but shall not exceed 10 feet in height. The Zoning Administrator shall determine, before the issuance of a building permit, the opacity of security fences, based upon consideration of the need to screen materials and upon safety considerations. Security fences shall comply with the vision triangle requirements as set forth in division (B) below.

(B) *Vision triangle.* Vision triangle is a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such matter as to limit or obstruct the sight distance of motorists entering or leaving the intersection. See § 2-10 below, called

“Traffic visibility.” Fence permit fee is \$10 and a \$200 fine and 10 days to remove the fence if not properly built.

(Am. Ord. passed 6- -2005)

§ 9-2-29 NO MORE THAN ONE PRINCIPAL BUILDING ON A LOT.

Every building hereafter erected, converted, enlarged, structurally altered or relocated, shall be located on a single lot of official record as defined in this chapter and there shall not be more than 1 principal building per lot, except that the Plan Commission may authorize more than 1 principal building per lot.

§ 9-2-30 CHILD DAY CARE.

No zoning permit shall be required for compensated child day care involving 1 to 3 children of any age or where a relative or guardian provides day care for the related children, regardless of age or number.

§ 9-2-31 NONCONFORMING USES.

(A) The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter. However, the structure and/or land use may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except so as to comply with the provisions of this section or other applicable sections of this chapter.

(B) If the nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure or land shall conform to the provisions of this chapter.

(C) Total lifetime structural repairs or alterations shall not exceed 50% of the village’s current assessed value of the structure, unless it is permanently changed to conform to the use provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50% of its current assessed value, it shall not be restored unless it complies with the use provisions of this chapter.

(D) Where a structure, which is in existence prior to the enactment of this chapter, complies with the use provisions of this chapter but is located such that it is nonconforming in terms of lot size or setbacks, the structure may be rebuilt to its original size if damaged or destroyed by fire or other disaster and shall not require action by the Zoning Board of Appeals.

§ 9-2-32 USE OF EXISTING LOTS OF RECORD.

Any lot which has been officially recorded prior to the effective date of this chapter, may be used for any use permitted by this chapter, even though the lot does not conform to the minimum frontage or area requirements of the district in which it is located, provided all applicable setbacks can be met.

§ 9-2-33 PARKING REQUIREMENTS.

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended or increased, off-street parking spaces for all vehicles in accordance with the following:

(A) *Number of spaces.* Number of parking spaces required is shown in the following table. All floor areas used in this section are gross floor areas, which shall include the ground floor plus other floor levels, or portions thereof, where the principal activity or activities of the use are continued. However, for the purpose of determining off-street parking requirements, floor areas shall not include areas devoted primarily to storage, parking or loading. Required parking spaces shall be located on the site of the use requiring the parking spaces unless otherwise approved by the Plan Commission and the Village Board.

<i>Use</i>	<i>Minimum Parking Required</i>
Barber shops and beauty salons	2 spaces for each operator chair, plus 1 space for each employee
Bowling alleys	4 spaces for each lane, plus 1 space for each employee
Churches, auditoriums, community centers and other similar places of public assembly	1 space for each 4 seats in the largest assembly hall, or 1 space for each 8 feet of pew or bench length
Day care center	1 space for every 6 children, plus 1 space for each employee on the largest shift, plus 1 space for each facility vehicle
Elderly housing	1 space for each 2 dwelling units, plus 1 guest space for each 4 dwelling units
Financial institutions, banks, business, government and professional offices	1 space for each 250 square feet of floor area, plus 5 stacking spaces for drive-in window
Funeral homes	1 space for each 4 seats, plus 1 space for each vehicle used with the business

Almond - Land Usage

<i>Use</i>	<i>Minimum Parking Required</i>
Gas and service stations, and gas station combined with convenience store	2 spaces for each service bay, in addition to gas pump service area, plus 1 space for each employee on the largest shift, plus 1 space for 250 square feet of floor area used as a convenience store
Hospitals, dormitories, sororities, lodging and boarding houses	1 space for each 2 beds, plus 1 space for each employee on the largest shift
Hotels, motels and bed and breakfast establishments	1 space for each guest room, plus 1 space for each employee on the largest shift, plus specified requirements for meeting rooms, restaurants and rattled facilities
Household equipment sales such as furniture stores, appliances, plumbing, lighting stores, and commercial greenhouses	1 space for each 500 square feet of floor area
Machinery and large equipment sales, including farm machinery, irrigation and construction equipment, and similar items	1 space for each 500 square feet of enclosed sales area, plus 1 space for each 2,500 square feet of open sales area, plus 1 space for each employee
Manufacturing and processing plants, laboratories, warehouses and other industrial uses	1 space for each employee on the largest shift, plus 1 space for each vehicle operated in connection with the industry
Medical and dental clinics	2 spaces for each examination or treatment room, plus 1 space for each doctor, dentist or other employee
Restaurants, bars, cafes, cocktail lounges and lodges	1 space for each 100 square feet of floor area
Retail stores including: bakeries, bicycle sales and service, book stores, camera shops, candy stores, clothing stores, coin dealers, drug stores, grocery stores, hardware stores, ice cream shops, jewelry stores, liquor stores, meat markets, optical stores, pharmacies, photographic studios, repair shops, shoe stores, sporting goods stores and related uses	1 space for each 250 square feet
Sanitariums, institutions and nursing homes	1 space for each 5 patient beds, plus 1 space for each employee on the largest shift
Schools: Elementary	1 space for each employee, plus 1 space for every 4 seats in the largest assembly hall
Junior High School	1 space for each employee, plus 1 space for each classroom, plus 1 space for every 4 seats in the largest assembly hall
Senior High School	1 space for each employee, plus 2 spaces for each classroom, plus 1 space for every 4 seats in the largest assembly hall
Single-family and 2-family dwellings, mobile homes, and multiple-family dwellings	2 spaces for each dwelling unit

<i>Use</i>	<i>Minimum Parking Required</i>
Theaters (motion picture)	2 spaces for every 3 seats
Uses not listed	In the case of structures or uses not mentioned, the provision for a use which is similar shall apply and shall be determined by the Village Board.
Combines uses	Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use, at the discretion of the Village Board.
Exceptions	Off-street parking requirements shall not be applicable to uses in the "B-2" District.
Computation	Fractional results shall be rounded down if less than ½ space and rounded up if ½ or more space, to the nearest whole space

(B) Stalls provided for passenger cars must be at least 9 feet wide and 18 feet long, exclusive of access aisles. Access aisles shall be no less than 15 feet wide for one-way 45-degree angled parking spaces, 18 feet wide for one-way 60-degree angled spaces, and 24 feet wide for two-way 90-degree angled spaces.

§ 9-2-34 TRAFFIC VISIBILITY.

No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of 2 feet and 8 feet above the mean curb-grades within the triangular space formed by any 2 existing or proposed intersecting streets or alley right-of-way lines and line joining points on the lines located a minimum of 15 feet from their intersection, along the right-of-way lines. This area shall be referred to as the clear vision triangle.

§ 9-2-35 STREET CLOSURE.

Whenever any street, alley or other public way is vacated by official action of the village, the zoning district adjoining each side of the street, alley or public way shall be automatically extended to the center of the vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

§ 9-2-36 ANNEXATION.

All territory annexed to the Village of Almond, WI 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.

§ 9-2-37 AVERAGE SETBACKS.

The required setback may be decreased in any district, to the average of the existing setbacks of the nearest principal structure on each side of the building site in question, if the nearest principal structures are within 250 feet of the lot in question.

§ 9-2-38 WIRELESS COMMUNICATION TOWERS.

(A) *Purpose.* The purpose of this section is to establish regulations within the village for wireless communications facilities that minimize adverse impacts to the community; encourage the location of antenna support structures in non-residential zoning districts; minimize the total number of antenna support structures; encourage the attachment of antennas to existing structures; identify appropriate locations for wireless communications facilities; ensure that antennas and antenna support structures are configured in a way that minimizes adverse visual impacts by careful design, appropriate wiring, landscape screening and innovative camouflaging techniques; consider the health and safety of wireless communications facilities; avoid damage to adjacent properties from antenna support structure failure through careful engineering and locating of such structures; facilitate the provision of wireless communications facilities; and enhance the ability to provide wireless communications facilities to the community quickly, effectively and efficiently.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERNATIVE SUPPORT STRUCTURE. Clock towers, steeples, silos, light poles, water towers, electric transmission towers, building or similar structures that may support telecommunications facilities.

ANTENNA. Any device or equipment used for the radiation or gathering of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (dish), but excludes satellite antennas with diameters of 2 feet or less.

APPLICANT. Any person, carrier/provider, firm, partnership or company who files an application for any permit required by this section for the construction, replacement or alteration of the wireless telecommunication facility or any component thereof.

CAMOUFLAGED TOWER. Any telecommunication tower that due to design or appearance blends the tower into the surrounding environment; hiding, obscuring or otherwise concealing the presence of the tower and antennas.

CARRIER. Companies licensed by the FCC to build personal wireless telecommunications facilities and operate personal wireless telecommunications services.

COLLOCATION. The location of more than 1 antenna or set of antenna of more than 1 government or commercial wireless communication service providers on the same tower structure.

CUP. Conditional use permit.

DUAL LIGHTING. Red lights for nighttime and medium intensity flashing white lights for daytime and twilight.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

GUYED TOWER. A telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support in addition to the superstructure of the lower tower itself.

HEIGHT. The distance measured from existing ground level to the highest point on any tower or structure, including any antenna.

LATTICE TOWER. A telecommunications tower that consists of vertical and horizontal supports and crossed metal braces, with no other means of support besides the superstructure of the tower itself.

MONOPOLE. A telecommunications tower of a single pole design, with no other means of support besides the superstructure of the tower itself.

NON-CONFORMING. Any telecommunications facility that was in existence prior to the adoption of this section and that has not been issued a conditional use permit or was issued a conditional use permit prior to the adoption of this section.

PLATFORM. A support system that may be used to connect antennas and antenna arrays to telecommunications towers or alternative support structures.

PROVIDER. See **CARRIER**.

SATELLITE DISH. A device incorporating a reflective surface that is solid, open mesh or bar configured that is a shallow dish, cone, horn or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

TELECOMMUNICATIONS FACILITY. A facility, site or location that contains 1 or more antennas, towers, alternative support structures, satellite dish antennas, or other similar devices and

support equipment which is used for transmitting, receiving or relaying telecommunication signals, excluding exempted facilities.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting 1 or more antennas (or is itself an antenna), including guy towers, monopole towers and self-supporting lattice towers and any support.

TOWER ACCESSORY STRUCTURE. Any structure located at the base of a tower for housing base receiving/transmitting equipment.

WIRELESS COMMUNICATIONS/TELECOMMUNICATION. Any wireless service as defined in the Federal Telecommunication Act of 1996, including FCC licensed commercial wireless telecommunication services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system of mobile communication (GSM), paging and similar services that currently exist or may be developed.

(C) *Antennas to which this section has no application.* The provisions of this section do not apply to radio or television reception antennas, satellite or microwave parabolic antennas not used by wireless communications service providers, receive-only antennas, antennas less than 70 feet in height and owned and operated by a federally-licensed amateur radio station operator, towers that are 55 feet in height or less if that tower is constructed using an open-weave tower no larger than 12" x 12" x 12" galvanized metal and with no more than 2 antennas of less than 2.5 feet in diameter each, any tower or antenna lawfully in existence in the village on the date that this section becomes effective, or to the facilities of any cable television company holding a valid and current franchise, or commercial radio and/or television broadcasting facilities.

(D) *Building Code.*

(1) All towers and antennas shall comply with all FCC and FAA regulations at all times.

(2) The construction and installation of antenna support structures, antennas, antenna arrays, the installation or placement of antenna arrays on buildings, and the placement of antennas on alternative antenna support structures, shall be subject to the requirements of the village's Building Code, the requirements of the Electronics Industries Association/Telecommunications Industries Association, and any additional standards applicable thereto published by the Electronics Industries Association.

(E) *District requirements.*

(1) *Areas permitting telecommunications facility location with zoning permit review and approval.* Installation of freestanding antennas (ground mounted, not supported on or attached to a building) and their supporting towers, poles or masts shall require issuance of a zoning permit when the overall height of the antennas and their supporting structures does not exceed a height of 45 feet above the original grade at the site of installation. This provision shall apply to all Agricultural, B-1 Business and Manufacturing Districts. Freestanding antennas and their supporting towers, poles or masts above the height of 45 feet shall be subject to the conditional use regulations.

(2) *Areas permitting telecommunications facility location with conditional use permit review and approval.* Telecommunications facilities are regulated according to the zoning districts in which the property is located. Any facility must meet all requirements of the governing district in addition to the standards in this division.

- (a) All agricultural zoned districts;
- (b) All B-1 business zoned districts if permitted;
- (c) All manufacturing zoned districts; and
- (d) All residential zoned districts if located on publicly owned land.

(3) *Areas prohibiting telecommunications facility location.*

- (a) All residential zoned districts; and
- (b) All B-2 business zoned districts.

(4) Setbacks in any district may be modified by the Village Board only in cases where the applicant has camouflaged the support structure by design or appearance that hides, obscures, or conceals the presence of the tower and antennas, for example, as a flag pole, or added the antenna to an existing support structure, for example on an existing light pole, and only in cases where the public interest is served by the modification.

(5) New telecommunications towers are a conditional use in the Agricultural, B-1 Business and Manufacturing districts. Telecommunications towers are prohibited in residential zones unless on publicly owned property. Preference will be given to sites which are greater than 300 feet from residential zones.

(F) *Permit requirements.* Except as set forth in division (D)(1)(a), the construction, installation or alteration of any wireless telecommunications facility requires the issuance of a zoning permit and a CUP. Refer to §§ 9-2-75 through 9-2-79 for requirements.

(G) *Lighting.* No antenna support structures shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency. If lighting is required, aviation red obstruction lights are to be used. Dual lighting may be allowed with Village Board approval.

(H) *Signage.* There shall be no signs, symbols, flags, banners or other devices or things attached to or painted or inscribed upon any antenna support structures, or antennas, unless the support structure is constructed as a flag pole and the American flag is integral to the design of the support structure.

(I) *Finish.* All lattice towers and monopole towers shall be finished in a non-reflective neutral color or otherwise as directed by the Village Board.

(J) *New freestanding antennas.*

(1) No new antenna support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the village that no existing antenna support structure, alternative support structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's need for an antenna or antenna array at the site of the applicant's proposed location. An applicant shall submit information requested by the Village Zoning Administrator relating to the availability of suitable existing antenna support structures, alternative antenna support structures, or alternative technology. Evidence submitted to demonstrate such facts may consist of the following:

- (a) No existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant's engineering requirements;
- (b) Existing antenna support structures and alternative antenna support structures are not of sufficient height to meet applicant's engineering requirements;
- (c) Existing antenna support structures and alternative antenna support structures do not have sufficient structural strength to support applicant's proposed antennas and related equipment;
- (d) Applicant's proposed antennas would cause electromagnetic interference with the antennas on the existing antenna support structure or alternative antenna support structure, or the antennas on the existing antenna support structure or alternative antenna support structure would cause interference with the applicant's proposed antennas;
- (e) The fees, costs, or contractual provisions required by the owner in order to share an existing antenna support structure or alternative antenna support structure or to adapt an existing antenna support structure or alternative antenna support structure for co-location sharing is unreasonable. Costs exceeding new antenna support structure development are presumed to be unreasonable;
- (f) There are other limiting factors that render existing antenna support structures or alternative antenna support structures unsuitable; and/or
- (g) An alternative technology that does not require the use of towers or buildings for height, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new antenna support structure development shall not be presumed to render the technology unsuitable.

(2) All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas on antenna support structures and/or on existing building or other alternative antenna support structures. A wireless communications service provider shall exercise good faith in co-locating with other providers and sharing antenna sites, provided that such shared use does not give rise to a substantial technical level impairment of the ability to provide wireless communications service. Such good faith shall include sharing of technical information to evaluate the feasibility of the co-location. In the event that a dispute arises as to whether a provider has

exercised good faith in accommodating other providers, the village may require a third party technical study at the expense of either or both of such providers.

(3) Antenna arrays may be mounted on the top of and attached to roofs of existing buildings or structures that are at least 30 feet or more in height above the street grade upon which such building fronts or may be attached to the facades of buildings, existing towers, or other structures; provided, however, that such antenna arrays shall add not more than 20 feet to the total height or elevation of such building from the street grade, (including the antenna array) and antenna arrays so mounted shall be obscured from view from the street up such building fronts by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building.

(K) *Public-owned property.* In addition to all other locations allowed or allowed as a conditional use, antenna and appurtenant structures may be permitted as a conditional use on all publicly-owned property including land owned by the village and county.

(L) *Support facility requirements.*

(1) All support facilities including buildings used for switching and other support functions shall be placed in close proximity to the support structure on which antennas are proposed.

(2) (a) Support facilities, including all equipment enclosures, shelters, cabinets, boxes or vaults designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, including any provisions for air conditioning, ventilation or auxiliary electrical generators, shall be completely screened with trees, shrubs, fences or other decorative materials planted to a minimum width of 5 feet so as to be obscured from view from adjacent properties and from the street. Screening methods may be waived with Village Board approval. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Support structures located on large, wooded lots with natural growth around the property perimeter may be considered a sufficient buffer by the Zoning Administrator.

(b) Support facilities shall be kept locked at all times and shall be clearly labeled as to the owner, operator or a person to be contacted in the event of an emergency.

(b) Support facilities shall meet the setback requirements of the underlying Zoning District.

(M) *Antenna support structured; removal when no longer used.* Any antenna support structure that has had no antenna mounted upon it for a period of 180 successive days, or if the antennas mounted thereon are not operated for a period of 180 successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days after the receipt of a notice from the village to do so. During such 90 days, the owner may apply, and for good reason, be granted an extension of time on such terms as the Zoning Administrator shall determine. If such structure and equipment enclosure are not so removed, the village may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such structures are situated in an amount equal to the cost of removal. Any notice given under this section is subject to appeal to the Village Board. In the event that more than one wireless communications service

provider is using the support structure, then this provision shall not become effective until all users cease using such structure.

(Ord. passed 7-14-2008)

§ 9-2-39 SWIMMING POOLS; PORTABLE/STORABLE AND PERMANENT.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SWIMMING POOL. A body of water or an outdoor structure containing a body of water in a receptacle or other container (including hot tubs, landscape pools, ponds or water features) having a depth for water at any point greater than 1-1/2 feet located above or below the ground surface elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(B) *Location.*

(1) Swimming pools constructed in all residential districts shall be located on the same lot as and in either the rear or the side yard of a principal building; however, they shall not be constructed in any front yard or in a required setback area of a corner lot. Swimming pools either open or enclosed shall be considered the same as accessory buildings for purposes of calculating the maximum area they may occupy in a required rear yard.

(2) Swimming pools constructed in the B-1 or B-2 Business District shall not occupy any portion of a required front, side, or rear yard setback area; however, they may be located in yard areas other than such required yards.

(C) *Exempt pools.* Portable/storable swimming or wading pools which are constructed so that they may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this section. Landscape water features that are less than 15 feet in any dimension and are less than 1-1/2 feet deep are exempt from the provisions of this section. Existing pools erected prior to June 14, 2010.

(D) *Permit required.* Before work is commenced on the construction, reconstruction, or erection of swimming pools or on any alterations, additions, remodeling, or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel, or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building

permit fee pursuant to the village building code shall accompany such application. Hot tubs and landscape water features that are less than 15 feet in any dimension and are less than 1-1/2 feet deep are exempt from the permit requirement.

(E) *Construction requirements.* In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Zoning Administrator shall not issue a permit for construction of a swimming pool as provided for in division (A) of this section, unless the following construction requirements are observed:

(1) *Approved materials.* All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all state regulations and code and with any and all ordinances of the village now in effect or hereafter enacted.

(2) *Plumbing.* All plumbing work shall be in accordance with all state codes. Every swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such discharge shall be subject to prior approval by the Director of Public Works.

(3) *Electrical installations.* All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with the state laws.

(F) *Setbacks and other requirements.*

(1) No portion of a swimming pool, decking, or pool equipment located outside a building shall be erected or constructed in any front yard or in a required setback area of a corner lot. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot, and said lots are occupied by a principal building.

(2) All swimming pools, landscape features, decking, and pool equipment shall be at least six feet from any building.

(3) All swimming pools, landscape features, decking, and pool equipment shall be at least six feet from any lot line or accessory building.

(G) *Setback requirements.*

(1) Street setback: 25 feet from right-of-way;

(2) Side: 10 feet each side; and

(3) Rear: 15 feet.

(H) *Enclosure.*

(1) *Fence; in-ground pools.* All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

(2) *Aboveground pools; pool wall barrier.*

(a) An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend not less than four feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool. All gates or doors opening through the barrier shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

(b) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of four feet high on the top. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

(c) The pool enclosure may be omitted where hot tubs are secured with a lockable cover.
(Ord. passed 6-14-2010)

ZONING DISTRICTS AND ZONING MAP**§ 9-2-55 ZONING DISTRICTS.**

(A) In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts and other open spaces within and surrounding the buildings; the Village of Almond, Wisconsin is hereby divided into various zoning districts.

(B) The use, height and area regulations are uniform in each class or district, and the districts shall be known as:

- (1) "A" Agricultural;
- (2) "R" Single-Family Residential;
- (3) "B-1" Business;
- (4) "B-2" Business; and
- (5) "M" Manufacturing.

(C) Zoning district boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey Lines; lot or property lines; right-of-way lines of public streets, highways, alleys, centerlines or easements, railroad rights-of-way or the lines extended; unless otherwise noted on the zoning map, or scaled off these maps.

§ 9-2-56 ZONING MAP.

The map upon which the zoning district boundaries are drawn shall be titled "Official Zoning Map of the Village of Almond, WI" and shall be kept in the Village Hall or official municipal building. It shall be the responsibility of the Zoning Administrator to keep the zoning map current at all times. The map is herein made part of this chapter.

§ 9-2-57 "A" AGRICULTURAL DISTRICT.*(A) Intent.*

(1) This district is established for the purpose of allowing and protecting agricultural activities. The district can provide some assurance to landowners and farmers, so zoned, that they are not subject to urban type regulations which would interfere with their farm operations.

(2) This district is further intended to allow low density, rural residential development in locations which would not cause the unnecessary loss of productive farmland or conflict with existing agriculture/operations.

(3) The Village Board may also guide the location and timing of urban land development by applying this district in remote areas of the village not immediately serviceable by public utilities and other services.

(B) Permitted uses:

- (1) Farms, including accessory activities and buildings, and field crops;
- (2) Irrigation machinery and operations;
- (3) Warehouses for crops (whether grown on premises or not), farm machinery and equipment, seed and supplies, including bulk fertilizer storage for use by the farm operator;
- (4) Public parks and open space;
- (5) Single-family farm dwellings;
- (6) Single-family, non-farm dwellings;
- (7) Greenhouses and plant material nurseries;
- (8) Temporary roadside vegetable and produce stands for sale of such products grown on the same premises;
- (9) Customary erosion and water control devices, and agricultural land treatment measures;
- (10) Customary signs associated with farming, but not to include off premise billboards or other off premise advertising devices;
- (11) Field crops;
- (12) Home day care;

(13) Municipal buildings and facilities, except sewage treatment plants, garbage incinerators and buildings for the repair or storage of road construction or maintenance equipment; and

(14) Customary accessory uses.

(C) *Conditional uses:*

(1) Animal confinement facilities;

(2) Utility structures or substations;

(3) Ponds, human-made lakes, borrow pits;

(4) Dams, dikes, flood control structures;

(5) Home occupations/professional offices;

(6) Public and parochial schools;

(7) Day care centers; and

(8) Municipal buildings and facilities, other than those permitted in division (B)(13) above.

(D) Minimum standards for the "A" District:

(1) Minimum lot size:

(a) Sewered area: 15,000 square feet; width: 100 feet;

(b) Unsewered area: 2 acres; width: 200 feet; and

(c) Except farm dwellings which shall have a minimum unsewered lot size of 20,000 square feet with a minimum width of 100 feet.

(2) Maximum building height: none

(3) Yards:

(a) Street setback: 25 feet from right-of-way;

(b) Side: 10 feet each side; and

(c) Rear: 15 feet.

(4) Minimum floor area:

(a) Single-family dwellings: 900 square feet; and

(b) Other uses: none

(5) Signs: Nonflashing, nonilluminated exterior signs are permitted for home occupations/professional offices only, subject to the following regulations for farm and non-farm uses:

(a) One freestanding sign not to exceed 32 square feet in area or 5 feet in height;

(b) One attached sign not to exceed 32 square feet in area or the height of the building on which it is placed; and

(c) Sign shall not project into the public street right-of-way.

§ 9-2-58 "R" SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* This district is established to provide locations for and maintain values of single-family residential development.

(B) *Permitted uses:*

(1) Single-family dwellings;

(2) Two-family dwellings;

(3) Churches, convents, chapels, temples, synagogues, parish or rectory houses;

(4) Private noncommercial recreational areas and facilities;

(5) Parks, playgrounds, athletic fields;

(6) Home day care;

(7) Municipal buildings and facilities, except swage treatment plants, garbage incinerators and buildings for the repair or storage of road construction or maintenance equipment; and

(8) Customary accessory uses.

(C) *Conditional uses:*

(1) Public or institutional community centers, senior centers or youth centers;

Almond - Land Usage

- (2) Public and parochial schools;
- (3) Communication and utility structures or substations of any public utility transmission or pipelines;
- (4) Group homes exclusive of halfway houses, but not to exceed 2,000 square feet;
- (5) Fire stations;
- (6) Home occupations/professional offices;
- (7) Day care centers;
- (8) Multiple-family dwellings;
- (9) Bed and breakfast establishments; and
- (10) Municipal buildings and facilities, other than those permitted in division (B)(7) above.

(D) *Minimum standards for the “R” District:*

- (1) Minimum lot size:

<i>Minimum Lot Size</i>	<i>Single-Family Dwellings</i>	<i>Two-Family Dwellings</i>	<i>Multiple-Family Dwellings</i>
Sewered area	15,000 square feet	16,000 square feet	To be determined by Plan Commission
Width	100 feet	100 feet	
Unsewered area	2 acres	2 acres	To be determined by Plan Commission
Width	200 feet	200 feet	

(2) Maximum building height: 35 feet, except radio and television antennas, which shall have no limit, and accessory buildings which shall not exceed 1 story or 15 feet in height, whichever is greater.

- (3) Yards:
 - (a) Street setback: 25 feet from right-of-way;
 - (b) Side: 10 feet each side; and
 - (c) Rear: 15 feet.

(4) Minimum floor area:

(a) Single-family dwellings: 900 square feet; and

(b) Other uses: none.

(5) Signs: Nonflashing, nonilluminated exterior signs are permitted for home occupations/professional offices only, subject to the following regulations:

(a) One freestanding sign not to exceed 32 square feet in area or 5 feet in height;

(b) One attached sign not to exceed 32 square feet in area or the height of the building on which it is placed; and

(c) Sign shall not project into the public street right-of-way.

(Am. Ord., passed 4-11-2016)

§ 9-2-59 "B-1" BUSINESS DISTRICT.

(A) *Intent.* This district is established to provide appropriate areas for retail, service, office and other compatible uses in appropriate locations, outside the village's central business district.

(B) *Permitted uses:*

(1) Gas and service stations;

(2) Motor vehicle sales and repair;

(3) Department stores and discount variety stores;

(4) Retail stores and grocery stores;

(5) Financial, business, professional and medical institutions;

(6) Banks, savings and loans, brokerage institutions, insurance companies, credit unions;

(7) Arts and crafts, antiques, secondhand stores and other speciality sales;

(8) Laundry and dry cleaning;

(9) Butcher shops, not including slaughtering on site;

(10) Restaurants;

Almond - Land Usage

- (11) Commercial and public parking lots;
- (12) Private clubs, lodges, charitable and nonprofit organizations;
- (13) Furniture, carpet, appliance and auto supplier stores;
- (14) Printing, publishing, engraving and bookbinding;
- (15) Photo studios;
- (16) Bicycle sales and service;
- (17) Plumbing, heating, electrical, lighting and painting sales and service;
- (18) Post office;
- (19) Professional and general office uses;
- (20) Funeral homes;
- (21) Bakery shops;
- (22) Farm implement sales;
- (23) Repair shops;
- (24) Storage in connection with above uses, when incidental to the retail business;
- (25) Other retail uses similar in character to the above;
- (26) Single-family dwellings;
- (27) Home day care;
- (28) Second-floor apartments;
- (29) Municipal buildings and facilities, except sewage treatment plants, garbage incinerators, and buildings for the repair or storage of road construction or maintenance equipment; and
- (30) Accessory uses to the above permitted uses.

(C) *Conditional uses:*

- (1) Wholesale, distributing and warehousing establishments;
- (2) Hotel and motel facilities, including directly related facilities;
- (3) Lumber yards;
- (4) Salvage yards, recycling centers;
- (5) Movie theaters;
- (6) Animal hospitals;
- (7) Dance hall;
- (8) Feed store;
- (9) Two-family and multiple-family dwellings;
- (10) Farm supply stores;
- (11) Day care centers;
- (12) Municipal buildings and facilities, other than those permitted in division (B)(29) above;

and

- (13) Accessory uses to the above uses.

(D) *Minimum standards for the "B-1" District.*

- (1) Minimum lot size:

- (a) Sewered area: 15,000 square feet; and width: 80 feet; and

- (b) Unsewered area: 2 acres; width: 200 feet; and except single-family, 2-family and multiple-family dwellings which shall have sewered and unsewered minimum lot sizes as per § 3.4(D)(1) above.

- (2) Maximum building height: 50 feet, except radio and television antennas, which shall have no limit.

- (3) Yards:

- (a) Street setback: 25 feet from right-of-way;

(b) Side: 10 feet; and

(c) Rear: 15 feet.

(4) Minimum floor area:

(a) Single-family dwellings: 900 square feet; and

(b) Other uses: none.

(5) Signs: Subject to the following regulations:

(a) Exterior business signs are permitted to advertise the use, sale or lease of a building or premises and the products or services offered by the business;

(b) Each freestanding commercial use or building is permitted to have the following number and gross area of signs:

1. One freestanding sign not to exceed 32 square feet in area; and

2. One sign attached to the building not to exceed 32 square feet in area.

(c) No sign shall project higher than the building height, or 25 feet above the curb level, whichever is layer;

(d) No sign shall project into a public street right-of-way;

(e) Signs shall meet the requirements of § 9-2-34 above when those signs are located within the required vision clearance triangle; and

(f) Exterior, temporary mobile signs are permitted for a maximum of 30 days.

§ 9-2-60 "B-2" BUSINESS DISTRICT.

(A) *Intent.* This district is established to provide appropriate areas for retail, service, office and other compatible uses within the village's central business district.

(B) *Permitted uses:*

(1) Single-family dwellings;

(2) Gas and service stations;

(3) Motor vehicle sales and repair;

- (4) Department stores and discount variety stores;
- (5) Retail stores and grocery stores;
- (6) Financial, business, professional and medical institutions;
- (7) Banks, savings and loans, brokerage institutions, insurance companies, credit unions;
- (8) Arts and crafts, antiques, secondhand stores and other speciality sales;
- (9) Laundry and dry cleaning;
- (10) Butcher shops, locker plants;
- (11) Restaurants;
- (12) Commercial and public parking lots;
- (13) Private clubs, lodges, charitable and nonprofit organizations;
- (14) Furniture, carpet, appliance and auto supplier stores;
- (15) Printing, publishing, engraving and bookbinding;
- (16) Photo studios;
- (17) Bicycle sales and service;
- (18) Plumbing, heating, electrical, lighting and painting sales and service;
- (19) Post office;
- (20) Professional and general office use;
- (21) Funeral homes;
- (22) Bakery shops;
- (23) Repair-shops;
- (24) Storage in connection with above uses, when incidental to the retail business;
- (25) Other retail uses similar in character to the above;

(26) Home day care;

(27) Second-floor apartments;

(28) Municipal buildings and facilities, except sewage treatment plants, garbage incinerators and buildings for the repair or storage of road construction or maintenance equipment; and

(29) Accessory uses to the above permitted uses.

(C) *Conditional uses:*

(1) Two-family and multiple-family dwellings;

(2) Day care centers; and

(3) Municipal buildings and facilities, other than those permitted in division (B)(28) above.

(D) *Minimum standards for the "B-2" District:*

(1) Minimum lot size:

(a) Sewered:

1. Area: none; and

2. Width: none.

(b) Unsewered:

1. Area: 20,000 square feet; and

2. Width: 100 feet.

(2) Maximum building height: 50 feet, except radio and television antennas, which shall have no limit.

(3) Yards:

(a) Street setback: none;

(b) Side: none; and

(c) Rear: none.

(4) Minimum floor area: none.

(5) Signs: subject to the following regulations:

(a) Exterior business signs are permitted to advertise the use, sale or lease of a building or premises and the products or services offered by the business;

(b) Each freestanding commercial use or building is permitted to have the following number and gross area of signs.

1. One freestanding sign not to exceed 32 square feet in area.

2. One sign attached to the building not to exceed 32 square feet in area.

(c) No sign shall project higher than the building height, or 25 feet above the curb level, whichever is lower;

(d) No sign shall project into a public street right-of-way;

(e) Signs shall meet the requirements of § 2.10 above when the signs are located within the required vision clearance triangle; and

(f) Exterior, temporary mobile signs are permitted for a maximum of 30 days.

§ 9-2-61 "M" MANUFACTURING DISTRICT.

(A) *Intent.*

(1) This district is established to allow the village to consider proposals for manufacturing or industrial development on a case-by-case basis, due to the highly variable nature of such uses.

(2) It is the further intent of this district that only those manufacturing uses be allowed that are determined not to have a detrimental affect on the environment, neighboring uses or other desirable features of the village.

(B) *Permitted uses.* None.

(C) *Conditional uses.* All uses in this district shall be conditional uses.

(D) *Minimum standards for the "M" District.* To be determined by the Plan Commission and Village Board.

CONDITIONAL USES**§ 9-2-75 INTENT.**

The intent of conditional uses is to allow a use deemed appropriate in some location within a district or group of districts, but only if certain specified conditions are met.

§ 9-2-76 PROCEDURE.**(A) *Application.***

(1) Application must be made to the Village Zoning Administrator for a conditional use permit.

(2) The necessary information as determined by the Zoning Administrator will be supplied with the application.

(B) *Plan Commission review.*

(1) The conditional use permit application shall be considered by the Village Plan Commission and shall make a recommendation to the Village Board on same.

(2) Conditions can be attached to the recommended approval of a conditional use consistent with the intent of this section.

(C) *Hearing and final determination.*

(1) The Village Board shall make the final determination on a conditional use permit after conducting a public hearing on the matter.

(2) The public hearing shall be publicized as a Class 2 notice as per Wis. Stats. Ch. 985. Notification by ordinary mail shall be sent to all parties of interest, to include the applicant and the owners of land within 300 feet of the property or properties in question at least 10 days prior to the public hearing.

(D) *Attach conditions.* The Village Board and Plan Commission have the right to attach conditions to the issuance of the permits.

(E) *Conditional use.* Any existing land use which would be included in the "conditional use" category of any zoning district after the effective date of this chapter shall be entitled to a conditional use permit which shall be issued by the Zoning Administrator.

(F) *Conditional use permits.* All conditional use permits shall be valid only for the use specified on the permit and the permit shall expire at the time that any such conditional use shall terminate.

(G) *Transfer*. 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.

§ 9-2-77 STANDARDS.

(A) If determined necessary by the Plan Commission or Village Board, the applicant for any conditional use can be required to provide any facts, studies, evidence of receipt of other required permits or any other information which is determined to be important in reviewing the conditional use request.

(B) No permit for a conditional use shall be granted unless the following standards are satisfied:

(1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare of adjacent residents, properties, and of the village in general;

(2) That adequate utilities, access roads, drainage and other necessary site improvements will be provided;

(3) That adequate pleasures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public streets;

(4) That the proposed use will not contaminate groundwater;

(5) That the proposed use will not convey surface water drainage onto adjacent property to cause a public nuisance;

(6) That all solid waste and residue from the use will have adequate disposal;

(7) That the proposed use will comply with all applicable county, state and federal regulations and have reasonable expectations of receiving all permits required by other units of government; and

(8) That the conditional use shall, in all other respects, conform to the application regulations of the district in which it is located.

§ 9-2-78 DETERMINATION.

(A) The Plan Commission shall recommend and the Village Board shall require such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary.

(B) The Plan Commission shall report its decision to the Village Board as soon as possible after the filing of the application with the Village Zoning Administrator. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and any and all conditions made applicable thereto.

(C) The Village Board may authorize the Village Zoning Administrator to issue a conditional use permit for conditional uses specified in this chapter after review and a public hearing, provided those uses are in accordance with the purpose and intent of this chapter.

§ 9-2-79 TERMINATION.

(A) Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional permit shall be terminated by action of the Village Board and may be considered by the Board as a violation of this chapter.

(B) No application for a conditional use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of 1 year from the date of the denial, except on the ground that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.

ADMINISTRATION AND ENFORCEMENT

§ 9-2-95 ZONING ADMINISTRATOR.

(A) *Position created.* There is hereby created the position of Zoning Administrator for the Village of Almond, Wisconsin, who shall have the powers and duties as outlined herein.

(B) *Term of office.* The Zoning Administrator shall be appointed by the Village Board and serve at their discretion.

§ 9-2-96 REQUIRED PERMITS.

(A) *Zoning permit.*

(1) A zoning permit must be obtained from the Zoning Administrator before any building or other structure, including signs, may be built, enlarged, altered or moved, except as provided below.

(2) No zoning permit shall be required for the following situations:

(a) For any building on which work began prior to the enactment of this chapter. This shall not preclude compliance with any ordinances in effect prior to the enactment of this chapter;

(b) For any building with a market value of \$1,000 or less.

(3) A zoning permit shall be required for the following situations:

(a) For any new structure with a market value greater than \$1,000; and

(b) Enlargement of any existing structure, regardless of cost.

(4) The Zoning Administrator is authorized and is responsible for determining when a zoning permit shall be and shall not be required, in accordance with this section. The Zoning Administrator shall be required to maintain a file of all zoning permits which shall be available for public inspection.

(5) All applications for a zoning permit shall be accompanied by location sketches in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon; the location, size and dimensions of any proposed building(s); and other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this chapter. The lot and any proposed buildings may be staked out on the ground before the zoning permit is issued, at the determination of the Zoning Administrator.

(6) Except as otherwise provided in this chapter, the Zoning Administrator shall, within 10 days after receipt of an application for a zoning permit, take action to issue, deny or refer the application to the Plan Commission or Village Board. Refusal to issue a zoning permit shall be given in writing, with the reasons for the refusal.

(7) A zoning permit shall lapse and become void if the proposed work is not begun within 1 year from the date of permit issuance.

(B) *Conditional use permit.* As per §§ 9-2-75 through 9-2-79 above.

(C) A remodel permit will be required for any routine interior or exterior repairs or maintenance, including: painting; wallpapering; replacing floor coverings; replacing the furnace, water heater or central air conditioning; replacing the roof, chimney or windows; and outside concrete work (i.e., sidewalks, or slab of concrete), if the repairs or maintenance exceed \$2,000.

(Am. Ord., passed - -2012; Am. Ord., passed 4-11-2016)

§ 9-2-97 VIOLATIONS AND PENALTIES.

(A) The provisions of this chapter shall be enforced under the direction of the Village Board through the Zoning Administrator with assistance from the Portage County Sheriff's Department and legal counsel designated by the Village Board.

(B) Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Zoning Administrator shall promptly report all such violations to the Village Board, who shall through legal counsel designated by the Village Board bring action to enjoin the erection, moving or structural alteration of the building or the establishment of the use, or to cause the building, structure or use to be vacated or removed.

(C) Any person, firm, corporation or partnership, or the agent of any of the foregoing, who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall, in addition to all other remedies available to the village, be required, upon conviction, to forfeit not less than \$50 nor more than \$1,000 for each offense, together with the costs of prosecution. Each violation of this chapter is a public nuisance and may be enjoined and the maintenance thereof may be abated by action at suit of the Village of Almond, the state or any citizen thereof.

§ 9-2-98 FEES.

(A) The Village Board may adopt fees associated with, but not limited to, the processing and/or publication of the following: (Additional inspection fees may apply).

- (1) Building permit fees for home construction: \$100;
- (2) Additions, garages, storage buildings up to 1,000 square feet, and permanent swimming pools: \$50;
- (3) Additions, garages, storage buildings greater than 1,000 square feet: \$100;
- (4) Appeals and variances: \$150;
- (5) Zoning ordinance or map amendments: \$150;
- (6) Conditional use permits: \$150;
- (7) Repairs, improvements, and maintenance exceeding \$2,000 in value: \$10.

(B) No such application shall be accepted unless accompanied by the appropriate fee. (Am. Ord. 2-2007, passed 6-19-2007; Am. Ord., passed - -2012; Am. Ord., passed 6-9-2014)

§ 9-2-99 PENALTIES.

(A) The Zoning Administrator shall charge a fee of \$200 if work is started before a permit is applied for and issued.

(B) This fee shall not release the applicant from full compliance with this chapter nor from prosecution for the violation of this chapter.

(Am. Ord. passed 8- -1998; Am. Ord. 2-2007, passed 6-19-2007)

ZONING BOARD OF APPEALS

§ 9-2-115 MEMBERSHIP.

(A) The Village President shall appoint a Board of Appeals as authorized under Wis. Stats. § 62.23(7)(e), consisting of 5 members subject to confirmation by the Village Board.

(B) The Board of Appeals shall adopt rules for the conduct of their business as required by Wis. Stats. § 6.23(7)(e)3.

§ 9-2-116 RULES AND MEETINGS.

(A) The Zoning Board of Appeals shall adopt rules for its government and procedure, which rules shall be in accordance with this chapter and the Wisconsin Statutes.

(B) Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, or in his or her absence, the Acting Chairperson, who may administer oaths and compel the attendance of witnesses.

(C) All meetings shall be open to the public within the provisions of the Wisconsin Open Meetings of Government Bodies, Ch. 19, Subch. V, §§ 19.81 through 19.98.

§ 9-2-117 MINUTES.

(A) The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Board of Appeals and shall be a public record.

(B) In every case where a variance from these regulations has been granted by the Zoning Board of Appeals, the minutes of the Board shall affirmatively show that an "unnecessary hardship" exists and the records of the Board shall clearly show in what particular and specific respect an "unnecessary hardship" is created.

§ 9-2-118 JURISDICTION AND AUTHORITY.

The Zoning Board of Appeals shall have the jurisdiction and authority as specified in Wis. Stats. § 62.23(7).

§ 9-2-119 APPEAL PROCESS.

(A) Appeals to the Zoning Board of Appeals may be taken by a person aggrieved, or by an officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator.

(B) The appeal shall be taken within 30 days, by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof.

(C) The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(1) The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publishing a Class 2 Notice as per Wis. Stats. Ch. 985. Notification by ordinary mail shall be sent to all parties of interest to include the applicant and the timers of the land within 300 feet of the property or properties in question at least 10 days prior to the public hearing.

(2) A decision regarding the appeal shall be made as soon as practicable.

(3) The final disposition of an appeal or application to the Zoning Board of Appeals shall be in the form of a written resolution or order signed by the Chairperson and Secretary of the Board. Such a resolution shall state the specific facts which are the basis for the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part; dismiss the appeal for the lack of jurisdiction or prosecution; or grant the application.

(4) A copy of any decision granting a variance shall be mailed to the appropriate office of the DNR, when applicable.

(5) Upon hearing, any party may appear in person or by agent or attorney.

§ 9-2-120 POWERS OF THE BOARD.

(A) The Board of Appeals shall:

(1) *Appeals*. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter; and

(2) *Variances*. May grant, upon appeal, a variance from the dimensional standards of this chapter.

(B) The concurring vote of 4 members of the Zoning Board of Appeals shall be necessary in order to effectuate a decision under the above prescribed powers.

§ 9-2-121 LIMITATIONS OF THE BOARD.

Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district, uses prohibited in the district; nor shall the Board consider any appeal nor give any decision on any matter other than those specifically permitted in the Zoning Ordinance.

CHAPTER 3: HOUSING CODE

Section

- 9-3-1 Title
- 9-3-2 Purpose
- 9-3-3 Application
- 9-3-4 Enforcement
- 9-3-5 Order to vacate
- 9-3-6 Removal notices
- 9-3-7 Inspection of dwellings authorized
- 9-3-8 Frequency of inspections
- 9-3-9 Housing appeals
- 9-3-10 Definitions
- 9-3-11 Minimum standard for basic equipment and facilities
- 9-3-12 Minimum standards for light, ventilation, heating, and compliance with
- 9-3-13 Minimum space, use, and location requirements
- 9-3-14 Minimum standards for safe and sanitary maintenance of dwellings and dwelling units
- 9-3-15 Minimum basic requirements for rental units

§ 9-3-1 TITLE.

This chapter shall be known as the “Housing Code” of the village.
(Ord. passed 7-12-2010)

§ 9-3-2 PURPOSE.

The purpose of this chapter is to protect the health, safety, and welfare of the people of the village by providing for a housing ordinance establishing minimum housing standards and to eliminate and prevent the development of slum conditions, determine and establish the responsibilities of owners and occupants of residential buildings, and provide for administration, enforcement, and penalties.
(Ord. passed 7-12-2010)

§ 9-3-3 APPLICATION.

(A) The provisions of this code shall apply to all buildings used or designed or intended to be used for human habitation. Such occupancies and uses in existing buildings may be continued if such use or occupancy was legal at the time of adoption of this code, provided such structures are not substandard, and such continued use is not dangerous to life. The decision of the chief housing official therein shall be subject to appeal to the appeal board as herein provided.

(B) *Alterations and relocations.* Existing buildings which are altered or enlarged shall be made to conform to this code insofar as the new work is concerned, and in accordance with the provisions of the building code of the village. Existing buildings which are moved or relocated shall be considered new buildings and shall comply with all the requirements of this code.
(Ord. passed 7-12-2010)

§ 9-3-4 ENFORCEMENT.

(A) *Chief housing official.* The enforcement officer of this code shall be the chief housing official, who is hereby authorized and directed to enforce the provisions thereof, and the term housing official as used in this code shall mean the chief housing official or his or her duly designated and authorized representative. The chief housing official shall be the building inspector.

(B) *Notice of violation.* Whenever the chief housing official determines that there exists a violation of any provisions of this code, he or she shall give notice of such violations to the person or persons responsible therefor and order compliance. Such notice and order shall:

- (1) Be in writing;
- (2) Include a list of violations referring to the sections of the code violated.
- (3) Set a reasonable time, not to exceed 90 days in any event, for the performance of any act it requires;
- (4) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this code.
- (5) Advise the owner or occupant of the procedure for appeal;
- (6) Be served upon the owner or occupant by delivering it to him or her personally by mailing a copy thereof by certified mail to his or her last known address or if the person to be served is unknown, by posting said notice in some conspicuous place on the premises;

(C) *Duplicate notice.* Whenever the owner of a dwelling is notified by the chief housing official of a violation for which he or she is responsible, a copy of the notice shall also be posted on the premises, delivered, or sent by ordinary mail to the occupants of the dwelling; and whenever an occupant is notified by the chief housing official of a violation for which he or she is responsible a copy of the notice shall also be delivered or sent by ordinary mail to the owner of the dwelling. Failure to send such duplicate notice, however, shall not affect the validity of any proceedings against the owner or occupant.

(D) *Removal of substandard buildings.* All buildings or portions thereof which are determined to be substandard as herein defined are hereby declared to be public nuisances and shall be abated by repair or rehabilitation; or by demolition or removal in accordance with the procedure as specified in Wis. Stats. § 66.05.

(E) *Emergency procedure.* Whenever the chief housing official shall find an emergency existing which requires immediate action to protect the public health or safety, he or she shall, without notice of hearing, issue an order reciting the existence of such an emergency and requiring such action be taken as he or she deems necessary to meet the emergency; notwithstanding any other provision of this code such order shall be immediately effective, and no person shall knowingly violate the provisions of such order.

(Ord. passed 7-12-2010)

§ 9-3-5 ORDER TO VACATE.

(A) Where a notice of violation and order to comply has been issued as herein provided and upon re-inspection at the end of the time specified for compliance it is found that the violation or violations have not been corrected, or at any time when required in accordance with the emergency procedure, the building shall be vacated in accordance with the following procedures:

(1) The vacation shall be within a reasonable time as determined by the chief housing official, but not to exceed 60 days;

(2) Vacated buildings shall have all outer doors, windows, or other openings securely boarded so as to prevent entry;

(3) The building shall be posted "Cannot be used for human habitation, occupancy, or use."

(B) Such buildings shall not be used for human habitation until all violations have been corrected and a written determination obtained from the chief housing official that the dwelling complies with the provisions of this code.

(C) If a dwelling or part thereof is not vacated within the time specified in the vacation order, the chief housing official shall seek in a court of competent jurisdiction for the vacation of such dwelling or part thereof, notwithstanding the fact that such disobedience may also be punishable by fine or imprisonment as hereinafter provided in this code.

(Ord. passed 7-12-2010)

§ 9-3-6 REMOVAL OF NOTICES.

No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by the chief housing official, without permission.

(Ord. passed 7-12-2010)

§ 9-3-7 INSPECTION OF DWELLINGS AUTHORIZED.

The chief housing official is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, and premises located within the village in order that he or she may perform the duty of safeguarding the health and safety of the occupants of dwellings and the general public. All inspections and investigations of residential property must be conducted in compliance with the requirements for a reasonable search. Initially this means consent or a warrant must be obtained in order to enter the premises. For the purpose of making such inspections and to perform any duty imposed upon him or her by this code, the chief housing official is hereby authorized according to law to enter, examine, and survey at all reasonable times all such premises.

(Ord. passed 7-12-2010)

§ 9-3-8 FREQUENCY OF INSPECTIONS.

The chief housing official shall cause a periodic inspection to be made of every multiple dwelling or leased dwelling unit. Such inspection shall include a thorough examination of all parts of such dwelling and the premises connected therewith. The chief housing official is also empowered to make similar inspections of all dwellings as frequently as may be necessary or convenient.

(Ord. passed 7-12-2010)

§ 9-3-9 HOUSING APPEALS.

(A) The Zoning Board of Appeals shall serve as a housing board of appeals in order that the provisions of the housing code may be properly and reasonable applied so that substantial justice will be done and unnecessary hardship relieved, where it would result from the strict application of the provisions hereof, and where the intent and spirit of the law and this chapter may be observed and obtained and the public safety secured.

(B) *Meetings.* The board shall meet at the call of the chairman, or in his or her absence the secretary, and shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the board and the vote of each member on each question. The board may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(C) *Appeals.*

(1) Any person affected by any notice, order, decision, or ruling of an official, issued in connection with the enforcement of this code, may request and shall be granted a hearing on the matter before the board.

(2) The petition shall be in writing and shall specify the name, address, and telephone number of the petitioner and a brief statement of the grounds for appeal, and shall be accompanied by an appeal fee of \$150, and shall be filed within 10 days after the day of the notice and order are served. Upon receipt of such petition, the chief housing official shall set a time for a hearing before the board and shall give the petitioner written notice thereof.

(D) *Variance.* Applications for variance shall be made in accordance with the procedure as provided for appeals. Variances may be provided and authorized by the board of appeals as to any of the terms, provisions, or requirements of this chapter in accordance with the standards as provided in § 9-3-9 of this code.

(E) *Hearings.* Hearings shall be commenced within a reasonable time after petition has been filed, and the petitioner shall be notified thereof. At such hearings the petitioner shall be entitled to appear in person or by agent or attorney and to show cause why the matter appealed should be modified or withdrawn or a variance granted. The failure of a petitioner or a representative to appear at a hearing shall constitute an abandonment of the petition.

(F) *Decisions.* After a hearing the board shall sustain, modify, or withdraw the notice and order depending upon its findings. If it clearly appears that, by reason of special conditions, undue hardship would result from the strict application of any section of this code, the board may permit a variance from the mandatory provisions thereof in such a manner that the public safety shall be secured, substantial justice done, and the spirit of this code upheld. The majority vote of members present of the board shall be necessary to reverse or modify any order of the chief housing officer or grant a variance under this section.

(Ord. passed 7-12-2010)

§ 9-3-10 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASEMENT. Portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR. A portion of the building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DWELLING. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

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

EXTERMINATION. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes excluding bathrooms, water closet compartment, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

HEALTH OFFICER. The legally designated health authority of the village, or his or her authorized representative.

INFESTATION. The presence, within or around a dwelling, or any insects, rodents, or other pests.

MEANING OF CERTAIN WORDS. Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit,” “premises,” are used in this chapter, they shall be construed as through they were followed by words “or any part thereof.”

MULTIPLE DWELLING. Any dwelling containing two or more dwelling units.

NUISANCE. Defined as, but not limited to:

- (1) Any public nuisance known at common law or in equity jurisprudence;
- (2) Any hazardous condition which may prove attractive to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any un-abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors;
- (3) Whatever is dangerous to human life or detrimental to health;

- (4) Over crowding a room with occupants;
- (5) Insufficient ventilation or illumination;
- (6) Unsanitary sewer or inadequate plumbing fixtures;
- (7) Uncleanliness.

OCCUPANT. Any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or room unit.

OPERATOR. Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

ORDINARY MINIMUM WINTER CONDITIONS. The temperature 15 degrees F above the lowest recorded temperature for the previous 10-year period.

OWNER. Any person who, alone or jointly or severally with others:

(1) Shall have legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this chapter and rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

PERSON. Any individual, firm, corporation, association, or partnership.

PLUMBING. All of the following supplied facilities and equipment: gas-burning equipment, gas pipes, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, bathtubs, shower tubs, installed clothes-washing machines, catch basins, drains vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

ROOMING HOUSE. Any dwelling or that part of any dwelling containing one or more room units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator.

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

RUBBISH. Combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood coal coke, and other combustible material, paper, rags cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

SUBSTANDARD BUILDING. Building or portion thereof, or the premises on which the same is located, in which there exists any conditions that endanger the health, property, safety, or welfare of the public or the occupants thereof, arising from any of the following; inadequate sanitation, structural hazards, nuisance, hazardous wiring, hazardous plumbing, hazardous mechanical equipment, faulty weather protection, fire hazard, faulty materials or construction, hazardous or unsanitary premises, inadequate exits, inadequate fire protection, or improper occupancy.

SUPPLIED. Paid for, furnished, or provided by or under the control of the owner or operator. (Ord. passed 7-12-2010)

§ 9-3-11 MINIMUM STANDARD FOR BASIC EQUIPMENT AND FACILITIES.

(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the minimum standards for basic equipment facilities as provided herein.

(B) (1) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink in good working condition.

(2) *Water closet and lavatory.* Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory in good working condition.

(3) *Bathtub or shower.* Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition.

(4) *Water heating facilities.* Every kitchen sink, lavatory, and bathtub or shower required by the code shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, bathtub, or shower at a temperature of not less than 110 to 120 degrees F.

(5) *Water and sewerage facilities.* All plumbing fixtures required by this code shall be properly connected to an approved water system and to an approved sewerage system.

(6) *Garbage and rubbish disposal.* Every dwelling unit shall have adequate garbage and rubbish storage containers in which to place the garbage and rubbish therein. The containers shall consist of water tight galvanized metal or plastic cans, not more than 32 gallons in capacity, equipped with

adequate handles or bales, or dumpsters. In lieu of a garbage container, a dwelling unit may be equipped with a garbage disposal unit connected with an integral part of the sewerage system of the building and capable of reducing all garbage deposited to particles no greater than one-half inch in any dimension.

(7) *Exit ways.*

(a) Every dwelling unit shall have access to one unobstructed exit way leading to a public street or alley. Where there are two or more dwelling units located on the second floor of the dwelling or where there are more than two stories in a dwelling, every floor above the first shall have a minimum of two approved means of egress, two of which shall be accessible to all occupants of the floor, without passing through another dwelling unit.

(b) A second story may be served by a single interior stairway if such stairway is enclosed by one hour fire resistive materials, and all doors opening into the stairway shall be self-closing class "B" fire doors or solid wood doors not less than 1-3/4 inches thick at any one point. This exception shall not apply in cases where the second story exceeds 1,000 square feet of habitable area. (Ord. passed 7-12-2010)

§ 9-3-12 MINIMUM STANDARDS FOR LIGHT, VENTILATION, HEATING AND COMPLIANCE WITH.

(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein which does not comply with the minimum standards for light, ventilation, and heating as herein provided.

(B) (1) *Windows.* Every habitable room shall be provided with natural light by means of glazed openings.

(a) Glazed openings shall consist of windows or skylights or a combination of the two. The area of glazed openings shall equal at least 8% of the net floor area.

(b) Exception: one- and two-family dwellings:

1. Habitable rooms, other than bedrooms, located in basements need not be provided with natural light.

2. Natural light may be obtained from adjoining areas through glazed openings, louvers, or other approved methods. Door openings into adjacent areas may not be used to satisfy this requirement.

(2) *Ventilation.* Natural ventilation shall be provided to all habitable rooms, kitchens, and bathrooms by means of openable exterior doors, sky lights, or windows. The net area of the openable exterior doors, skylights, or windows shall be at least 3.5% for one- and two-family dwellings and 4% for commercial code classifications, of the net floor area of the room.

(a) Exception:

1. *One- and two-family dwelling.* Mechanical ventilation may be provided in lieu of openable exterior doors, skylights, or windows, provided that the system is capable of providing at least one air change per hour.

2. *Sleeping rooms.* Habitable rooms in motels and hotels and similar sleeping rooms in buildings accommodating transients shall not be required to be provided with openable doors and windows or skylight if the rooms are provided with mechanical ventilation supplying tempered outside air as specified in the state building code. (ILHR 64.06)

(b) *Exhaust ventilation.* All exhaust ventilation shall terminate outside the building.

(3) *Ventilation in bathrooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as herein provided, except that no window or skylight shall be required in bathrooms or water closet compartments which are equipped with a mechanical ventilating system to the outside air which is capable of exhausting a minimum of 50 CFM against the static pressure resistance.

(4) *Electrical service.* Each dwelling unit shall be provided with a branch circuit panel board with branch circuit over current protection devices. A minimum of two 20 ampere appliance branch circuits shall be provided to the kitchen area, and any receptacles adjacent to the sink area shall be GFCI protected in accordance with National Electrical Code 210-B and 210-52 requirements. A separate branch circuit shall be provided to the bathroom area and the GFCI requirements adhered to. The remaining habitable rooms shall be provided with at least one wall switch controlled light fixture outlet or switched receptacle and two other separate wall type electric convenience outlets. Each hallway and stair shall have permanent electrical lighting fixtures switched at both ends of the stairway area. Every such out and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner. In all multiple dwellings, all sub panels and switching for full time lighting shall be located in areas not accessible to the public. Minimum electrical requirement, as specified in National Fire Protection Agency NFPA 70 for dwelling units shall be incorporated in requirements of the Housing Code Standard.

(5) *Lighting in public halls.* Every public hall and stairway in every multiple dwelling and in every rooming house or hotel serving 10 or more rooming units shall be adequately lighted in accordance with ILHR 19 at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and serving less than the above number of dwelling or rooming units shall be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when

needed, instead of full time lighting. Illumination levels shall be in accordance with ILHR 19 requirements.

(6) *Window screens.* Every window used for ventilation shall also be supplied with screen. During that portion of each year when the housing official deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens; and every window or other device with opening to outdoor space used or intended to be used for ventilation shall likewise be supplied with screens. Provided that such screens shall not be required during such period in rooms deemed by the housing official to be located high enough in the upper stories of buildings as to be free from such insects and in rooms located in areas of the this village which are deemed by the housing official to have so few insects as to render screens unnecessary.

(7) *Screens on basement windows.* Every basement or cellar window used for ventilation shall also be supplied with a screen or such other device as will effectively prevent the entrance of rodents.

(8) *Heating facilities.* Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70 degrees F, at a distance of three feet above floor level when the outside temperature is 0 degrees F. Portable heating equipment employing a flame or heating equipment using gasoline or kerosene as fuel are not permitted. All heating appliances/equipment shall have state approval.

(9) *Storm or insulated windows.* Storm or insulated windows shall be provided in accordance with state or federal energy requirements.
(Ord. passed 7-12-2010)

§ 9-3-13 MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS.

(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the minimum standards for space, use, and location as herein provided.

(1) *Minimum floor area.* Every dwelling unit shall contain at least 150 square feet for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(2) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant 12 years of age and over and at least 35 square feet of floor space for each occupant under 12 years of age.

(B) *Single-family owner-occupant dwelling.* Single family owner-occupied dwellings shall comply with the provisions of (1) and (2) above.

(C) *Room arrangement.* No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only going through another sleeping room or water closet compartment.

(D) *Minimum ceiling height.* At least one-half of the floor area of every habitable room, bathroom, water closet compartment, and hallway shall have a ceiling height of not less than six feet six inches (6' 6"). The floor area of that part of any habitable room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(E) *Basement dwelling units.* No basement space shall be used as dwelling or rooming unit unless:

(1) The floor and walls are impervious to leakage or underground and surface run-off water.

(2) The total glazed window area in each room is equal to at least 8% of the floor area and is entirely above the grade of the ground adjoining such window area; if below grade, an areaway shall be provided in compliance with the uniform dwelling code.

(3) The total openable window area in each room is equal to 3.5% (for one- and two-family dwellings) and 4% (for all other) of the minimum window area, except where there is supplied a mechanical ventilation system to the outside air capable of completely changing the air in the room every hour for one- and two-family dwellings, or in accordance with ILHR Commercial Code for all other residential occupancies.

(4) The ceiling height throughout the unit is at least seven feet.

(5) It is separated from the heating equipment, incinerators, or other equally hazardous equipment by a standard one-hour fire partition.

(6) Access can be gained to the unit without going through a furnace room;

(7) Two independent means of egress are provided from every basement containing more than one dwelling unit or one rooming unit.

(Ord. passed 7-12-2010)

§ 9-3-14 MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE OF DWELLINGS AND DWELLING UNITS.

(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the minimum standards for safe and sanitary maintenance of dwellings and dwelling units as herein provided.

(B) (1) *Foundation walls, roof.* The foundation, exterior walls, and roof shall be kept in sound condition and repair as follows:

(a) The foundation elements shall be weather tight and adequately support the dwelling at all points.

(b) Every exterior wall and foundation, including the skirting around the base of the dwelling shall be free of holes, breaks, loose or rotting boards or timbers, and weather tight;

(c) The roof shall be tight and have no defects that will admit water;

(2) *Walls, ceilings, floors, partitions.* The interior and exterior walls, floors, and ceilings shall be kept in sound condition and good repair as follows:

(a) The floor shall be free of holes, wide cracks, loose, warped or rotting boards;

(b) All walls and ceilings shall be free of holes and wide cracks;

(c) Room partitions shall be of standard construction;

(d) Every toilet room and bathroom floor surface shall be reasonably impervious to water and shall be capable of being maintained easily. Permanent carpeting is not allowed; throw rugs are.

(3) *Protection of exterior wood surfaces.* All exterior wood surfaces shall be reasonably protected from the elements and against decay.

(4) *Windows, doors, and the like.* Every window, exterior door, and basement hatchway shall be weather tight, water tight, rodent-proof, fully supplied with window panes without cracks or holes, and each sash, door, or hatch shall fit tightly within its frame.

(5) *Stairs, porches.* Every inside and outside stair, every porch, and every appurtenance shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition, good repair, and in conformance with the following conditions:

(a) Every flight of stairs and every porch floor shall be free of holes, grooves, and cracks which are large enough to constitute possible accident hazards;

(b) No flight of stairs shall have more than one inch of settlement from its intended position or shall be separated from its supporting structures;

(c) No flight of stairs or porch shall have rotting, loose, or deteriorating supports;

(d) Every stair thread shall be strong enough to bear a live load of at least 100 pounds per square foot.

(e) All stairways more than three risers high shall be equipped with handrails not less than 30 inches nor more than 34 inches high, measured vertically from nose of the thread to the top of the rail, and guardrails not less than 36 inches higher than the adjacent highest level where there is more than 24 inches difference in height. Stairways more than 48 inches wide shall be equipped with two handrails, one on each side.

(f) Exterior stairways leading to second story dwelling units shall be enclosed (top, sides, and bottom) with a roof for the entire length of the stairway, and provisions must be made so that snow and ice do not accumulate. The proper hand rail shall be placed on the outside edge of the stairway and if any portion of the stairway is open on both sides, two hand rails shall be provided.

(6) **Supplied facilities.** Every supplied plumbing fixture, piece of equipment, or utility required under this code shall be so constructed or installed that it will function properly and shall be maintained in satisfactory working condition.

(7) *Facilities not to be shut off.* No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him or her except for such temporary interruption as may be necessary while actual repairs or alterations are being made.

(8) **Floor surfaces.** All floor surfaces shall be constructed and maintained so as to permit the floor to be easily kept in a clean and sanitary condition. Baths and kitchens in rentals shall not have carpeting permanently secured to the floor.

(9) *Chimneys and supplied smoke pipes.* Every chimney and every supplied smoke or vent pipe shall be adequately supported, reasonably clean, and maintained in a reasonably good state of repair.

(10) *Non-dwelling structures.* Every non-dwelling structure shall be kept in reasonably good state of maintenance and repair or shall be removed.

(11) *Cleanliness of public areas.* All public areas, yards, and premises shall be kept in a reasonably clean and sanitary condition.

(Ord. passed 7-12-2010)

§ 9-3-15 MINIMUM BASIC REQUIREMENTS FOR RENTAL UNITS.

(A) *Prohibition.* No dwelling or dwelling unit shall be rented, leased or otherwise offered or provided for occupancy unless said unit shall comply with the minimum standards for basic equipment and facilities as specified in § 9-3-11, the minimum standards for light, ventilation, and heating as specified in § 9-3-12, the minimum space, use, and location requirements as specified in § 9-3-13, and the minimum standards for safe and sanitary maintenance of dwellings and dwelling units as specified in § 9-3-14.

(B) *Responsibilities of owners.* Every owner:

(1) Shall not rent, lease, or otherwise offer or provide for occupancy any dwelling or dwelling unit not meeting the minimum basic requirements as provided in § 9-3-15, except where a variance has been authorized as provided in § 9-3-9;

(2) Shall be responsible for maintaining each unit so as to meet the minimum basic requirements as provided in § 9-3-15, and if the owner is prevented from doing so by the actions of the tenant or lessee, it shall be the obligation of the owner to terminate the tenancy or the lease and evict the tenant;

(3) Shall be responsible for maintaining in a clean and sanitary condition the shared public areas of the dwelling and premises of a dwelling containing more than two dwelling units.

(4) Shall hang and remove all screens and storms which have been put in place from the outside on those dwelling units located above the first story, and on all windows of rooming houses or hotels, except where special written agreements between tenant and owner provide for the other means of performing this service.

(5) Shall not occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, fit for human occupancy, and complies with all the applicable provisions of this code;

(6) Shall exterminate any insects, rodents, or other pests in a dwelling unit if the infestation is caused by his or her failure to maintain the dwelling unit in a reasonably rodent-proof and insect-proof condition.

(7) Shall furnish and provide adequate rubbish and garbage disposal facilities as required by this code when occupancy is held by three or more tenants;

(8) Shall be responsible for an approved, safe, and adequate water supply.

(C) *Responsibilities of occupants.* Every occupant:

(1) Shall not rent, lease, or otherwise occupy any dwelling unit not meeting the basic requirements as provided in § 9-3-15, except where a variance has been authorized as provided in § 9-3-9;

Almond - Land Usage

(2) Shall cooperate with and assist the owner so as to permit the owner to keep and maintain the dwelling unit so as to meet the minimum basic requirements as provided in § 9-3-15, and if the occupant shall act so as to prevent such maintenance, such action shall be sufficient cause for the summary eviction of such tenant or lessee by the owner and the cancellation of his or her lease;

(3) Shall keep in a clean and sanitary condition that part of the premises which he or she occupies and controls;

(4) Shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in rubbish or garbage facilities and providing for its removal; occupants of two or fewer units to provide garbage or rubbish facilities;

(5) Shall hang and remove all screens required for his or her dwelling unit by the code, except where the owner is expressly made responsible therefor;

(6) Shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof;

(7) Shall exterminate any insects, rodents, or other pests infesting his or her dwelling unit unless the owner is required to exterminate them as provided in § 9-3-15(B)(6) of this code.

(8) Shall not sublet any portion of a dwelling unit which he or she occupies or controls in such a manner that such subletting violates or causes to be violated any of the provisions of this code;

(9) Shall comply with the provisions of this code after due and proper notice of the building official. The failure to do so on the part of the occupant of a dwelling unit shall be deemed sufficient cause for the summary eviction of such tenant or lessee by the owner and the cancellation of this lease. (Ord. passed 7-12-2010)