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## Zoning Ordinance Village of Curtiss, WI

## INTRODUCTION

SECTION 1.0

### Authority

In accordance with the authority granted by Sections 61.35, 62.23, and 87.30 of the Wisconsin Statutes, the Village of Curtiss does hereby ordain as follows:

1.2

### Purpose

The purpose of this ordinance is to promote the health, safety, morals, and general welfare of the Village of Curtiss and shall be held to be the minimum requirements adopted for this purpose. Further purposes include the promotion of economic

development, protecting property values, and guard against nuisance uses. A further purpose is for this ordinance to be consistent with the Village Comprehensive Plan.

### 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; regulate and restrict the size and location of all structures, so as to:

Lessen congestion in and promote the safety and efficiency of streets and highways; Secure safety from fire, flooding, panic, and other dangers; Provide adequate light, air, sanitation, and drainage; Prevent overcrowding and undue population concentration; Facilitate the adequate provision of public facilities and services; Stabilize and protect property values; Ensure the appropriate use of land and the conservation of other natural resources, Preserve and promote the beauty of the community; and Manage land development with adequacies for sewer and water services Manage land development with the adequacy of streets and circulation system capacity

Implement the community's comprehensive plan components.

It is further intended to provide for the administration and enforcement of this Ordinance and 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, ordinances, rules, regulation, 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 a repeal of any other power 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, to the extent of this inconsistency only, are hereby repealed.

1.8

### Title

This Ordinance shall be known as "VILLAGE OF CURTISS, WI, ZONING ORDINANCE."

1.9

### Effective Date

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

## SECTION 2.0

### 2.1

#### Jurisdiction

The provisions of this Ordinance shall apply to all lands and waters within the corporate limits of the Village of Curtiss.

### 2.2

#### Compliance and Administration

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 and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

The Village Clerk, with the aid of the Village Attorney as needed, shall issue permits, investigate all complaints, give notice of violations, and enforce the provisions of this ordinance. The Village Clerk and all duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make zoning inspections necessary in the administration of this Ordinance.

### 2.3

#### Zoning Permit

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

Names and Addresses of the applicant, owner of the building site, architect, professional engineer, or contractor, or other agent for the owner.

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

Map of the Property drawn to a suitable scale showing the boundaries of the property

involved; the location of the centerline of any abutting streets or highways, the location on the property of all existing structures, proposed additions or new structures, and the distances between structures and property lines; appropriate setback lines; the zoning of adjacent lands; and the ordinary high water mark or 100 year flood line of any stream or lake on this property.

Proposed Sewer Service showing the location of the existing sewer main and the sewer lateral to the proposed use. New development in the village is intended to be served by the village sewer system.

Proposed Sewage Disposal Plan if municipal sewerage service is not available. This plan shall be developed in accordance with the regulations contained in the Department of Industry, Labor and Human Relations Plumbing Code and shall meet all applicable county and state statutes.

Proposed Water Service showing the location of the existing water main and the water lateral to the proposed use. New development in the village is intended to be served by the village water system.

Proposed Water Supply Plan if municipal water supply is not available a plan shall be developed in accordance with Department of Natural Resource and Department of Industry, Labor and Human Relations regulations and shall meet all applicable county and state standards.

Additional Information as may be required by the Village.

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The Village Clerk shall review all information on the zoning permit to determine compliance with the provisions of this ordinance and shall, within 30 days of receipt of the application for a zoning permit, grant or deny in writing the zoning permit application. The permit shall be valid for twelve (12) months and shall expire after this period if substantial work has not commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

## 2.4

### Site Restrictions

Where a rezoning or conditional use permit is required, no land shall be used or structures erected where the Village Planning Commission finds such use or structure unsuitable by reason of flooding, concentrated run-off, inadequate drainage, adverse soil or rock formation, steep slopes, low percolation rates or soil bearing strength, susceptibility

to erosion, absence of regulatory permits required of a specific use, or other factors likely to be harmful to the health, safety, prosperity, aesthetics, or general welfare of the Village. The Village Planning Commission, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land or structure is not suitable for certain uses. The applicant, if desired, shall have the opportunity to present evidence contesting the decision of the Village Planning Commission. Thereafter, the Village Planning Commission may affirm, modify, or withdraw its determination of unsuitability before submitting its recommendation to the Village Board for final determination.

All Lots shall abut upon a public street and each fan shaped lot shall have a minimum lot width standard contained in the Zoning District regulations.

No Zoning Permit shall be issued for any lot which abuts a public street that has not been dedicated to its required width

Lot Areas where the lot is not served by public water supply and sewer service shall be in conformance with the provisions of the standards of the Department of Labor, Industry and Human Relations, the Department of Health and Social Services, the Department of Natural Resources, and other local and state laws.

2.5

### Use Restrictions

The following use restrictions and regulations shall apply:

Principal Uses specified for a zoning district and conditional uses approved in accordance with the provision of this ordinance are the only uses allowed in the zoning district. No variance issued by the Board of Appeals shall permit a land or building use which is not a principal use for the applicable zoning district.

Accessory Uses and Structures are permitted in any district but not until their principal structure is present or under construction.

Conditional Uses are considered as special uses requiring review, public hearing, and recommendation by the Village Planning Commission and final determination by the Village Board.

Unclassified or Unspecified Uses may be permitted by the Zoning Board of Appeals after the Village Planning Commission has made a review and recommendation, and 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 Village Clerk, subject to review by the Village Planning Commission.

Animal Control the Village Animal Control Ordinance and amendments thereto, shall apply in all situations where regulations in this ordinance relate to land use.

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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 provisions 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 principal 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. It shall be unlawful to fail to comply with any standard of this Ordinance or with any conditions or qualifications placed upon issuance of a permit or granting of a variance.

In case of any violation, the Village Board, the Village Clerk, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding 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, shall forfeit to the Village not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) plus the 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 of the provisions of this Ordinance exists or continues shall constitute a separate offense.

## DEFINITIONS

### SECTION 3.0

For the purpose 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 the plural number includes the singular number. Words using the male gender include the female gender; and the female gender shall include the male gender. The word *shall* is mandatory and not optional.

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.

Adult Oriented Facilities Business Commercial establishments in which a significant portion of the business is to:

Display, sell, have in their possession for sale, offer, view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films or videos sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity;

Display for viewing any film or pictures depicting sexual conduct or nudity; and/or

- Have any person appear or perform in a manner depicting sexual conduct or involving nudity,

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

Animal Control Those regulations contained in the village animal control ordinance.

Basement That portion of a dwelling between the floor and ceiling which is below or partly below and partly above grade; but, so located so that the vertical distance from the grade to the floor below is more than the vertical distance from the grade to the ceiling above.

Boarding House A building other than a hotel or restaurant where meals and/or lodgings are regularly furnished by prearrangement for 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 levels, but not including unfinished basements, utility rooms, garages, porches, breezeways, decks, and unfinished attics.

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

Centerline A line equidistant from the edges of the main traveled way of a road, street, or highway.

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Conditional Uses Uses requiring special evaluation and recommendation by the Village Planning Commission, after public hearing, and final approval by the Village Board because the special nature of the use makes it impractical for predetermination as a principal use in a zoning 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 greater than forty-five (45) degrees but not more than one hundred thirty-five (135) degrees, measured on the lot side.

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

Dwelling Unit One (1) or more rooms designed as a unit for occupancy by not more than one (1) family maintaining a common household, to the exclusion of all others.

Essential Services Services provided by public and private utilities, necessary for the exercise of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water,, drainage, and TV cables to serve individual lots, communication systems and accessories thereto, such as poles, towers, mains, wires, 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.

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

Floodplain Land adjacent to a body of water which has been or may be hereafter covered by flood waters including, but not limited to the 100 year flood. The official floodplain boundary shall be the 100 year flood plain as identified on Federal Emergency Management Agency (FEMA) maps, or as determined at specific locations by the WI Department of Natural Resources.

Floodway The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream including but not limited to flood flows associated with the 100 year flood sometimes referred to as the regional flood.

Front Yard Setback The horizontal distance extending across the full width of the lot frontage, the depth of which shall be the horizontal distance, specified in a zoning district, inward from the front lot line which is usually the street right-of-way line. No permitted use can be located within the front yard setback except flag poles intended for flags only. Corner lots shall have a front yard setback on each street which it abuts.

Frontage The portion of a lot line abutting a public street, measured along the right-of-way.

Garage-Private Any accessory building or structure designed for the storage of not more than three 4-wheeled automotive vehicles per dwelling unit.

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Garage-Public Any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

Home Occupation

A gainful occupation conducted in a dwelling by members of the family residing in

the building. Not more than twenty-five percent (25%) of the building area shall be devoted to the home occupation and no stock in trade is kept or sold on the premises, except that which is made on the premises. One person other than a family member may be employed in a home occupation. There shall be no regular open parking or storage of business vehicles, trailers, or other business apparatus on the private property or public street so as to create a nuisance or incompatibility with the residential character of a residential area. Home occupations require a conditional use permit.

**Junk Yard** An area consisting of buildings, structures, or premises where junk, waste, discarded or salvage materials are bought, sold exchanged; stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture or household equipment or used cars in operable condition.

**Kennel** Any establishment wherein or whereon more than two (2) dogs over five (5) months old are kept. Kennels can only be permitted as conditional uses in the agricultural and industrial districts as conditional uses. No kennel shall be located within two hundred fifty (250) feet of any area zoned residential.

**Living Rooms** All rooms within a dwelling except a closet, foyer, storage area, utility room and bathroom.

**Loading Area** A complete off-street space or berth on the same lot for the loading and 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 a total area lying within such boundaries.

**Lot Width** The width of a parcel of land measured at the front yard setback line. On corner lots, the lot width shall be the lessor of the lot widths measured for each abutting street.

### Manufactured Home

A structure transportable in one or more sections without any permanent wheels, axels or hitch, which in the traveling mode, is eight feet or more in width or 40 body feet or in length, provided that when erected on site, the home is a minimum of 500 or more square feet in net living area, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A mobile home may be classified as a manufactured home if it has been converted to real property as provided by law and is taxed as a site dwelling. For purposes of this ordinance, a manufactured home shall be considered the same as any other site-built single family home.

### Mobile Home

A structure designed to be transported as one unit upon a public highway without its own motive power, which is eight (8) feet or more in width and thirty-two (32) feet or more in length; and which is built upon a permanent

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chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to required utilities and include the plumbing, heating, air conditioning system and electrical system contained therein and which meets all of the Federal Mobile Home Construction and Safety Standards, and maintains a motor vehicle license and does not pay real estate property taxes. Mobile homes are permitted in mobile home parks only. A mobile home is not a travel trailer, motor home, or any other form of recreational vehicle.

### Mobile Home Converted to Real Estate

A mobile home located on an individually owned lot meeting the zoning standards for the district it is in and resting on a permanent foundation with the wheels and hitch removed and which is assessed as real estate and not eligible for a motor vehicle license.

### Mobile Home Park

A parcel or lot, under a single ownership, containing twenty or more mobile home sites planned and constructed in accordance with all local, state and federal regulations and licensed by the Village and state.

### Mobile Home Site

A lot within a licensed mobile home park designed for use by a single mobile

home with proper connection to appropriate utilities in conformance with relevant local, state and federal regulations.

Modular Home A non-mobile housing unit that is a basically fabricated at a central factory and transported to a building site where final assembly and installation are made, permanently affixes the module to the site. Modular homes shall be subject to the same standards as site built single family homes.

#### Motel

A series of attached, sleeping units with all conventional sanitary sewer, water and electrical services for the accommodation of transient guests. This definition includes one or more detached cabins having all the same services of a conventional motel.

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. Its generally intended that nonconforming uses be converted to conforming uses over time so as not to create a pattern of spot-zoning throughout the community and thereby defeat the basic purposes of zoning as a tool of community planning. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming structure and not a nonconforming use.

Parcel One or more contiguous lots of record under single and the same ownership.

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

#### Parking Stall

A graded and surfaced area of not less than nine (9) feet by twenty (20) feet either enclosed or open for the parking of a motor vehicle, and having adequate ingress egress to a public street or alley.

Parties in Interest Includes all abutting property owners, all property owners within on hundred feet in all directions, and all property owners of opposite frontages.

#### Rear Yard

The horizontal distance, specified in a zoning district, extending inward from the rear lot line within which permitted uses cannot be located.

**Set Back** The horizontal distance specified in a zoning district extending inward from a lot line within which permitted uses cannot be located

**Side Yard** The horizontal distance, specified in a zoning district, extending inward from a side lot line, within which a permitted use cannot be located.

**Sign** Any structure, trailer, van or other object anchored into or placed on the ground, or hung, suspended, or painted on any structure, trailer, van or other object for the purpose of displaying to the public the words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise; or promote an individual, firm, association, corporation, profession, business, commodity, product, or personal message and which are visible from any public street or highway,

**Street** A public right-of-way which provides access to abutting properties.

**Structure** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, towers, masts, poles (except residential flag poles), booms, signs, decoration, carports, unlicensed trucks and vans used for purposes other than their original transportation function, fences, and mobile homes.

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

**Solar Device** A mechanism which is designed to use the sun's radiation for the purpose of energy generation and conservation and is a permanently affixed device on a structure.

**Trailers** A portable recreational vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.

**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, natural gas regulation stations, and sewage disposal plants.

**Variance** An exception to the provisions of this Ordinance by the Zoning Board of



Appeals where the strict application of the Ordinance would result in a practical difficulty or unnecessary hardship. Use variances are prohibited - a variance cannot permit the location of a land use in a zoning district where it is not listed as a permitted or accessory use.

Zoning Administration The Village Clerk shall be responsible for the administration of this ordinance and shall approve all building permits, and shall perform those duties references herein to the Village Clerk.

Zoning Lot (or zoning parcel) A "parcel", as defined in this ordinance having the same zoning district designation on the zoning map. The zoning standards for setbacks dimensions and area may be applied to the entire parcel, at the discretion of the parcel owner, rather than such standards being applied to each lot contained within a parcel.

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ZONING DISTRICTS

## SECTION 4.0

### 4.1

Establishment of Zoning Districts

Eight Zoning Districts are provided as follows:

A R-1 R-2 R-M B-1 B-2

Agriculture Residential Residential Residential Business Business Industrial Conservancy  
Wellhead Protection Overlay

8) 9)

c WP

Boundaries of these Districts are hereby established as shown on a map entitled "Official Zoning Map, Curtiss, Wisconsin, which accompanies and is 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-ways, or such line 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 site property to which the

vacated land unites. Such vacations shall be accomplished by ordinance upon recommendation of the Village Planning Commission.

#### 4.2

##### 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 Clerk and shall be available to the public in the office of the Village Clerk

#### 4.3

##### Rules for Interpretation of Zoning Districts

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

Boundaries indicated as approximately following municipal boundaries shall be construed as following municipal boundaries.

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, river, canals, lakes or other bodies of water shall be construed to follow such centerlines.

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Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

The Village Clerk shall make decisions on the location of zoning district boundaries. In the case of a dispute with the Clerk's decision, such decision can be appealed to

the Village Board of Appeals for a final determination.

4.4

Limited Number of Buildings

There shall be not more than one (1) principal dwelling and two (2) accessory structures, including a private garage, on any single ownership parcel in any R zone.

4.5

Zone Regulations

No person shall use land or a building or structure or shall erect, construct, reconstruct, move or structurally alter a building, structure, or part thereof, except in conformance with the following regulations.

4.6

Home Occupations in Dwellings

Where Permitted. Within a single dwelling unit and only by the person or persons maintaining a dwelling therein provided that only one such use shall be permitted on one lot. Not more than one (1) nonresident person shall be employed in the home occupation.

Extent of Use. Does not utilize more than twenty-five (25) percent of the building area of the dwelling unit.

4.7

Zoning District Regulations

## A

### AGRICULTURE DISTRICT

#### PURPOSE

The A-Agriculture District is intended to permit some agricultural uses within the Village. The intent is to conserve prime farming areas for agricultural products production and to prevent the uncontrolled, uneconomical spread of residential development subject to Village growth needs. It is anticipated that as municipal utilities and services expand, some agricultural lands will be converted to residential and other urban uses. The A District is also intended to be consistent with the village Comprehensive Plan.

#### PRINCIPAL PERMITTED USES

2)

Farming and dairying. Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables, truck farming. Farm dwellings for resident owners and workers actually engaged in the principal permitted uses. In-season, removable roadside stands for the sale of farm products, produced on the premises, and up to two unlighted signs not larger than twenty (20) square feet each, advertising each sale point. Customary utility service lines for telephone, electricity, television cable etc. and their necessary appurtenance. Home occupations.

#### ACCESSORY USES

Essential services, private garages

#### CONDITIONAL USES

1)

Fur farms, kennels, insect breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors, noise, or other health and sanitation hazards. Churches, schools, cemeteries, parks and recreation areas, public and semi-public buildings, conservation organizations including club houses, utilities, provided they are enclosed by an eight foot high or more, protective fence; golf courses and campgrounds. Commercial uses allowed in the B-2 Business Zoning district, providing that such uses do not conflict with the purposes of the A-Agricultural zoning district. Utility service and transmission lines determined by the Village Board to be more intensive and having greater land use impact than a "customary" line. Bed and breakfast establishments

5)

#### PROHIBITED USES

All uses not specifically permitted

#### MINIMUM LOT AREA MINIMUM LOT WIDTH

2 acres 270 feet

#### SETBACKS (MIN) FRONT

50 feet from the centerline of the highway or seventeen (17) feet from right-of-way or whichever is greater. 50 feet for all buildings except animal housing which requires 200 feet. 50 feet for all buildings except animal housing which requires 200 feet.

#### REAR SIDE

#### BUILDING HEIGHT

2 stories or 35 feet within 100 feet of R or R-1 zone; otherwise 100 feet.

#### MINIMUM LOT DEPTHS

200 feet.

#### SANITARY CRITERIA (WHEN NO PUBLIC SEWER)

No more than 75 percent of the farmstead area containing primary residence shall be on a slope greater than 12 percent or of soil conditions unsuitable for septic tanks. (At least 25 percent of the lot area shall be under 12 percent and with soil suitable for septic tanks.)

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#### PERCENT SLOPE

No building shall be permitted on slopes exceeding 20 %, except as a conditional use.

Per Section 6 of this ordinance

#### OFF-STREET PARKING

#### PURPOSE

The R-1 Residential district is intended to provide a quiet, pleasant living area protected from traffic, congestion, and incompatible land uses. This district is designed to maintain compact residential development near existing residential areas and presently served or readily serviceable by public sewer and water. The R-1 District is also intended to be consistent with the Village Comprehensive Plan.

1)

#### PRINCIPAL PERMITTED USES

Single and two family homes. Neighborhood park or playground. Manufactured homes and mobile homes converted to real estate.

3)

#### ACCESSORY USES

1)

One private garage and accessory building. Essential services.

#### CONDITIONAL USES

Three or four unit dwellings Churches, schools, libraries, hospitals, community centers; utility structures provided they are enclosed in an eight (8) foot or higher protection fence or buffer); cemeteries Municipal office buildings Structures built on twenty percent (20%) or greater slopes. Specially designed energy efficient homes (solar) or energy conservation measures (windmills) Home occupations Day care centers

6)

#### PROHIBITED USES

All uses not specifically permitted

#### MINIMUM LOT AREA

7500 square feet per dwelling unit in a single or two family dwelling. 3750 square feet per dwelling unit in a three or four unit dwelling.

#### MINIMUM LOT WIDTH

66 feet

## SETBACKS (MIN) FRONT

Fifty feet (50') from the centerline of the street or seventeen feet (17') from the right-of way, whichever is greater, and shall be in conformance with the sight line.

## REAR

Twenty (20') feet.

## SIDE

Ten (10) feet for principal structures and five (5) feet for accessory structures.

## MAXIMUM

### BUILDING HEIGHT MAXIMUM LOT COVERAGE

Thirty five (35) feet. No more than fifty (50) percent of the lot may be covered by structures.

## PERCENT SLOPE

No structure shall be permitted on slopes twenty (20) percent or greater.

## OFF-STREET PARKING

Per Section 6 of this Ordinance

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## R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT

### PURPOSE

The R-2 Multiple-Family Residence District is intended to provide a living environment similar in all respects to the R-1 district, although with a higher population density and greater diversity of housing types, consistent with the Village Comprehensive Plan.

### PRINCIPLE PERMITTED USES

Single Family Dwellings Two family dwellings Multiple family dwellings Community living arrangements for fifteen (15) persons or less, subject to state licensing regulations. Bed and breakfast establishments subject to the following provisions:

the bed and breakfast establishment shall be owner-occupied Bed and breakfast establishments

shall be owner-occupied and shall be used primarily for the accommodation of guests.

shall require a permit in accordance with Chapter HSS 197, Wisconsin Administrative code, as amended Off-street parking provisions shall be required Public parks and playgrounds

#### ACCESSORY USES

Two family dwellings utilizing the zero lot line concepts as defined in the definition section of this ordinance. Private garages and carports and accessory buildings and structures incidental to residential uses. Home occupations Signs

4)

#### CONDITIONAL USES

Community living arrangements which have a capacity for sixteen (16) persons or more, subject to state licensing requirements. Elementary, junior and senior high schools Fire stations Churches and related banquet halls Museums, libraries and community centers not conducted for profit Nursing homes, homes for the elderly and hospitals Golf courses Group day care homes licensed for nine (9) or more children, subject to all state licensing requirements Private lodges and clubs Boarding houses Mobile home parks Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, microwave radio towers, sewage disposal plants, municipal incinerators, power plants, shops, and storage yards.

10)

11) 12)

#### PROHIBITED USES

1)

All uses not specifically permitted

#### MINIMUM LOT AREA

1) 2)

3)

Single family dwellings: 12,000 square feet Two family dwellings: 15,000 square feet

Multiple family dwelling: Lots shall have a minimum of the largest of 12,000 square feet or:

Multiple family, 1 bedroom 2,000 SF per unit minimum Multiple family, 2 bedroom 2,500 SF per unit minimum Multiple family, 3 bedroom 3,500 SF per unit minimum



## MINIMUM LOT WIDTH

100 feet

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### SETBACKS

Front yard: 30 feet Side yard: 6 feet, 20 foot aggregate, except when employing the zero lot line concept. Five feet for accessory buildings Rear yard: 20 feet

3)

### MAXIMUM BUILDING HEIGHT

Principal building: 35 feet\* Accessory building: 18 feet

\* A building may be erected to a height of fifty (50) feet if the setback from all required yard lines is increased a distance of one foot for each foot of additional height above thirty-five (35) feet.

### BUILDING SIZE

1)

Minimum required floor area of principal building: Two family dwelling - 1,600 square feet, and 1,600 square feet for every two family multiple on the ground floor.

### OFF STRTEET PARKING

1)

Per Section 6 of this ordinance

## R-M

### RESIDENTIAL MOBILE HOME DISTRICT

#### PURPOSE

The R-M Residential Mobile Home District provides for the location of mobile homes and mobile home parks. State standards have been incorporated in the provisions of this district to ensure the health, safety, and general welfare of the residents of the mobile home park and the community.

1)

#### PRINCIPAL PERMITTED USES

Mobile homes in licensed mobile home parks. Mobile home park rental office.

Neighborhood park

#### ACCESSORY USES

One parking space or private garage and one accessory structure per mobile home site within a licensed mobile home park.

#### PROHIBITED USES

1)

Mobile home sites not located within a licensed mobile home park, unless otherwise permitted in the district regulations. All other uses not specifically permitted.

2)

#### MINIMUM LOT AREA

Mobile home parks - Five (5) acres. Mobile home site within a licensed mobile home park - Five thousand (5000) square feet.

#### MINIMUM LOT WIDTH

Mobile home parks – Two hundred (200) feet. Mobile home site within a licensed mobile home park - Fifty (50) feet.

#### SETBACKS (MIN) FRONT

Twenty five (25) feet from the right-of-way lines of a public street – Ten (10) feet from the right-of-way line of an internal, mobile home park street.

#### REAR AND SIDE

Mobile home park - Twenty-five (25) feet. Mobile home site within a licensed

mobile home park - Ten (10) feet.

MAXIMUM BUILDING HEIGHT

Twenty (20) feet.

PERCENT SLOPE

No structure shall be permitted on slopes twenty percent (20) or greater.

MAXIMUM LOT COVERAGE

Mobile home park and mobile home site - Fifty (50) percent.

OFF-STREET PARKING

Per Section 6 of this ordinance

OTHER REGULATIONS: GENERAL

The provisions of the Residential Mobile Home District are intended to apply in conjunction with other local, state and federal regulations. Where the provisions of this district conflict with other state and federal standards, and stricter provision shall apply.

PLANNING

Prior to the issuance of a zoning permit, all of the provisions of the Department of Health and Social Services Administration Code H77; Section 66.053 of the Wisconsin Statutes and amendments thereto; and other relevant regulations of the Department of Natural Resources must be met.

FEES

No person, company, or corporation shall establish a mobile home park within the Village of Curtiss without first having secured a mobile home park license from the Village Board

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The application for a mobile home park license shall be accompanied by a fee of \$25.00. The mobile home park license shall be valid for a period of one year from the date of issuance and is renewable. Application for a license shall be made on forms furnished by the Village Clerk who shall require all pertinent information necessary to determine compliance with the provisions of this Ordinance.

## B-1

### CENTRAL BUSINESS DISTRICT (CBD)

#### PURPOSE

The B-1 Business District provides an area for business and service uses in the Village's traditional central business area of compact and walkable shopping. The uses and overall development of the CBD is intended to shape this area at the cultural and business "center" of the village. This district is also intended to be compatible with the Village Comprehensive Plan.

#### PRINCIPAL PERMITTED USES SUCH AS:

Appliance Dealers; Art, Gift, Jewelry and Notions Shops; Bakeries such as (retail), Candy Confectionary and Ice Cream stores; Barber Shops; Beauty Parlors; Banks and Financial Institutions; Clinics; Clothing Stores; Drug Stores and Pharmacies; Restaurants; Florists; Food Lockers; Fruit, vegetable, meat, fish, grocery, supermarkets, and other retail food stores; furniture, department, and hardware stores; Laundries; liquor stores; Music, radio, and television stores; Newsstands; Offices; Optical stores; Parking Lots; Places of entertainment; retail stores; sporting goods stores; clubs, fraternal organizations and lodges operated for profit; Vehicular sales and service; telecommunications and computer-based business uses; Funeral homes; municipal buildings, clinics.

#### ACCESSORY USES

Residential uses above a principal business structure or at the rear of a principal business, Parking lots required under Section 6.0 Essential Services.

#### CONDITIONAL USES

Farm implement sales and service; lumber yards, building trades businesses, Drive-in establishments for eating and drinking; bars and taverns, gasoline stations and service garages including such uses combines with convenience stores, hotels, motels, motor lodges and inns, other uses not specifically permitted, but similar in character to principal permitted uses, residential buildings as a principal use, warehouses, and commercial storage units

#### PROHIBITED USES

All uses not specifically permitted.

#### MINIMUM LOT AREA

Five Thousand (5000) square feet

MINIMUM LOT WIDTH

18 feet

SETBACKS (MIN) FRONT

None

SIDE

None, or ten feet (10') where adjacent to a Residential District;

REAR

Twenty (20) feet, or Forty (40) feet where adjacent to a Residential District;

MAXIMUM

BUILDING HEIGHT

Thirty five (35) feet

PERCENT SLOPE

No building shall be permitted on slopes twenty percent (20%) or greater, except as a conditional use.

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**B-2**

**GENERAL BUSINESS DISTRICT**

PURPOSE

The B-2 Business District provides an area for business and commercial uses at appropriate locations outside the Central Business District. This district is intended to be consistent with the village Comprehensive Plan.

PRINCIPAL PERMITTED USES

All principal permitted uses of "B-1" Business District plus all Conditional Uses of the B-1 District. Theatres, farm implement sales and services, eating and drinking establishments, clubs and lodges.

## ACCESSORY USES

Dwellings as a part of the principal building or permitted use, Essential Service, Parking Garage or Parking Area.

## CONDITIONAL USES

1)

2)

an

4)

Buildings on 20% slopes or greater. All business uses not specifically permitted. Day care centers Public and institutional service facilities Any use requiring any regulatory environmental permits. Adult Oriented Facilities businesses Kennels Recreational vehicle camps

8)

## PROHIBITED USES

All uses not allowed as a permitted Use or a Conditional Use.

## MINIMUM LOT AREA

8,000 square feet.

100 feet

## MINIMUM LOT WIDTH SETBACKS -Min.

### FRONT

40 feet from the right-of-way line.

### REAR

20 feet, or 40 feet where adjacent to R or R1 Zone.

### SIDE

20 feet.

## BUILDING HEIGHT

2 stories or 26 feet next to R or R1 Zone, otherwise 40 feet.

## MINIMUM LOT DEPTH

100 feet.

#### SANITARY CRITERIA

All business uses shall be serviced by the village sewer and water system.

#### PERCENT SLOPE

No building shall be permitted on slopes 20 percent or greater except as a conditional use.

#### VISUAL SCREENING REQUIREMENT

When adjoining or abutting a residential district, a visual screening shall be provided, consisting of a single row hedge planting or solid wooden fence not less than six feet in height.

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I

## INDUSTRIAL DISTRICT

#### PURPOSE

The I-Industrial District provides for areas best suited for industrial development because of location, topography, existing facilities and relationship to other land uses. Uses incompatible with industry are not to be permitted. This district is also intended to be consistent with the Village Comprehensive Plan.

#### PRINCIPAL PERMITTED USES

Manufacturing, Product Assembly and Processing, Repairing, Warehouse Use, Wholesale Establishments, Public and institutional service facilities.

#### ACCESSORY USES

Essential Services, Signs

#### CONDITIONAL USES

Mineral extraction, junk and salvage yards, open storage, kennels, food processing, any use primarily involving the manufacturing of products from animal

parts, any use primarily involving combustibles or explosives, the manufacturing or distribution of chemicals, any use requiring environmental, energy, or hazard regulatory permits, Residential quarters for the resident operator or caretaker, conditional uses of the B-1 district.

#### PROHIBITED USES

All other uses not allowed as Principal or Conditional uses.

#### MINIMUM LOT AREA

10,000 square feet

100 feet

#### MINIMUM LOT DEPTHS

#### SANITARY CRITERIA

Uses in the I District shall be served by the village sanitary sewer and water system.

#### PERCENT SLOPE

No building shall be permitted on slopes 20 percent or greater.



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### CONSERVANCY DISTRICT

#### PURPOSE

The C-Conservancy District delineates those areas where substantial development of the land in the form of buildings or structures is prohibited due to:

1. Special or unusual conditions of topography, drainage, flood plain or other natural conditions, whereby considerable damage to buildings or structures and possible loss of life may occur due to the processes of nature.
2. The lack of proper infrastructure facilities or improvements resulting in the land not being suitable for improvement.

The C-Conservancy District also delineates areas subject to flooding by adjacent water bodies, streams, or drainage channels, and areas generally deemed unsuitable for development.

This District provides for the preservation and protection of scenic, historic, scientific and biologically important areas and for the protection of ground water sources and environmentally sensitive area in general.

This district is also intended to be consistent with the Village Comprehensive Plan.

#### PRINCIPAL PERMITTED USES

Soil and Water Conservation, Forestry and cultural practices, Flood Plain and shoreland open space corridors, Wildlife Habitat, Drainage, Water Measurement and Water Control Facilities, Grazing, Orchards, Utilities and Wild Crop Harvesting, general agricultural uses not including confined animal feeding uses. Village park land, and scenic and historic uses.

#### ACCESSORY USES

Essential Uses

#### CONDITIONAL USES

Commercial Recreation Uses Recreational Vehicle Parks and Campgrounds

#### PROHIBITED USES

No structures permitted except for shelters, restrooms, and those housing essential

services accessory to the principal or permitted uses. Uses involving the dumping, filling, cultivation, mineral, soil, or peat removal or any other use that would disturb the natural fauna, flora, water courses, water regimen, natural landforms, or topography. All uses not specifically permitted.

**MINIMUM LOT AREA**

None

**MINIMUM LOT WIDTH SETBACKS (MIN)**

None

**FRONT**

Same as Residential District

**REAR**

10 feet

**SIDE**

10 feet each

**BUILDING HEIGHT**

1 story or 15 feet

**MINIMUM LOT DEPTHS**

Not applicable

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**CONDITIONAL USES**

**SECTION 5.0**

**5.1**

**Purpose**

It shall be recognized that certain uses possess characteristics of such unique and special form, including special impacts related to their location in specific areas, as to make impractical their being included automatically as permitted uses of right in the various

zoning districts; therefore, these special uses shall be subject to individual review by the Village Board, and subject to performance standards which would be conditions of approval. General conditions and standards are set forth in this section, and other use-specific conditions can be imposed on a case-by-case basis. The general intention is to introduce flexibility in the location of uses which may be border line uses in a specific location, yet give the village government and neighbors some input, rather than automatically prohibit such uses. Such uses would generally have greater intensity of operation or have off-site impacts as to require special conditions of location, design, buffering and operation. The village is not bound by the specific standards in each zoning district in the setting of conditions for a conditional use. The village is not required to approve a conditional use permit if in the judgment of the village the proposed conditional use cannot be adequately located in the village in accordance with the health, safety, and general welfare of the Village Zoning and Comprehensive Plan goals.

## 5.2

### Permits

The Village Board may authorize the Village Clerk to issue a conditional use permit for an applied use after review and recommendation and public hearing by the Planning Commission. Such permits are subject to the attachment of conditions imposed by the Plan Commission and Village Board. The issuance of such permit is discretionary by the Village Board. The application and review of conditional uses is governed by Sections 5.2 to 5.5 of this Chapter.

## 5.3

### Application

Applications for conditional use permits shall be made to the Zoning Administrator on forms furnished by the Village Clerk and shall include the following:

Name and Addresses of the applicant or agent, owner of the site, architect, professional engineer, contractor, and the identification of all opposite and abutting property owners of record.

Description of the Proposed Use and Site by lot, block, and recorded subdivision or by certified survey map; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within, which the subject site is located.

Signature by Applicant The conditional use application shall be signed and dated by the applicant individual. Such signature shall verify the accuracy and

completeness of the application.

Additional Information as may be required by the Planning Commission or Village Clerk.

5.4

#### Hearings

The Village Planning Commission shall hold a public hearing upon each conditional use application and shall give notice in accordance with state law, including specific notice to all adjacent property owners.

5.5

#### Review and Approval

The Planning Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage and erosion

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control measures, sewerage and water systems, and the proposed operation. The Commission shall require the applicant to furnish copies of regulatory permits required for the operation of a proposed use, if applicable. No conditional use permit shall be granted in the absence of all required permits, or provide a temporary approval subject to the issuance of such permits if such issuance is likely. The Plan Commission may consult with specialists and/or regulatory officials in its evaluation of a conditional permit application, if applicable. The direct cost the village may incur in obtaining information and advice from others may be assigned to the applicant.

Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, 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, larger site size or setbacks, or parking requirements, may be required by the Planning Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance. The Village Board may require on-site inspections or performance reports on a periodic basis to verify compliance with the terms of a conditional use permit.

Compliance with all other provisions of this ordinance, such as lot width and area, yards,

height, parking, loading, traffic, and highway access shall be minimum requirements of all conditional uses. Variances shall not be granted to conditional use permits or any of the conditions attached thereto.

Approval. Following the public hearing and review of the conditional use application, the Planning Commission shall recommend approval, disapproval, or conditional approval of the application. Upon receipt of the recommendation of the Village Planning Commission, the Village Board shall take final action, approving or disapproving the conditional use. The Village Board has the right to attach new conditions to their approval of a conditional use permit application.

Recordkeeping. Records of all Planning Commission conditional uses and final Village Board actions shall be maintained by the Village Clerk and shall be referred to in regard to enforcement and modification of conditional use approvals.

Issuance and Inspection. A conditional use permit is issued to the owner and/or other party responsible for the operation of the conditional use; if the use is sold or leased to a different party the conditional use permit is voided, and the new owner or lease must apply for and be granted a conditional use in their name. A conditional use permit does not go with the property.

## 5.6

### Enforcement

The Village Clerk shall periodically review all conditional uses granted under this Section for compliance with any and all special conditions attached by the Village Board in granting approval.

Failure to meet any of the conditions of the zoning permit for conditional uses shall make the permit null and void, and all conditional uses previously permitted must cease within thirty (30) days of being informed in writing by the Village Board

## SECTION 6.0

### 6.1

#### Traffic Visibility

No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two and one-half (2/2) feet and ten (10) feet above the horizontal 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 thirty-five (35) feet from their intersection.

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

### 6.2

#### Loading Requirements

In all districts, loading areas shall be provided, in accord with the standards of this Section, 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.

#### Size and Location

Each loading space shall be not less than twelve (12) feet in width, forty (40) feet in length, and have a minimum vertical clearance of fourteen (14) feet, and may occupy all or any part of any required yard.

## REQUIRED NUMBER, OF OFF-STREET LOADING SPACES

### Uses

Square Feet of Gross Floor Area

### Required Off Street Loading Spaces

School

Hospital

None

Under 10,000 From 10,000 – 30,000 For each additional 30,000 Or major fraction thereof

1 Additional

Funeral Home

Office, hotel

Under 10,000

None

Retail, service, wholesale, warehouse, manufacturing processing, or repairing uses and other major fraction thereof

From 10,000 - 25,000 From 25,001 - 40,000 From 40,001 - 60,000 From 60,001 - 100,000

### 6.3

#### Off-Street Parking Requirements

In all districts, except the Central Business District, 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:

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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 fifteen (15) feet for all other uses.

Size of each parking space shall be not less than 9 feet by 20 feet exclusive of the space required for ingress and egress and reasonably accommodate vehicles.

Location to be on the same lot as the principal use or not over four-hundred (200) 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.

Lighting of parking lots shall be provided by a type of fixtures that are located and of intensity so as not to cast illumination onto any housing structure or residential lot.

Number of Off-Street Parking Stalls Required are shown in the following table:

## USE

### MINIMUM PARKING REQUIRED

Single-family dwellings and mobile homes

2 stalls for each dwelling unit

Multi-family dwellings

1.5 stalls for each dwelling unit 3 or more bedrooms – 2 spaces per unit 1 stall for each quest room plus 1 stall for each 3 employees

Hotels, motels, lodging & boarding houses

Hospitals, clubs, lodges, dormitories, lodging and boarding houses

1 stall for each 2 beds plus 1 stall for each 2 employees

Sanitariums, institutions, rest and nursing homes

1 stall for each 5 beds plus 1 stall for each 3 employees

Medical and dental clinics

3 stalls for each doctor

1 stall for each 15 seats

Churches, theater, auditoriums, community centers, vocational and night schools, and other places of public assembly

Colleges, secondary and elementary schools

1 stall for each 2 employees plus 1 stall for each 10 students of 16 years of age or more

Restaurants, bars, places of entertainment, repair Shops, retail and service stores

1 stall for each 500 square feet of floor area



1 stall for each 2 employees

Manufacturing and processing plants, laboratories, and warehouses.

Financial institution, business, area government and professional offices

1 stall for each 300 square feet of floor area

Funeral homes

1 stall for each 15 seats

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Bowling alleys

5 stalls for each alley

Uses Not Listed. In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply, as determined by the zoning administrator.

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

No off-street parking is required for uses in the Central Business District.

6.4

Driveways

All driveways installed, altered, changed, replaced or extended after the effective date of this Ordinance shall meet the following requirements:

Islands between driveway openings shall be provided with a minimum of twelve (12) feet between all drive ways and six (6) feet at all lot lines.

Openings for vehicular ingress and egress shall not exceed thirty-five (35) feet at the street right-of-way line and shall not be less than twelve (12) feet at the roadway pavement. Not more than one-half the frontage shall be occupied by the openings. Driveways onto public streets shall have a minimum curb radius of 15 feet.

6.5

Highway Access and Setback Requirements

No direct private access shall be permitted to the existing or proposed right-of-way of; Expressways; nor to any controlled access arterial street without

permission of the highway agency that has access control jurisdiction.

No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

A Principal, Primary, Standard or Minor Arterial Highway intersecting another principal, primary, standard or minor arterial highway within one-hundred (250) feet of the intersection of the right-of-way lines.

Streets intersecting an arterial highway within fifty (100) feet of the intersection of the right-of-way lines along the street.

Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

Temporary Access to the above rights-of-way may be granted by the Village Board after review and recommendations by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any condition required and shall be issued for a period not to exceed twelve (12) months.

## 6.6

### Lighting

Lights provided in any parking area shall be hooded or beamed so as not to create undesirable glare or illumination on adjacent residential property.

## 6.7

### Yards

Parking is not allowed in the front yard area of any residence. In any off-street parking area, which abuts a single family residential district, no vehicles shall be allowed to park closer than ten (10) feet to the abutting lot line between the districts.

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## 6.8

### Surfacing

Any off-street parking area having a capacity for more than six (6) vehicles shall

have a hard surfaced paving.

## SECTION 7.0

### 7.1

#### Height

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

Agricultural Structures, such as barns, silos, elevator fixtures, and windmills, shall not exceed in height twice their distance from the nearest lot line.

Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, government 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 districts maximum height requirement.

### 7.2

#### Setbacks

The setback requirements stipulated, elsewhere in the Ordinance may be modified as follows:

Uncovered Stairs, landings, and fire escapes may project into any setback area 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 setback area; 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 front yard setback area and shall not be closer than two (2) feet to any public right-of-way. Fences in any side yard setback area shall be same-sided in construction and appearance.

Security Fences are permitted on the property line in all districts except residential districts but shall not exceed ten (10) feet in height and shall 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 outside of any required side yard or rear yard setback area; they shall not be closer than ten (10) feet to the principal structure, 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 five (5) feet to any lot line nor five (5) feet to an alley line.

Off-Street Parking is permitted in all setback areas of the B-1, B-2 Business, and I Industrial District but shall not be closer than fifteen (15) feet to any public right-of-way. Off street parking is not permitted in front of any residential structure, that being the side of the building facing the street(s).

Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirement of this ordinance, except that above-ground utility appurtenances shall not be located within the restricted vision clearance triangle space at street intersections as provided in this ordinance.

Surfacing within Front Setback Areas shall be limited primarily to natural grass, with accessory stone and paving as part of a landscaping pattern. No front setback area shall be surfaced entirely with any form of hard surfacing or gravel or stone.

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7.3

Additions

Additions in the front yard of existing structures shall not project into the front yards setback area.

7.4

Noise

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are not subject to noise conditions imposed as conditional use permit.

7.5

### Screening Regulations

Any use required by this ordinance to be screened in accordance with this section shall be confined within an opaque fence or wall eight (8) feet high, or a visual screen consisting of evergreen, or evergreen type hedges or shrubs, spaced at intervals of not more than six (6) feet, located and maintained in good condition, or in any way out of view of the public.

### 7.6

### Setback Requirements

No building or structure shall be erected, moved or structurally altered so as to project into a required lot setback area unless a variance is applied for and granted.

## SIGNS

### SECTION 8.0

#### 8.1

##### Permitted Locations of Signs

No sign unless permitted by this section, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit from the Village clerk, who shall review the proposed sign for compliance with the provisions of this Ordinance.

Zoning District R-1, R-2 & R-M Residential Districts B-1 & B-2 Business Districts I Industrial District A Agricultural District C Conservancy District

Types of Signs Permitted 2, 3, 6 1, 2, 3, 4, 5, 6 1, 2, 3, 4, 5, 6 1.2.3.6  
1.3, 6

#### 8.2

##### Types of Signs, Maximum Size, Number and Location

Type 1 Directory signs advertising a business or activity conducted, and area of interest, or a service available, at a specific location. Such signs shall be not more than 12 square feet in gross area. There shall be not more than 2 such signs relating to anyone such use in the approaching direction along any one street. No such sign shall be more than 10 miles away from the location to which it relates. Such signs may be placed at the right-of-way line of the street. A larger number of signs may be permitted by the Zoning Board of Appeals if the Board shall find it necessary for directing the traveling public. Permit required.

Type 2 Signs advertising a customary home occupation or professional home office. Such signs shall not exceed two (2) square feet in gross area, shall be attached to the building, and if illuminated shall be indirectly lighted. No permit required.

Type 3 Signs advertising the sale, rent or lease of the property on which the sign is placed. Such sign shall not exceed four (4) square feet in gross area and may be placed at the right-of-way line of the street. No permit required.

Type 4 Signs located off premises-advertising a general brand or product; an area of interest; a business conducted; or a service available. Such signs shall not be more than one-hundred (100) square feet in gross area and erected outside a line parallel to and ten (10) feet from the street right-of-way line. Permit required.

Type 5 Signs on the premises of commercial and industrial buildings advertising a business conducted or a service available on the premises. No sign shall exceed forty (40) square feet in gross area, shall not extend above the top of the roofline in any B District, nor be higher than four (4) feet above the top of the roof line in the I Industrial District, or exceed the maximum height limitation permitted in the district. Permit required.

Type 6 On-premise signs advertising a public or, semipublic use. Such signs shall not exceed thirty-two (32) square feet in gross area. There shall be no more than one sign for each street upon which the property faces. Permit required.

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8.3

#### Prohibited Characteristics of Signs

No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

No sign will be permitted that resembles the size, shape, form or color of official traffic control signs, signals or devices.

No sign shall contain more than one-hundred (100) square feet in gross area.

No sign shall contain or be illuminated by a flashing light.

No sign in a conspicuous state of disrepair shall be permitted to exist. The Village Board may order removal on a 20 day public notice or immediately if public danger or nuisance exists.

No sign shall be lighted directly or indirectly in such a fashion so as to cause a glare or other nuisance onto any housing unit or housing property.

8.4



## Existing Signs

Any sign which becomes a nonconforming sign at the effective date of this Ordinance or which becomes a nonconforming sign at any future date may be continued provided that no increase in size, illumination or flashing of such sign shall be made further, provided the following:

Any sign, including structures and all supporting members, shall be discontinued and removed not more than five

at such sign becomes a nonconforming sign, unless such nonconforming sign shall be made to conform to all of the regulations of the district in which it is located.

8.5

## Bonds and Insurance

Every applicant for a permit for a sign shall, before the permit is granted, execute a surety bond in a sum to be fixed by the Village Clerk, but not to exceed \$20,000, or shall show evidence of liability insurance covering the sign in an amount set by the Zoning Administrator but not required to exceed \$300,000. Either the surety bond or the insurance coverage shall be examined and approved by the Village Attorney. Removal of any signs shall be the financial obligation of the property owner.

## NONCONFORMING USES, STRUCTURES, AND LOTS

### SECTION 9.0

#### 9.1

##### Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued, although the use does not conform to the provisions of this Ordinance; however:

°  
Only That Portion of the land or water in actual use may be so continued and the structure extended, enlarged, reconstructed substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

Total Lifetime Structural Repairs or alterations shall not exceed fifty (50) percent of the assessed value of the structure at the time of the nonconformity, unless the Zoning Board of Appeals decides that additional improvement to the basic structure would be of benefit to insure acceptability with the neighboring uses, or it is permanently changed to conform to the use provisions of this Ordinance.

Substitution of New Equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses or if such new equipment is necessary for safety or regulatory reasons.

#### 9.2

##### Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve months any future use of this structure, land or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, wind, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current full assessed value, the use shall not be restored except so as to comply with the use provisions of this Ordinance.

A Current File of all nonconforming uses shall be maintained by the Village Clerk listing the following: land owner's name and address, business owners name and address; use of the structure, land or water; and full assessed value at the time of its becoming a nonconforming use.

9.3

Existing Nonconforming Structures

Any lawful nonconforming structure existing at the time of adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

9.4

Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substitution use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals.

9.5

Substandard Lots

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the county Register of Deeds office before the effective date or amendment of this Ordinance even though such lot does not meet the standards of this ordinance.

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9.

6

Nonconforming  
Signs

See Section  
8.4

## TECHNICAL PERFORMANCE STANDARDS

### SECTION 10.0

#### 10.1

##### Compliance

This Ordinance permits specific uses in specific districts; and these technical performance standards are designed to limit restrict, and prohibit the effects of those uses outside their premises or districts. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards. The Village Board may engage technical experts to advise it on any required

#### 10.2

##### Solar Access and Permits

The Village of Curtiss encourages the use of technology for the development of heating and cooling systems which do not rely on traditional fuels. Use of the sun for heating homes and businesses requires access to the sun for effective and regular operation of equipment and energy savings. No building structure, buffer, or flora shall be built, erected, altered, or cause in any way to obstruct, wholly or partially, any affixed home or business solar heating devices or systems.

In order for the Village Clerk to assist homeowners and businesses in placing solar collectors as detached or movable yard units, a solar device permit will be applied for as part of the regular zoning permit procedure.

SECTION 11.0

A Board of Appeals shall be appointed as specified in the Sections 60.74 and 62.23, Wisconsin Statutes or amendments thereto. The members shall serve without compensation and shall be removable by the Village President for cause upon written charges and after public hearing. The Board of Appeals shall make and file in the office of the Village Clerk its own rules of procedure consistent with the statutes. The Board shall have the following power:

1.

Errors - To hear and decide appeals where it is alleged that the Village Clerk has made an erroneous finding or order.

Special Exceptions - To hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass as specified in various sections of this Ordinance.

Variations - To grant specific variations from the terms of this Ordinance where it is shown that unique physical circumstances applying to a lot cause practical difficulty or unnecessary hardship to the owner under the Ordinance, and that the variance still will be in fundamental harmony with surrounding uses and consistent with the village Comprehensive Plan. The Board may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made, and to that end shall have all the powers of the Village Clerk. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect a variance. The grounds for every such determination shall be stated and recorded in the Board minutes. Applications for variations shall be made in writing on forms provided by the Village. The application shall be made by the owner or agent representing the property or proposed development, and the application shall be signed and dated by said person(s). The Village may assign a fee for said application and variance process.

4.

Zoning Boundary Lines - To make determinations of the location of zoning district

boundary line where there is a dispute or uncertainty, or where the Village Clerk requests such determination from the Board.

5 .

Interpretations – To hear and decide questions related to the interpretations of the zoning regulations, definitions and procedures.

Use Variances Are Prohibited - No action of the Board of Appeals shall have the effect of permitting in any district land uses prohibited in such district by this Ordinance. The minutes of proceedings and hearings before the Board and all variances and special exceptions granted by it shall be filed promptly at the office of the Village Clerk and shall be open for public inspection during office hours.

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ENFORCEMENT

## SECTION 12.0

The Village of Curtiss shall designate that the Village Clerk enforce this Ordinance by means of zoning permits and/or building permits, the cost of which shall be established by the Village Board.

The Village Clerk shall not issue a permit for a structure or a use that is not allowed by this Ordinance. No structures shall be built, moved, or altered, and no land use shall be substantially altered, until a Zoning permit has been issued.

Application for any Zoning/Building permit shall be made in writing on application forms

provided by the village, and accompanied by a map, drawn to scale, showing the location, size and shape of the lot(s) involved, and of any proposed structures, and the existing and proposed use of each structure and lot, and in the case of residential development, the number of families expected to be accommodated. Such permit application shall also record the name and address of the owner and owner's agent, if any, existing zoning of the property, the zoning of adjacent properties, any easements or access restrictions, sewer and water hook-up locations, and any other reasonable and necessary information the Village Clerk requires as a condition of making a decision on the application.

In any district where public sewage service is not available, the width and area of all lots shall be sufficient to permit the use of an onsite sewage disposal system in accordance with the Wisconsin Plumbing Code (DILHR Code).

6.

Under rules established by the Village, the Village Clerk may issue temporary permits of up to one year's duration



## AMENDMENTS

### SECTION 13.0

The Village of Curtiss may amend this Ordinance and zoning map following the procedures prescribed by Section 62, 23(7) Wisconsin Statutes

Amendments to the zoning ordinance or map may be initiated by the Village Board, the Village Planning Commission, or by petition of one or more owners of property within the village.

Requests for the rezoning of land from one zoning district to another district shall be made on application forms provided by the Village and signed by the applicant or his/her agent. Applications for rezoning shall provide the following information: Name, address, and phone number of petitioner; Lot number, legal description and scaled map of the property proposed for rezoning; owner's name and zoning district of all property abutting the land proposed for rezoning; names and addresses of all properties within 150 feet of the boundaries of the land proposed for rezoning; existing use of any structures on the land proposed for rezoning; the proposed use(s) of the property proposed for rezoning; and any other information the Plan Commission may require in their review of the rezoning petition. The petitioner shall remit the fee for a rezoning request as set by the Village Board.

## ANNEXATIONS

### SECTION 14.0

All territory annexed by the Village of Curtiss shall be assigned a zoning district according to its existing or proposed use as provided by Section 55.021(7) . Wisconsin Statutes as amended.

## CONFLICTING PROVISIONS REPEALED

### SECTION 15.0

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

WHEN EFFECTIVE

This ordinance shall take effect upon publication after adoption by the Curtiss Village Board:

Adopted by the Curtiss Village Board on the     
th. day of November  
2012 .

X

London

Arlan Hamm, Village President

*Doa Khautez* Attest: Deb Krauter, Village Clerk

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