

## ORDINANCE #43

### **ZONING ORDINANCE**

THE VILLAGE BOARD OF TRUSTEES DO ORDAIN AS FOLLOWS:

#### **1.1 AUTHORITY**

These regulations are adopted under the authority granted by Sections 61.35 and 62.23(7) of the Wisconsin Statutes. Therefore, the Village Board of Cochrane, Wisconsin, do ordain as follows:

#### **1.2 PURPOSE**

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, & general welfare of this community.

#### **1.3 INTENT**

It is the general intent of this Ordinance 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:

Lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

#### **1.4 ABROGATION AND GREATER RESTRICTIONS**

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

#### **1.5 INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

#### **1.6 SEVERABILITY**

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

#### **1.7 REPEAL**

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, except Ordinance No. 42 (Flood Plain Zoning Ordinance), to the extent of the inconsistency only, are hereby repealed.

#### **1.8 TITLE**

This Ordinance shall be known as, referred to, or cited as the 'ZONING ORDINANCE, VILLAGE OF COCHRANE, WISCONSIN'.

#### **1.9 EFFECTIVE DATE**

This Ordinance shall be effective after a public hearing, adoption by the Village Board of Trustees, and publication or posting as provided by law.

#### **2.1 JURISDICTION**

The Jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Village of Cochrane. The jurisdiction of this Ordinance shall also extend to those lands and waters lying within the unincorporated area within 1 ½ miles of the corporate limits that are approved by a majority of the members of the appropriate Joint Extraterritorial Zoning Committee pursuant to Section 62.23 (7a) of the Wisconsin Statutes.

## **2.2 COMPLIANCE**

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit except minor structures and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

**Architectural Board Approval** shall be obtained as provided in Section 10.0.

**The Duty of the Zoning Inspector**, with the aid of the Police Department, shall be to investigate all complaints, give notice of violations, and to enforce the provisions of this Ordinance. The Zoning Inspector and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

## **2.3 ZONING PERMIT**

Applications for a zoning permit shall be made in duplicate to the Zoning Inspector on forms furnished by the Zoning Inspector and shall include the following where applicable:

**Names and Addresses** of the applicant, owner of the site, architect, professional engineer, or Contractor.

**Descriptions of the Subject Site** by lot, block, and recorded subdivisions or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

**Plat of Survey** prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevations, and use of any abutting lands and their structures within forty (40) feet of the subject site.

**Proposed Sewage Disposal Plan** if municipal sewerage service is not available. This plan shall be approved by the Village Engineer who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county, and state board of health regulations.

**Proposed Water Supply Plan** if municipal water service is not available. This plan shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.

**Additional Information** as may be required by the Village plan Commission, Village Engineer, Zoning, Building, Plumbing, or Health Inspectors.

**Fee Receipt** from the Village Treasurer in the amount of Ten Dollars (\$10).

Zoning Permit shall be granted or denied in writing by the Zoning Inspector within thirty (30) days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

## **2.4 SITE RESTRICTIONS**

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Plan Commission, in applying the provision of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

**All Lots** shall abut upon a public street, and each lot shall have a minimum frontage of twenty-five (25) feet.

**All Principal Structures** shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.

**No Zoning Permit** shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

**Private Sewer and Water.** In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Section H65 of the Wisconsin Administrative Code. In any district where a public water service or public sewerage service is not available, the lot width and area shall be determined in accordance with Section H65 of the Wisconsin Administrative Code, but for one-family dwellings shall be no less than one hundred (100) feet and not less than 20,000 square feet respectively.

**Lots Abutting More Restrictive** district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than sixty (60) feet from the district boundary line so as to equal the average of the street yards required in both districts.

## **2.5 USE RESTRICTIONS**

The following use restrictions and regulations shall apply:

**Principal Uses.** Only those principals uses specified for a district, their essential services, and the following uses shall be permitted in that district.

**Accessory Uses** and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, and watchmen's quarters not for rent; private swimming pools; and private emergency shelters.

**Conditional Uses** and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Plan Commission in accordance with Section 4.0.

**Unclassified or Unspecified Uses** may be permitted by the Board of Zoning Appeals after the Village Plan Commission has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.

**Temporary Uses**, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Board of Zoning Appeals.

**Performance Standards** listed in section 9.0 shall be complied with by all uses in all districts.

## **2.6 REDUCTION OR JOINT USE**

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provision of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

## **2.7 VIOLATIONS**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Board of Trustees, the Zoning Inspector, the Village Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Ordinance.

## **2.8 PENALTIES**

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit no less than Ten Dollars (\$10) and costs of prosecution for each violation and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

## **3.1 ESTABLISHMENT**

For the purpose of this Ordinance, the Village of Cochrane is hereby divided into the following zoning districts:

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Multi-Family Residential District
- B-1 Business District
- B-2 Community Business District
- A-1 Agricultural District
- F-1 Floodway District
- F-2 Flood Plain District
- P-1 Public and Semi-Public District

**Boundaries of These Districts** are hereby established as shown on a map entitled "Zoning Map, Village of Cochrane, Wisconsin", dated December 14, 1971, which accompanies and is a part of this Ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad right-of-way or such lines extended; unless otherwise noted on the Zoning Map.

**Vacation of Public Streets** and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side which the vacated land reverts.

**Annexations** to, or consolidations with the Village subsequent to the effective dates of this Ordinance shall be placed in the A-1 Agricultural District, unless the annexation ordinance temporarily places the land in another district. Within one (1) year the Village Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

### **3.2 ZONING MAP**

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Village President and Village Clerk and shall be available to the public in the office of the Village Clerk.

Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

### **3.3 RESIDENTIAL DISTRICTS**

#### **R-1 Single-Family Residential District:**

**Principal Use:** One-family Dwellings

**Conditional Uses:** See Section 4.4

**Lot:** Width, Min. 100 ft; Area, Min. 10,000 sq. ft.

**Building:** Area, Min. 1,000 sq. ft; Height, Max. 35 ft.

**Yards:** Street, Min. 50 ft; Rear, Min. 50 ft; Side, Min. 20 ft.

#### **R-2 Single-Family Residential District:**

**Principal Use:** One-family Dwellings

**Conditional Uses:** See Sections 4.4 and 4.5

**Lot:** Width, Min. 50 ft; Area, Min. 5,000 sq. ft.

**Building:** Area, Min. 1,200 sq. ft; Height, Max. 35 ft.

**Yards:** Street, Min. 25 ft; Rear, Min. 40 ft; Side, Min. 10 ft.

#### **R-3 Multi-Family Residential District**

**Principal Use:** Multi-family Dwellings

**Conditional Uses:** See Sections 4.4 and 4.5

**Lot:** Width, Min. 100 ft; Area, Min. 15,000 sq. ft. with no less than 1,000 sq. ft. per efficiency; 1,500 sq. ft. per one-bedroom unit; 3,000 sq. ft. per two-bedroom unit.

**Building Area,** Min. 500 sq. ft per family; Height, Max. 35 ft.

**Yards:** Street, Min. 35 ft; Rear, Min. 50 ft; Side, Min. 20 ft.

### **3.4 B-1 BUSINESS DISTRICT**

**Principal Uses.** The following uses, provided that they shall be retail establishments selling and storing only new merchandise; bakeries, barber shops, bars, beauty shops, business offices, clinics, clothing stores, clubs, cocktail lounges, confectioneries, delicatessens, drug stores, fish markets, florists, fraternities, fruit stores, gift stores, grocery stores, hardware stores, house occupations, hobby shops, lodges, meat markets, optical stores, packaged beverage stores, professional offices, restaurants, self-service and pickup laundry and dry-cleaning establishments, soda fountains, sporting goods, supermarkets, tobacco stores, and vegetable stores. Existing residences shall comply with all the provisions of the R-3 Residential District.

**Conditional Uses.** See Sections 4.4 and 4.6

**Building:** Height, Max. 35 ft.

**Yards:** Street, Min. 25 ft.; Rear, Min. 50 ft.; Side, None or if provided a min. of 10 ft.

### **3.5 B-2 COMMUNITY BUSINESS DISTRICT**

**Principal Uses.** All uses permitted in the B-1 Business District and the following: apartment hotels, appliance stores, caterers, churches, clothing repair shops, crockery stores, department stores, electrical supply, financial institutions, food lockers, furniture stores, furniture upholstery shops, heating supply, hotels, laundry and dry cleaning establishments employing not over seven person, liquor stores, music stores, newspaper offices and press rooms, night clubs, office supplies, pawn shops, personal service establishments, pet shops, places of entertainment, photographic supplies, plumbing supplies, printing, private clubs, private schools, publishing, radio broadcasting studios, secondhand stores, signs, television broadcasting studios, trade and contractor's offices, upholsterer's shops, and variety stores. Existing residences shall comply with all the provisions of the R-3 Residential District.

**Conditional Uses.** See Sections 4.4, 4.6 and 4.9

**Building** Height, Max. 45 ft.

**Yards:** Street, Min. 10 ft.; Rear, Min. 30 ft.; Side, None or if provided a Min. on 10 ft.

### **3.6 A-1 AGRICULTURAL DISTRICT**

**Principal Uses.** Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, stables, truck farming, and viti-culture. Farm dwellings for those residential owners and laborers actually engaged in the principal permitted uses are accessory uses and shall comply with all the provisions of the R-2 Residential District.

**Conditional Uses.** See Sections 4.4 and 4.7

**Farm:** Frontage, Min. 200 ft.; Area, Min. 10 acres

**Structure:** Height, Max. 50 ft.

**Yards:** Street, Min. 80 ft.; Rear, Min. 50 ft.; Side, Min. 50 ft.

### **3.8 FLOOD DISTRICTS**

#### **F-1 Floodway District**

**Principal Uses.** Drainage, movement of floodwater, navigation, stream bank protection, water measurement and water control facilities.

**Conditional Uses.** Grazing, horticulture, open parking and loading areas, open markets, parks, sport fields, beaches, bathing, hunting, fishing, camping, playgrounds, skating rinks, golf courses and driving ranges, outdoor plant nurseries, pasturage, parks, sod farming, transient amusement uses such as circuses and carnivals, truck farming, utilities, viti-culture, wildcrop harvesting, and wildlife preserves. The above uses shall not involve the dumping, filling, or any other use that would obstruct the floodway, retard drainage or retard the movement of floodwaters.

**Structures.** None permitted except navigation and water measurement and water control facilities.

#### **F-2 Flood Plain District**

**Principal Uses.** Flood overflows, impoundments, parks, sustained yield forestry, fish hatcheries, wildlife preserves, water measurement and water control facilities.

**Conditional Uses.** All uses permitted in the A-1 Agricultural District except residential uses; all uses permitted in the P-1 Public and Semipublic District except the caging of animals; warehousing, storage, parking and loading areas. The above uses shall not include the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal or plant life nor substantially reduce the flood water storage capacity of the flood plain. See Section 4.4.

**Buildings:** All buildings shall have their first floors constructed at an elevation no less than two (2) feet above the level of the standard project flood.

### **3.9 PUBLIC AND SEMIPUBLIC DISTRICT**

**Principal Uses.** Parks, arboretums, playgrounds, fishing, wading, swimming, beaches, skating, sledding, sustained yield forestry, wildlife preserves, soil and water conservation, water measurement and water control facilities.

**Conditional Uses.** All structures; see Sections 4.4 and 4.9.

### **4.0 CONDITIONAL USES**

#### **4.1 PERMIT**

The Village Plan Commission may authorize the Zoning Inspector to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

#### **4.2 APPLICATION**

Applications for conditional use permits shall be made in duplicate to the Zoning Inspector on forms furnished by the Zoning Inspector and shall include the following:

**Names and Addresses** of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

**Description of the Subject Site** by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operating or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

**Plat of Survey** prepared by a registered land surveyor showing all of the information required under Section 2.3 for a Zoning Permit and, in addition, the following; mean and historic high water lines, on or within forty (40) feet of the subject premises, and existing and proposed landscaping.

**Additional Information** as may be required by the Village Plan Commission, Village Engineer, Zoning, Building, Plumbing or Health Inspectors.

**Fee Receipt** from the Village Treasurer in the amount of Ten Dollars (\$10).

#### **4.3 REVIEW AND APPROVAL**

The Village Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

**Conditions**, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting, screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or **parking requirements, may be required by the Village Plan Commission** upon its finding that these are not necessary to fulfill the purpose and intent of this Ordinance.

**Compliance** with all other provisions of the Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Section 11.0.

#### **4.4 PUBLIC AND SEMIPUBLIC USES**

The following public and semipublic uses shall be conditional uses and may be permitted as specified:

**Airports**, airstrips, and landing fields in the A-1 Agricultural District, F-2 Flood Plain District, and P-1 Public and Semipublic District, provided the site area is not less than twenty (20) acres.

**Governmental and Cultural Uses**, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, in all residential and business districts; and P-1 Public and Semipublic District.

**Utilities** in all districts provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.

**Public Passenger Transportation Terminals**, such as heliports, bus and rail depots, except airports, airstrips, and landing fields, in all Business Districts provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

**Public, Parochial, and Private Elementary** and secondary schools and churches in the R-2 & R-3 Residential District, and P-1 Public and Semipublic District provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet from any lot line.

**Colleges; Universities; Hospitals;** sanitariums, religious, charitable, penal and correctional institutions; cemeteries and crematories in the A-1 Agricultural District and P-1 Public and Semipublic District provided all principal structures and uses are not less than fifty (50) feet from any lot line.

#### **4.5 RESIDENTIAL USES**

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

**Planned Residential Development**, such as cluster developments in the R-2 Residential District and garden apartments, row housing and group housing in the R-3 Residential District. The district regulations may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design; all common structure, facilities, utilities, access and open spaces shall be assured by deed restrictions enforceable by the Village. The following provisions shall be complied with:

**Development:** Minimum 10 acres.

**Lot:** Area, Minimum of 2/3 of the minimum lot area for the district in which located.

Minimum 3,000 sq. ft. for row houses.

Width, Minimum of 2/3 of the minimum lot width for the district in which located.

Minimum 20 ft. for row houses.

**Building:** Area, Minimum building area for the district in which located.

Height, Maximum 35 feet.

Rooms, All living rooms shall have windows opening onto a yard.

**Yards:** Street, Minimum 20 feet; Rear, Minimum 50 feet; Side, Minimum 20 feet from street rights-of-way, exterior property lines of the development, and other buildings.

**Rest Homes**, nursing homes, homes for the aged, clinics, and children's nurseries in the R-2 or R-3 Residential Districts provided all principal structures and uses are not less than fifty (50) feet from any lot line.

**Home Occupations** and professional offices in the R-2 or R-2 Residential Districts.

#### **4.6 RECREATIONAL USES**

The following public recreational facilities shall be conditional uses and may be permitted as specified; archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearms ranges, golf course, gymnasiums, hunting, ice boating, marinas, music halls, polo fields, pools, riding academies, skating rinks, sport fields, stadiums, swimming pools, and zoological and botanical gardens in the P-1 Public and Semipublic District provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary.

**Commercial Recreation Facilities**, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, race tracks, rifle ranges, Turkish baths, skating rinks, and theaters are conditional uses and may be permitted in the B-2 Business District.

#### **5.0 TRAFFIC, PARKING, AND ACCESS**

##### **5.1 TRAFFIC VISIBILITY**

No obstructions, such as structures, parking, or vegetation shall be permitted in any district between the heights of two and one-half (2 ½) feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection.

**In the case of Arterial Streets** intersecting with other arterial streets or railways, the corner cutoff distance establishing the triangular vision clearance space shall be increased to fifty (50) feet.

##### **5.2 LOADING REQUIREMENTS**

In all districts adequate load areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

##### **5.3 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 stalls for all vehicles in accordance with the following;

**Adequate Access** to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one and two-family dwellings and a minimum of twenty-four (24) feet for all other uses.

**Size** of each parking space shall be not less than one hundred and eighty (180) square feet exclusive of the space required for ingress and egress.

**Location** to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveway except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.

**Surfacing.** All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

**Curbs or Barriers** shall be installed so as to prevent the parked vehicles from extending over any lot lines.

#### **6.0 MODIFICATIONS**

##### **6.1 HEIGHT**

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:

**Architectural Projections**, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.

**Special Structures**, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.

**Essential Services**, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.

**Communication Structures**, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.

**Agricultural Structures**, such as barns, silos, and windmills, shall not exceed in height twice (2) their distance from the nearest lot line.

**Public or Semipublic Facilities**, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.

## **6.2 YARDS**

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

**Uncovered Stairs, landings**, and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.

**Architectural Projections**, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.

**Residential Fences** are permitted on the property lines in residential districts but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right of way.

**Security Fences** are permitted on the property lines in all districts except residential districts but shall not exceed then (10) feet in height and shall not be of an open type similar to woven wire or wrought iron fencing.

**Accessory Uses** and detached accessory structures are permitted in the rear yard only, they shall not be closer than ten (10) feet to the principal structures, shall not exceed fifteen (15) feet in height, shall not occupy more than twenty (20) percent of the rear yard area, and shall not be closer than three (3) feet to any lot line nor five (5) feet to an alley line.

**Off-Street Parking** is permitted in all yards of the B-1 and B-2 Business Districts but shall not be closer than twenty-five (25) feet to any public right-of-way.

**Essential Services**, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

**Landscaping** and vegetation are exempt from the yard requirements of this Ordinance.

## **6.3 ADDITIONS**

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

## **6.4 AVERAGE STREET YARDS**

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side but in no case less than fifteen (15) feet in any residential district and five (5) feet in any business district.

## **6.5 NOISE**

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this Ordinance.

## **7.0 SIGNS**

### **7.1 PERMIT REQUIRED**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit and without being in conformity with the provisions of this Ordinance. The sign shall also meet all the structural requirements of the Building Code.

## **9.0 PERFORMANCE STANDARDS**

### **9.1 COMPLIANCE**

This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water, shall hereafter be used except in compliance with their district regulations and with the following performance standards.

## **11.0 BOARD OF ZONING APPEALS**

### **11.1 ESTABLISHMENT**

There is hereby established a Board of Zoning Appeals for the Village of Cochrane for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance in harmony with the purpose and intent of the Zoning Ordinance.



## **11.2 MEMBERSHIP**

The Board of Zoning Appeals shall consist of five (5) members appointed by the Village President and confirmed by the Village Board.

**Terms** shall be for staggered three-year periods.

**Chairman** shall be appointed by the Village President.

**An Alternate Member** may be appointed by the Village President for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest.

**One Member** shall be a Village Plan Commissioner and one member shall be a registered architect, registered professional engineer, builder, or real estate appraiser.

**Secretary** shall be the Village Clerk.

**Zoning Inspector** shall attend all meetings for the purpose of providing technical assistance when required by the Board.

**Official Oaths** shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.

**Vacancies** shall be filled for the unexpired term in the same manner as appointments for a full term.

## **11.3 ORGANIZATION**

The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

**Meetings shall** be held at the call of the chairman and shall be open to the public.

**Minutes** of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon such question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

**The Concurring Vote** of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation and permit a utility, temporary, unclassified, or substituted use.

## **11.4 POWERS**

The Board of Zoning Appeals shall have the following powers:

**Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector or Architectural Board.

**Variations.** To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.

**Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Plan Commission has made a review and recommendation.

**Substitutions.** To hear and grant applications for substitution of more restrictive non-conforming uses for existing non-conforming uses provided no structural alterations are to be made and the Village Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

**Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Village Plan Commission has made a review and recommendation.

**Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Village Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Zoning Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

**Permits.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

**Assistance.** The Board may request assistance from other Village officers, departments, commissions, and boards.

**Oaths.** The chairman may administer oaths and compel the attendance of witnesses.

## **11.5 APPEALS AND APPLICATIONS**

Appeals from the decision of the Zoning Inspector or the Architectural Board concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board, or bureau of the Village. Such appeals shall be filed with the secretary within thirty (30) days after the date of written notice of the decision or order of the Zoning Inspector or Architectural Board. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

**Name and Address** of the appellant or applicant and all abutting and opposite property owners of record.

**Plat of Survey** prepared by a registered land surveyor showing all of the information required under Section 2.3 for a Zoning Permit.

**Additional Information** required by the Village Plan Commission, Village Engineer, Board of Zoning Appeals, or Zoning Inspector.

**Fee Receipt** from the Village Treasurer in the amount of Ten Dollars (\$10).

### **11.6 HEARINGS**

The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior, and shall give due notice to the parties of interest, the Zoning Inspector, and the Village Plan Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

### **11.7 FINDINGS**

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and are so indicated in the minutes of its proceedings.

**Exceptional Circumstances.** There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

**Preservation of Property Rights.** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

**Absence of Detriment.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

### **11.8 DECISION**

The Board of Zoning Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Inspector, and Village Plan Commission.

**Conditions** may be placed upon any zoning permit ordered or authorized by this Board.

**Variances, Substitutions, or Use Permits** granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

### **11.9 REVIEW BY COURT OF RECORD**

Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of Board of Zoning Appeals.

### **12.0 CHANGES AND AMENDMENTS**

#### **12.1 AUTHORITY**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board of Trustees may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto.

**Such Change or Amendment** shall be subject to the review and recommendation of the Village Plan Commission and the appropriate Joint Extraterritorial Zoning Committee.

### **13.0 DEFINITIONS**

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and plural number includes the singular number. The word "shall" is mandatory and not directory.

**Accessory Use or Structure.** A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

**Alley.** A special public right-of-way affording only secondary access to abutting properties.

**Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

**Basement.** That portion of any structure located partly below the average adjoining lot grade.

**Boardinghouse.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement of compensation for four (4) or more persons not members of a family, but not exceeding twelve (12)

persons and not open to transient customers.

**Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

**Building Area.** The total living area bounded by the exterior walls of a building at the floor level, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

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

**Clothing Stores.** Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.

**Conditional Uses.** Uses of a special nature as to make impractical their predetermination as a principal use in a district.

**Corner Lot.** A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

**Dwelling.** A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

**Efficiency.** A dwelling unit consisting of one principal room with no separate sleeping rooms.

**Emergency Shelter.** Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.

**Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

**Expressway.** A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

**Family.** Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

**Frontage.** The smallest dimension of a lot abutting a public street measured along the street line.

**Gift Stores.** Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

**Hardware Stores.** Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

**Household Occupation.** Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed twenty-five (25) per cent of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as baby sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

**Living Rooms.** All rooms within a dwelling, except closets, foyers, storage areas, utility rooms, and bathrooms.

**Loading Area.** A completely off street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

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

**Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

**Lot Width.** The width of a parcel of land measured at the rear of the specified street yard.

**Machine Shops.** Shops where lathes, presses, grinders, shapers, and other wood & metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

**Minor Structures.** Any small, movable accessory erection or construction such as birdhouses; tool houses; pet houses; play equipment; arbors; and walls and fences under four (4) feet in height.

**Motel.** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

**Nonconforming Uses or Structures.** Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

**Parking Lot.** A structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.

**Parking space.** A graded and surfaced area of not less than one hundred and eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

**Parties In Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

**Professional Home Offices.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only one nonresident person is employed.

**Rear Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot lines and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

**Side Yard.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto throughout the nearest point of the principal street.

**Signs.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

**Street Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

**Street.** A public right-of-way not less than fifty (50) feet wide providing primary access to abutting properties.

**Structure.** Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

**Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

**Turning Lanes.** An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

**Utilities.** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

**Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

Adopted this 11<sup>th</sup> day of April, 1972

Published this 27<sup>th</sup> day April, 1972.

(Signed) Vernon Florin, Village President

(Signed) Kermit Spieth, Village Clerk