

Chapter 9

9.0 A. GENERAL PROVISIONS

9.01A **TITLE:** This Ordinance shall be known and may be cited and referred to as the “Zoning Ordinance” of the Village of Amherst, Wisconsin.

9.02A **CONFLICTING PROVISIONS REPEALED:** All ordinances or parts or sections of ordinances, adopted by and for the Village of Amherst, Wisconsin, pursuant to law, which are in conflict herewith are hereby repealed.

9.03A **STATEMENT OF PURPOSE:** The purpose of this Ordinance is to promote the health, safety, prosperity, aesthetics and general welfare of the Village.

A. 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: promote orderly growth within the Village; lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other danger; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public utilities and resources; safeguard investments in property; 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.

9.04A **AUTHORITY:** These regulations are adopted under the authority granted by Section 61.35 and Section 62.23 (7) of the Wisconsin Statutes as amended and said Section of Wisconsin Statutes is hereby adopted.

9.05A **INTERPRETATION:** In their interpretation and application, the provisions of this Ordinance shall be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions or law or by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

A. Conformance Required: Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this Ordinance for the district in which the building or land is located. Section 9.15A outlines requirements for non-conforming uses.

9.06A **EFFECTIVE DATE:** This Ordinance shall be effective **May 26, 2015**, after the public hearing, adoption by the governing body and publication.

9.07A **VALIDITY:** Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

9.08A **EXCEPTIONS AND MODIFICATIONS:** The regulations specified in this Ordinance shall be subject to the following exceptions and interpretations:

- A. Use of Existing Lots of Record: Any lot which has been officially recorded prior to the effective date of this Ordinance may be used for any use permitted by this Ordinance, even though such lot does not conform to the minimum frontage or area requirements of the district in which it is located, provided all applicable setbacks can be met.
- B. Double Frontage Lots: Buildings on through lots extending from street to street shall provide the required street setback on both streets.
- C. Existing Open Porches: An existing open porch may be remodeled to an enclosed non-habitable vestibule entranceway. Said porches may also be rebuilt to an enclosed habitable room, providing that all current building codes (including plumbing, electrical codes, etc.) and zoning setback requirements are satisfied.
- D. Recommendations as to Public Improvements: No statutory, memorial, or work of art in a public place and no public building, bridge, viaduct, street fixture, public structure or appurtenance shall be located or erected, or site thereof obtained, nor shall any permit be issued by the Village for the erection or location thereof, until the design and proposed location of any such improvement has been reviewed and approved by the Plan Commission.

9.09A **CLASSIFICATION OF DISTRICTS**: In order to classify, regulate and restrict the location of trades and industries, and the locations of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate within and surrounding such buildings, the Village of Amherst, Wisconsin is hereby divided into 9 classes or districts. The use, height and area regulations are uniform in each district, and said districts shall be known as:

- "C" CONSERVANCY
- "A" AGRICULTURAL
- "R-1" SINGLE FAMILY RESIDENTIAL (LOW DENSITY)
- "R-2" SINGLE FAMILY RESIDENTIAL
- "R-3" SINGLE AND TWO FAMILY RESIDENTIAL
- "R-4" MULTIPLE FAMILY
- "B-1" GENERAL BUSINESS
- "B-2" CENTRAL BUSINESS DISTRICT
- "M-1" MANUFACTURING

- A. Zoning Map: The responsibility of updating and keeping the zoning maps current shall be that of the Zoning Administrator. The Official Zoning Map of the Village of Amherst shall be on a Village base map. This map shall be titled: "Official Zoning Map" and shall be kept in the Village Hall or official municipal building. This "Official Zoning Map" is made part of this Ordinance by reference.
- B. District Boundaries: Boundaries of these districts shall be as established on the Village's "Official Zoning Map" of the Village of Amherst, Wisconsin. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey Lines; lot or property lines; right-of-way lines of public streets, highways, alleys, center lines of easements, railroad rights-of-way or such lines extended; unless otherwise noted on the "Official Zoning Map".
 - (1) Street Closure: Whenever any street, alley, or any other public way is vacated by official action of the Village, the zoning district adjoining each

side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

(2) Areas Under Water: All areas within the corporate limits of the Village which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundary of each district shall be construed to extend into the water area in a straight line until they meet the other district at the half-way point.

C. Annexation: All territory annexed to the Village of Amherst shall automatically become a part of the "A" Agricultural District until definite boundaries and zoning districts are recommended by the Planning Commission and adopted by the Village Board; provided, however, that the Village Board shall adopt definite boundaries and district regulations within 90 days from the date of the annexation. The Planning Commission may recommend a definite zoning district(s) and boundaries to the Village Board prior to, or at the time the Board acts on a proposed annexation.

9.10A GENERAL STANDARDS

A. Street Frontage Required: Except as otherwise permitted in this ordinance, no lot shall contain any building unless such lot abuts, and has access to, a public street.

B. Accessory Buildings:

a. Accessory buildings that are less than or equal to 300 square feet in floor area and are not part of the main building shall not occupy more than 15% of the area of the required rear yard, shall not exceed one story (15') in height and shall not be nearer than 3 feet to any lot line, except that when an accessory building has an entrance on an alley, such entrance shall be located not less than 10 feet from the nearest alley right-of-way line.

Accessory buildings that are greater than 300 square feet in floor area and are not part of the main building shall not occupy more than 15% of the area of the required rear yard, shall not exceed one story (15') in height and shall not be nearer than 10 feet to any lot line.

The maximum door height for all accessory buildings shall be ten (10) feet. When an accessory building is part of the main building, is substantially attached thereto or is closer than 10 feet thereto; the side yard and rear yard requirements of the main building shall be applied to the accessory building.

b. Accessory buildings in the R-2 district may be constructed prior to the dwelling unit, provided the dwelling unit is completed within 18 months of the date the building permit is issued for the accessory building.

c. All "post frame" buildings shall be prohibited unless the exterior of the building is constructed of the same or similar material as the dwelling unit.

2. Car Port Storage Structures are permitted in Residential Use Zones R-1, R-2 & R-3 only when compliant with the following requirements:
 - a. Located in rear yards only
 - b. Limit of one structure per residential unit
 - c. Roofed structures only - no side enclosures allowed
 - d. Must follow the setback requirements for an accessory building in the Residential Zone

Car Port Storage Structures are permitted in A -Agricultural, B-1 General Business & M-1 Manufacturing Zones only when compliant with the following requirements:

- a. Located in rear or side yards only
- b. Limit of one structure per lot
- c. Roofed structures only - no side enclosures allowed
- d. Must follow the setback requirements for an accessory building for that specific Zone

Car Port Storage Structures are not permitted in R-4 Multiple Family, Conservancy or B-2 Central Business District Zones

3. Accessory Dwelling Units:

(7) Only small & medium solar energy systems shall be permitted within the Village of Amherst. These structures will be considered as accessory buildings, and must meet all setbacks or regulations for accessory buildings for the zoning district and primary land use associated with the lot or parcel on which the solar energy system is located.

- a. Roof-Mounted Solar Energy Systems – Defined as an active solar energy system that is structurally mounted by means of a rack or a frame to the roof of a building. For purposes of height measurement, these systems shall be granted an equivalent exception to height standards as building mounted mechanical devices or equipment. These systems shall be permitted in all zoning districts.
- b. Small-Scale Ground Mounted Solar Energy Systems – Defined as an active solar energy system that occupies 1,750 square feet of surface or less that is mounted on the ground by means of a rack, frame, or pole attached to the ground. These systems shall be permitted in all zoning areas except Conservancy.
- c. Medium-Scale Ground Mounted Solar Energy Systems – Defined as an active solar energy system that occupies more than 1,750 square feet but less than 40,000 square feet of surface area that is mounted on the ground by means of a rack, frame, or pole attached to the ground. These systems shall be permitted only within the M-1 Manufacturing zone.

- d. Ground or pole mounted solar energy systems shall not at any point of their operation exceed 25 feet in total height, nor shall they extend into the side yard or rear yard setbacks at any point of their operation. For drainage and maintenance consideration, provisions will be made for a permeable ground surface of some type under the racks, frames or poles these systems are mounted to.
- C. Corner Lots: The setback requirements shall be observed on each street side of a corner lot; provided however, that the buildable width of a lot shall not be reduced to less than 50 feet.
- D. Required Yard Area or Setback: No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure,
- (1) Street Setback: The street setback of any lot or parcel abutting on a street shown as a proposed future street on the Village's "Official Street Map" shall be measured from the proposed right-of-way line if different from the existing actual right-of-way line.
- E. Clear Vision and Fencing Requirements:
- (1) Clear Vision Requirements: [See Section 9.02D(F) for illustration]. Clear vision shall be maintained adjacent to street intersections, rights-of-way, alleys, sidewalks and/or access points (public or private driveways). Clear vision shall be maintained through the use of clear vision triangles. A clear vision triangle is established by marking a point at which the back of the curb or edge of the street pavement intersects with a driveway, access point or intersecting right-of-way (the back of the curb or edge of the pavement of the street), measuring back 30 feet along each intersecting line, and drawing a line across the two back points to form a triangular area. No sign, landscaping or fencing in excess of 2 feet above curb grade nor support pole larger than 12 inches in diameter may be installed in this area (Note: this does not apply to buildings that may be located within the "B-2" Central Business District). Any freestanding signs proposed to be located in a clear vision triangle must have at least 8 feet of clearance (10 feet for industrial uses) between the bottom of the sign and the grade at the right-of-way line.
 - (2) Fences Along Front Lot Lines: No fence or wall, other than a retaining wall, shall be higher than 2 feet in any residential or commercial district. A minimum 2 foot setback from the street right-of-way shall be required for all fences and walls. Split-rail style or other decorative type of fencing may be installed at a greater height with Plan Commission approval.
 - (3) Fences Along Side Lot Lines: No fence or wall, other than a retaining wall, shall be higher than 6 feet, unless such fencing is being utilized to screen a residential property from a commercial or industrial property. In such instances, fencing shall not exceed 10 feet in height.
 - (4) Fences Along Rear Lot Lines: No fence or wall, other than a retaining wall, shall be higher than 10 feet.

(5) Additional Fencing Requirements:

- (a) Fences located along side and rear lot lines may be located on the side or rear property line.
- (b) When decorative fencing is used, the decorative side of the fence must face the adjacent property.

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

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

H. Waterline or Wetland Setbacks: There shall be a 100 foot setback from the high water line of any navigable stream to the nearest point of any permitted use or accessory use thereof.

The high water line is either:

- (1) The established elevation line of the 100 year flood from a flood plain study officially accepted by the Village Board, or
- (2) The high water line along a stream or wetland as established by the Village Zoning Administrator when other more accurate information on the location of a high water line is not available. A surveyed meander line is not necessarily the high water line.

I. Permit Issuance: No building permit shall be issued for any use which would be in conflict with any other Village of Amherst ordinance governing nuisances or with any State or Federal Law.

J. Rapid Key Entry Lock Box: All structures constructed after the adoption of this ordinance that fall into the following categories shall be equipped with a rapid entry key lock box at or near the main entrance or such other location required by the fire chief or his designee.

- (1) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency;
- (2) Multi-family residential structures including senior citizen apartment/condo complexes that have restricted access through locked doors and have a common corridor for access to the living units;
- (3) Commercial and Industrial buildings identified by fire officials as difficult to access during emergencies.
- (4) Exception. Any building or structure having on-site 24 hour security personnel may be exempt from the requirement of this section at the discretion of the fire chief.

All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit. The fire chief shall designate the type of key lock box system to be implemented within the Village and shall have the authority to require all structures to use the designated system.

The Owner or operator of a structure required to have a key lock box shall, at all times, keep the following keys in the lock box that will allow for access to the structure. All keys shall be clearly identified as to what they open.

- (1) Locked points of access in the exterior of the building or facility.
- (2) Locked points of access to common areas, such as hallways or utility rooms, contained within such building or facilities
- (3) Locked mechanical rooms
- (4) Locked electrical rooms
- (5) All other locked areas, other than individual apartments or rented rooms, as directed by the Fire Chief
- (6) Lock box shall contain an index card with contact names and telephone numbers.

The fire chief shall be authorized to implement rules and regulations for the use of the lock box systems.

9.11A OFF STREET PARKING AREAS REQUIRED

General Provisions: A. Submission of Parking Plans and Changes of Use. The provision and maintenance of off-street parking and loading spaces are continuous obligations of the property owner. No building permit shall be issued until site plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall in violation of this chapter to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

B. Space for parking shall be provided in all districts in accordance with the following provisions of this section. All floor area used in this section are gross floor areas, which shall include the ground floor plus other floor levels where the principal activity or activities of the use are continued.

C. Multiple Use Parking Requirements: Requirements for types of buildings and uses not specifically listed herein shall be determined by the Plan Commission based upon the requirements of comparable uses listed. In the case where there are multiple uses in a structure or parcel or agreements for joint use by two or more users the Plan Commission shall also determine the number required parking spaces. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only.

D. Spaces Required by Use: (Note: Off-street parking is not required for commercial uses in the B-2 Central Business District. Off-street parking is required for residential uses in the B-2 Central Business District.)

- (1) Auditorium, sports arena, convention centers - one space for each 60 sq. ft.
- (2) Barber and beauty shops - one space for each 80 square feet.
- (3) Bed and Breakfast Establishments - two spaces for the resident owner, plus 1 space for each room available for rent.
- (4) Bus depot - one space for each 50 square feet.
- (5) Businesses which are mostly repair services - one space for each 300 square feet.

- (6) Car Wash Facilities - one parking space per washing module, plus 2 parking spaces. Stacking space shall be sufficient to accommodate 4 cars per washing module. Washing modules shall not be counted as parking or stacking spaces.
- (7) Churches, synagogues - one space for each 4 seats; if benches, 20 inches shall be one seat.
- (8) Day Care Schools - two spaces per classroom, or designated class area.
- (9) Department stores, discount stores - one space per 125 square feet.
- (10) Drive-in restaurants - twenty spaces plus five 5 spaces for each person employed to serve such customers.
- (11) Dwellings, Single and Two Family - two spaces per dwelling unit.
- (12) Dwellings, Multiple Family - two spaces per dwelling unit.
- (13) Elementary and Junior High Schools, Senior High School - one space for each employee or staff person, plus one space for every 3 students 16 years of age or older, **OR**, one space for every 6 seats in the largest place of assembly, whichever is greater.
- (14) Fair and circus grounds and/or race track, golf course, miniature golf and driving ranges- to be determined by the Plan Commission as part of the Conditional Use Permit, with final approval by the Village Board.
- (15) Financial, business, professional offices, not including clinics, and doctor and dental offices - one space for each 200 square feet.
- (16) Fire Station - one space for each 1.5 firefighter on the active roster of the Fire Department.
- (17) Funeral homes and mortuaries - one parking space for each 4 seats.
- (18) Gas and service stations - two spaces for each service bay, each space to be in addition to gas pump service area.
- (19) Group quarters; boarding and rooming houses, fraternities and sororities - one space for each resident family or manager and one additional space for each 2 residents.
- (20) Group quarters; half-way houses or group homes - one space for each resident supervisor or family and one space for each 1,500 square feet of floor space.
- (21) Hospital - two spaces for each patient bed.
- (22) Hotels or Motels – 1.25 spaces per each room.
- (23) Household equipment sales such as furniture, appliances, hardware, garden, green houses, plumbing and lighting - one space for each 300

square feet.

- (24) Ice and roller skating rinks, bowling alleys, recreation centers, private clubs, lodges, pool halls, YMCA and YWCA - one space for each 100 square feet of floor area.
- (25) Industrial, wholesale and warehouses - one space per 1,000 square feet of gross floor area used for warehousing and distribution, plus two spaces per 1,000 square feet of gross floor area used for manufacturing, plus 2.5 spaces per 1,000 square feet of office floor area.
- (26) Laundromats - one space for each two machines.
- (27) Libraries, museums, post offices, senior center, youth centers - one space for each 100 square feet.
- (28) Medical and dental clinics – one space per employee plus one space for each 175 square feet.
- (29) Mini-storage Facilities - three spaces, plus 1 space for every 100 units.
- (30) Miniature golf and driving ranges - one space per each practice area including non-golf attractions.
- (31) Motor vehicle, marine, implement, and trailer sales and repair - one space per 400 square feet, such spaces to be available for customers and employees parking only.
- (32) Nursing homes - one space for each 1.5 beds.
- (33) Office buildings, governmental administrative buildings - one space for each 200 square feet.
- (34) Oil Change Facilities - two spaces, plus 1 space per service bay. Stacking space shall be sufficient to accommodate 4 cars per service bay. Services bays shall not be counted as parking or stacking spaces.
- (35) Permitted home occupations - at least two spaces in addition to those used by the family, with such additional spaces to be available for customer at all times.
- (36) Restaurants, night clubs, taverns, dance halls - one space for each 100 square feet of floor area.
- (37) Retail stores such as grocery, drug, liquor, shoes, clothing, candy, gift, jewelry, auto supplies - one space for each 200 square feet.
- (38) Shopping centers - one space per 100 square feet of leaseable area.
- (39) Theaters with fixed seats - one space for each 4 seats.
- (40) Trucking terminals and municipal garage and shop facilities - one space for each 700 square feet of floor area.

- (41) U.S. Military Reserve or National Guard Installations - one parking space for each 1.5 authorized members.

E. Development and Maintenance of Parking Lots: Every parcel of land hereafter used as a public or private parking lot shall be developed and maintained in accordance with the requirements listed below. Existing parking lots, developed prior to the adoption date of this Ordinance, are exempt from these requirements. Any new or additional parking spaces required by this Ordinance as a result of an addition, alteration, change in use, etc., shall meet the requirements of this Section.

- (1) No part of any parked vehicle shall extend into the existing or proposed right of way.
- (2) No part of any parking lot within a Business or Manufacturing zoning district shall be located closer than 10 feet to any side or rear lot line.
- (3) Any parking lot adjoining an "R" District shall be setback at least 10 feet from the "R" District boundary.
- (4) Off-street parking spaces shall be located on the same lot with the building.
- (5) When the parking space requirements (Section 9.11A D.) call for more than 2 parking spaces to be provided, such parking spaces (including driveway and turning space) shall be adequately graded, and hard surfaced with concrete, asphalt or another type of permeable pavers and maintained so as to provide a durable and dustless surface. Twelve months is allowed for a new development to achieve a final finished parking lot; however, adequate interim parking shall be provided as determined by the Zoning Administrator.
- (6) Any lighting used to illuminate any off-street parking area, including any commercial or industrial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any "R" District.
- (7) Within all "R" Districts either the back yard or the side yard can be used for parking, but not both.
- (8) All 90° parking spaces shall be 10 feet wide and 20 feet long, plus driveway and turning space. Driveways and aisles shall have a minimum width of 24'.
- (9) Surface water drainage shall not be conveyed onto adjacent property. Storm water drainage plans must be approved by the Plan Commission and/or Village Board.
- (10) Visual Clearance and Safety Hazards. Off-street parking of any vehicle, watercraft, or parts designed to be affixed thereto, which creates a vision clearance problem or potential safety hazard shall not be allowed.
- (11) Design Requirements. Design requirements for parking lots and spaces, with the exception of single-family and duplex dwelling units:
 1. Areas used for parking, standing, and maneuvering of vehicles shall have a hard surface of asphalt or concrete and be maintained adequately for all-weather use and so drained as to avoid flow of

water onto adjacent property. Lots may be paved with a permeable surface, subject to approval by the Plan Commission. Permeable pavement parking lots may be sited anywhere, but are subject to the requirements listed in subsections (1)(1) and (3) through (6) of this section. Gravel lots may be approved as a conditional use as outlined in subsection (1) of this section.

2. Parking spaces within a parking lot shall be designed and constructed so that no portion of a parked vehicle, including an opened door, will extend beyond the property line or into the existing or proposed right of way.
3. Artificial lighting which may be provided shall be so arranged as to not produce direct glare on any abutting or adjacent properties.
4. All parking spaces, except single-family detached, town homes, and duplex residential, shall be served by a driveway designed so that no backing movements or other maneuvering within a street, other than an alley, will be required.
5. Lots containing more than three parking spaces shall have all spaces permanently and clearly marked.

E. Landscaping Requirements: All parking lots containing 3 spaces or more (or any expansion of an existing parking lot where 3 or more spaces are added) shall be visually screened or buffered for the purposes of: improving the appearance of required setback and yard areas associated with off-street parking lots; improving safety by identifying areas of intended traffic movement; maintenance and/or beautification of green areas; and reduction of excessive glare and reflection.

(1) Continuous Screening Requirements: Any off-street parking space(s) or parking lot abutting public right-of-way or property zoned "R-1", "R-2", "R-3" or "R-4" shall provide continuous screening as provided below. Clear vision requirements shall be maintained as described in Section 9.10A E(1).

- (a) Screening shall consist of natural plant materials and/or decorative wall or decorative landscape barrier (must be durable).
- (b) Plant materials (shrubs/hedges) shall be a minimum of 18 inches in height when measured immediately after planting. Plant materials shall not exceed 3 feet in height where abutting a public right-of-way. Individual plants shall be spaced so as to provide continuous screening within 2 years of planting.
- (c) Decorative walls or barriers must be a maximum of 3 feet in height when abutting the public right-of-way. In all other areas, decorative walls or barriers must be a minimum of 3 feet in height.

(2) Tree Requirements for the Perimeter of Parking Lots:

- (a) Quantity: 1 shade/deciduous tree or 1 evergreen tree per 50 lineal feet of lot frontage.
- (b) Size: Deciduous trees shall be a minimum of 1-inch caliper at planting (to be measured 6 inches above the ground line). Evergreens shall be a minimum of 4 feet in height at planting.
- (c) Additional Requirements: The remainder of the parking setback area

shall be landscaped with a minimum of grass, ground cover or other landscape treatment (excluding pavement) as approved by the Village Plan Commission. The use of inorganic material within the parking lot setback area is discouraged.

Proposed Gravel Parking Lots. Gravel parking lots may be allowed under the conditional use permit process as outlined in Village ordinances. Any change in use associated with a gravel lot will require review of the lot and paving may be required if usage increases. Gravel lots must meet the following standards:

- A. The gravel parking lot shall meet the design standards for parking lots as outline in this section, with the exception of paving requirements, and including the size of spaces, standing and maneuvering areas.
- B. There must be a paved driveway or apron leading to the gravel lot that is a minimum of 12 feet in length. The length of the paved driveway is to be measured from the existing near edge of the road pavement. The exact requirement for the length of the paved driveway shall be determined by the Plan Commission based on the need to minimize impact on nearby properties from dust, noise or gravel infiltration. No gravel portion of a lot shall immediately be adjacent to the paved roadway.
- C. Lots are subject to the landscaping provision in subsection B (this subsection letter may change) of this section and all landscaping is to be maintained on a permanent basis.
- D. Surfaces must remain grass and weed free.
- E. The infiltration of environmental contaminants shall be minimized. Environmental contaminants include, but are not limited to motor oils and volatile organic compounds. Gravel infiltration onto roadways or adjoining properties due to traffic flow, storm water drainage or snow removal is prohibited and required to be corrected immediately.

9.13A **OFF-STREET LOADING SPACES REQUIRED**

- A. General Provisions: In any district in connection with every building or part thereof hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, funeral home, laundry, dry cleaning or other uses similarly requiring the receipt of distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such buildings, at least 1 off-street loading space plus additional loading spaces as deemed necessary by the Plan Commission.
- B. Located on Same Lot: Loading and unloading spaces for uses in all districts shall be located on the same lot as the use it serves with safe and convenient driveway access and maneuvering space, and such space shall be located or designed so that no vehicle will encroach upon or obstruct any part of a public street while loading or unloading.

9.14A **CONDITIONAL USES**

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

B. Procedure:

Application - Application must be made to the Village Clerk or Zoning Administrator for a Conditional Use Permit. Any necessary information as determined by the Zoning Administrator will be supplied with such application.

Fee - The fee for such application is charged as per the Fee Schedule found in Chapter 7 – Finance.

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

Hearing and Final Determination - The Village Board shall make the final determination on a Conditional Use Permit after conducting a public hearing on the matter. Said public hearing shall be publicized as a Class 2 notice as per Chapter 985, Wisconsin Statutes. Notification by ordinary mail shall be sent to all parties of interest, to include the applicant and the owners of land within 300 feet of the property or properties in question at least 10 days prior to the public hearing.

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

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

All Conditional Use Permits shall be valid only for the use specified on said permit and the permit shall expire at the time that any such conditional use shall terminate. Conditional Use Permits shall not be transferable to other conditional uses on the same site nor shall the permit be transferred by the person or firm having the permit to a different location from that described on the permit for the purpose of changing the location of the permit.

C. General Standards: If determined necessary by the Plan Commission or Village Board, the applicant for any conditional use can be required to provide any facts, studies, evidence of receipt of other required permits or any other information which is determined to be important in reviewing the conditional use request. No permit for a conditional use shall be granted unless the following standards are satisfied.

- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare of adjacent residents, properties, and of the Village in general.
- (2) That adequate utilities, access roads, drainage, and other necessary site improvements will be provided.
- (3) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public streets.
- (4) That the proposed use will not contaminate groundwater.
- (5) That the proposed use will not convey surface water drainage onto adjacent property to cause a public nuisance.

- (6) That all solid waste and residue from the use will have adequate disposal.
- (7) That the proposed use will comply with all applicable County, State, and Federal regulations and have reasonable expectations of receiving all permits required by such other units of government.
- (8) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
- (9) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within a neighborhood;
- (10) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (11) That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood;
- (12) That the proposed conditional use is not contrary to the objectives of any duly adopted land use plan for the Village of Amherst, any of its components, and/or its environs;

D. Determination:

- (1) The Plan Commission shall recommend and the Village Board shall require such conditions and restrictions upon the establishment, maintenance, and operation of the conditional use as it may find necessary.
- (2) The Plan Commission shall report its decision to the Village Board as soon as possible after the filing of the application with the Village Clerk or Zoning Administrator. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and any and all conditions made applicable thereto.
- (3) The Village Board may authorize the Village Clerk or Zoning Administrator to issue a Conditional Use Permit for conditional uses specified in this Ordinance after review and a public hearing, provided such uses are in accordance with the purpose and intent of this Ordinance.

E. Termination:

- (1) Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional use permit shall be terminated by action of the Village Board and may be considered by the Board as a violation of this Ordinance.
- (2) No application for a conditional use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or

proof of change to compliance with the applicable conditions is included in the resubmitted application. Resubmittal shall be made to the Village Board.

F. Conditional Use Criteria For Bed And Breakfast Establishments and Tourist Rooming Houses:

- (1) Intent: To allow short term, overnight lodging for out-of-town guests in a home type setting in larger historic structures and homes. Includes traditional bed and breakfast establishments as well as tourist rooming houses.
- (2) Definition: Bed and breakfast establishment means any place of lodging that provides eight or fewer rooms for rent, is the owner or a member of the owner's immediate family's personal residence and is occupied by the owner or member of the immediate family at the time of rental, and in which the only meal served to guests is breakfast. Guests shall not exceed ten consecutive days of occupancy. Tourist rooming houses is a lodging place or tourist cabin or cottage other than a hotel or motel where sleeping accommodations are offered for pay to tourists and transients.
- (3) Location Requirements:
 - (a) Bed and breakfast establishments that provide four or fewer rooms may be permitted in the "R-2" Single Family Residential, "R-3" Single and Two Family Residential or "R-4" Multiple Family Residential zoning districts, and shall meet the criteria set forth in Section (4) below.
 - (b) Bed and breakfast establishments that provide five to eight rooms may be permitted in the "R-4" Multiple Family Residential Zoning District, provided they meet the criteria set forth in Section (4) below:
- (4) Criteria For Approval of Bed And Breakfast Establishments and Tourist Rooming Houses:
 - (a) The owner or a member of the owner's immediate family of the bed and breakfast shall be the proprietor of the establishment and shall occupy the property as their main residence at time of room rental.
 - (b) All residences proposed for bed and breakfast establishments and Tourist Rooming Houses shall maintain their residential appearance and nature. No alterations shall be made to such structures which will give them the appearance of being commercial establishments. No residential structures proposed for bed and breakfast shall be expanded in square footage to accommodate such proposals or development.
 - (c) Off-street (on-site) parking shall be provided in conformance with the Village Zoning Code at the ratio of two spaces for the resident owner plus one space for each room available for rent as part of the bed and breakfast and tourist rooming house operation.

The Plan Commission shall pay particular attention to how parking arrangements are proposed on-site, with the policy in mind that

residential properties are intended to continue to look like residential properties and entire rear yards are not to be turned into parking lots for purposes of accommodating a bed and breakfast or a tourist rooming house establishment. In most cases this policy will help determine how many rental rooms can be aesthetically accommodated on a particular property. Site plans shall detail the landscaping and screening proposed to buffer these parking areas from adjacent residential uses.

- (d) Developers proposing bed and breakfast establishments shall submit a detailed set of site and building plans showing site layout, parking, landscaping, interior and exterior renovations or improvements, location size and design of signage, etc. for review and approval by the Village of Amherst Plan Commission. Residents proposing a tourist rooming house must complete a registration application along with a fee, the application will be presented to the Village Board for approval. A yearly review and renewal will be required.
- (e) One non-illuminated sign may be erected on the property of the bed and breakfast and tourist rooming house. Such sign shall not exceed sixteen square feet in area, shall meet all other Village Zoning and Sign Ordinance requirements, and shall receive Amherst Plan Commission review and approval. Upon approval the building inspector shall collect the fee for, and issue, the sign permit.
- (f) Meals served at the bed and breakfast shall consist of breakfast only, and shall be served only to residents and overnight guests of the bed and breakfast. No cooking shall be allowed in the guest rooms and alcoholic beverages may be served by the proprietors who hold an alcohol beverages license per Wisconsin statute 125.04(1) shall be served by the proprietor.
- (g) No bed and breakfast operation shall be established on any parcel of land which does not meet the lot and area requirements of the Village Zoning Ordinance for the zoning district in which the proposal is located.
- (h) Prior to approval of a bed and breakfast and tourist rooming house, an inspection of the premises and structure shall be made by the Portage County Health Department and Village Fire Department. Such agencies and departments shall make available to staff a report indicating any code deficiencies or recommendations of these agencies concerning hazards/improvements which should be addressed prior to approving these establishments as bed and breakfast operations. All bed and breakfast establishments shall comply with all provisions of Wisconsin Administrative Code HSS 197. **(see Tourist Rooming House Registration Application on page 55)**

Updated: 6/14/2022

9.15A **NON-CONFORMING USES**

- A. The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Ordinance may be continued although the use does

not conform with the provisions of this Ordinance. However, the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except so as to comply with the provisions of this section or other applicable sections of this Ordinance.

- B. The substitution of a more restrictive use for the existing nonconforming use is permitted, if no structural alterations are made.
- C. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Ordinance.
- D. Total lifetime structural repairs or alterations shall not exceed fifty (50%) percent of the Village's current assessed value of the structure, unless it is permanently changed to conform to the use provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50%) percent of its current assessed value, it shall not be restored unless it complies with the use provisions of this Ordinance.
- E. Where a structure, which is in existence prior to the enactment of this Ordinance, complies with the use provisions of this Ordinance but is located such that it is nonconforming in terms of lot size or setbacks, such structure may be rebuilt to its original size if damaged or destroyed by fire or other disaster and shall not require action by the Zoning Board of Appeals.

9.16A TEMPORARY BUILDING PERMIT MORATORIUM

- A. Intent: It is the intent of this section to make available a growth management tool to the Village Board and Plan Commission which could be applied with authority in critical situations. Such situations would include instances where major changes in land use and/or changes in projected public service needs are anticipated. This temporary moratorium is intended to give the Village flexibility and time to consider and work out new plans, agreements and solutions to the unforeseen development of major problems.
- B. Preliminary Determination: When the Zoning Administrator determines that a proposed use would constitute a significant problem related to health and safety, or conflict with an existing or proposed public use or facility, the issuance of the Building or Zoning Permit may be temporarily suspended by the Zoning Administrator for a period of 40 days from the date of application. This determination by the Zoning Administrator shall be made only after consultation with the Village's planning and public works staff or consultants and other appropriate persons and officials.
- C. Final Determination: If the Plan Commission upholds the Zoning Administrator's preliminary determination on the denial of a Permit, the Village Board shall meet within the said 40 day period and uphold the preliminary determination or void said determination. If the preliminary determination is upheld, the Building Permit moratorium can be extended for a period not to exceed 120 days from the date of permit application, during which time the Village and the applicant shall make arrangements to deal with the problems that would be induced by the proposed use. If the preliminary determination is not upheld by the Village Board the Building Permit shall be issued provided all other provisions are complied with.

9.17 CERTIFIED SURVEY MAPS

It is the intent of this section to make it known to surrounding properties when certified survey maps are being recorded. Any map to be recorded with the Portage County Land Description office must first be approved by the Village Plan Commission and the Village Board.

(1) Any map to be recorded at the Portage County Land Description office must first come before the Plan Commission for recommendation to the Village Board. That includes Certified Survey Maps of existing parcels with no alterations as well as lot splits or joining lots.

(2) Upon receiving a draft of the map, surrounding property owners will be contacted by the Village Clerk's office to make them aware of this pending review. The Plan Commission will review the Certified Survey Map first to make a recommendation to the Village Board. The Village Board will then consider action to approve the map draft.

(3) All maps shall have a certificate on the map that reads as follows:

VILLAGE OF AMHERST CERTIFICATE

This certified survey map has been reviewed and is hereby approved dated this _____ day of _____, 20____.

Village President or Designee

Village Clerk

(4) There is no cost to present the maps to the Plan Commission or Village Board unless a special meeting is necessary.

(5) Failure to comply with this requirement prior to registering with Portage County will result in a fee to the property owner of \$100. Upon each month that the property fails to present the map to the Plan Commission after notification from the Village, an additional \$100 will be added to the penalty. Such fee or penalty, if left unpaid, will be placed on the tax roll as a lien on the property.

(6) This section of the ordinance does not remove any requirements laid out in the Subdivision ordinance for minor or major subdivisions.

9.0 B. ZONING DISTRICTS

9.01B "C" CONSERVANCY DISTRICT

A. Intent: This district is established to protect environmentally sensitive lands such as floodplains, wetlands, shorelands, well-fields and fringe lands that are remote from Village services and have no public access. The district is also intended to be applied as a means of regulating the timing and direction of land development in accordance with the Village's Comprehensive Plan.

It is also intended that the Conservancy District include and regulate all flood plain lands known to be within the 100 year flood zone as required by Section 87.30 of Wisconsin Statutes, Wisconsin Administrative Regulations NR116 and the rules of Federal Register Section 1910.3, which were enacted pursuant to the National Flood Insurance Program.

B. Conditional Uses:

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

(2) Any corporate or municipal utility structure, sub-station, transmission line, or

- pipeline (excluding wireless telecommunication facilities).
- (3) Dams, dikes, drainage channels, reservoirs, bulkheads and other structures or devices for the control of flowing or standing water.
- (4) Any public or private filling, grading, lagooning or dredging, consistent with any State or Federal floodplain or wetland regulations, if applicable.
- (5) Private or public road or streets.
- (6) Campgrounds and lodges of civic or fraternal organizations.
- (7) Golf courses and the following accessory uses: clubhouses, pro shops, restaurant and bar, swimming pool, tennis court, and any other activity allowed by the Plan Commission and Village Board as an accessory use.
- (8) Municipal waste water treatment plants.
- (9) Signs over six (6) square feet.
- (10) Any other use which the Plan Commission finds will be similar in nature, operation, and function to conditional uses allowed within the district.
- (11) Truck gardening, field crops, hay fields, garden plots.
- (12) Pasturing of horses associated with residential uses provided that sheltering is provided for such horses.
- (13) Public parks and playgrounds.
- (14) Bicycling and hiking trails.
- (15) Railroad rights-of-way.
- (16) Accessory buildings or uses

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

- (1) There are no height, area, yard or setback requirements for the Conservancy District.
- (2) The "Conservancy" District shall be applied to all floodplain lands known to be within the 100 year floodplain zone of any navigable stream within the Village. The 100 year floodplain zone shall be that zone defined by the floodplain study accepted by the Village Board and by the Wisconsin Department of Natural Resources. In the absence of such a study, the 100 year floodplain zone shall be delineated as those lands commonly known to be in a floodplain. Evidence of high water marks, soil surveys, available surveys and maps and the advice of specialists in floodplain delineation shall be used to determine floodplains when a floodplain study is not available. Wisconsin Department of Natural Resources floodplain regulations, NR 116, shall apply to all lands known to be within the 100 year floodplain and said regulations are hereby adopted by reference.

9.02B "A" AGRICULTURAL DISTRICT

A. Intent: This district is established for the purpose of allowing and protecting agricultural activities. The district is intended to provide some assurance to land owners and farmers, so zoned, that they are not subject to urban type regulations which would interfere with their farm operations. This district is further intended to allow low density, rural residential development in locations which would not cause the unnecessary loss of productive farmland, conflict with existing agricultural operations or be contrary to the Village's Comprehensive Plan. The Village Board may also guide the location and timing of urban land development by applying this

district in remote areas of the Village not immediately serviceable by public utilities and other services.

B. Permitted Uses:

- (1) Farms over 20 acres, including customary accessory activities and buildings, field crops and farm animals.
- (2) Irrigation machinery and operations.
- (3) Public parks, playgrounds and open spaces.
- (4) Public or private forest lands and wildlife lands
- (5) Two single family farm residences per farm, one of which may be a mobile home.
- (6) Single family, non-farm residences on lots of 5 acres or more.
- (7) Greenhouses and plant material nurseries.
- (8) Temporary roadside vegetable and produce stands for sale of such products grown on the same premises.
- (9) Customary erosion and water control devices and agricultural land treatment measures.
- (10) Customary signs associated with farming, but not to include off-premise billboards or other off-premise advertising devices.
- (11) Truck gardening, field crops, hay fields, garden plots.
- (12) Pasturing of horses associated with residential uses provided that sheltering is provided for such horses.
- (13) Bicycling and hiking trails.
- (14) Railroad rights-of-way.
- (15) Pine plantations, orchards and plant nursery

C. Conditional Uses:

- (1) Utility structures or substations, and wireless telecommunications facilities.
- (2) Ponds, man-made lakes, borrow pits.
- (3) Dams, dikes, flood control structures.
- (4) Outdoor solid fuel fired heating devices.
- (5) Any other use which the Plan Commission finds will be similar in nature, operation, and function to conditional uses allowed within the district.

D. Minimum Standards for the “A” District:

USE	LOT AREA (minimum requirement)	LOT WIDTH	HEIGHT OF STRUCTURE	SIDE YARD	STREET SETBAC K	REAR YARD	SIGNS
Single Family	2 acres unless public utilities are available then 15,000 square feet	N/A	35 feet	N/A	25 feet	25 feet	Per Sign Ord.
Accessory Farm Uses	N/A	N/A	90 feet	N/A	25 feet	25 feet	Per Sign Ord.

9.03B “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT - LOW DENSITY

A. Intent: This district is established to provide for low density residential land usage and accessory uses, particularly in fringe areas of the Village. This District should be applied in areas where public services such as sewer and water are not anticipated and in those areas of the Village where natural environmental conditions present physical development problems (high ground water, bedrock, clay soils, etc.). A further purpose is to help preserve open space and natural scenic and ecological qualities in special areas, such as along shorelines, wetlands, bluffs, community parks or other areas identified by the Plan Commission and otherwise consistent with the Village's Comprehensive Plan.

B. Permitted Uses:

- (1) Single family dwellings.
- (2) Day care and nursery schools (up to 8 children).
- (3) Railroad rights-of-way.
- (4) Signs as permitted by the Village Sign Ordinance.

C. Conditional Uses:

- (1) Utility structures/substations (excludes wireless telecommunication facilities).
- (2) Home occupations and professional home offices.
- (3) Bed and Breakfast establishments (Subject to criteria in Section 9.14A F.)
- (3) Day care and nursery schools (greater than 8 children).
- (4) Public parks and playgrounds
- (5) Tennis courts, but not those located in the required front yard setback.
- (6) Bicycling and hiking trails.

D. Minimum Standards for the "R-1" District:

USE	LOT AREA	LOT WIDTH	FIRST FLOOR AREA	HEIGHT OF STRUCTURE	WIDTH OF STRUCTURE	SIDE YARD *	STREET SETBACK	REAR YARD *	PARKING	SIGN
Single Family Residence	1.25 acres	130 feet at building line	900 square feet per residence	Not over 35 feet, or 2 1/2 stories	24 feet	30 feet	50 feet	50 feet	Subject to 9.11A	Per Sign Ord.

Conditional Use: As set by the Plan Commission and Village Board

* There shall be a setback of at least 100 feet from the boundary of any Conservancy District to the nearest point of any dwelling or accessory use within this Low Density Residential District. This setback shall take precedence over any front, side or rear yard setback requirement of this district where a portion of the Conservancy District is located on or adjacent to a residential lot.

9.04B "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

A. Intent: This district is established to provide locations for and maintain values of single family residential development. Single family residences in this District are intended to be served by Village sanitary sewer and water facilities. This district is to be located consistent with the Village's Comprehensive Plan.

B. Permitted Uses:

- (1) Single family dwellings.
- (2) Day care and nursery schools (up to 8 children).
- (3) Railroad rights-of-way exclusive of switching, storage, freight yards, sidings.
- (4) Signs as permitted by the Village Sign Ordinance.

C. Conditional Uses:

- (1) Bed and Breakfast establishments (Subject to criteria in Section 9.14A F.)
- (2) Cemeteries.
- (3) Churches, convents, chapels, temples, synagogues, parish/rectory houses.
- (4) Community garden plots.
- (5) Day care and nursery schools (greater than 8 children).
- (6) Fire stations.
- (7) Group homes exclusive of half-way houses, but not to exceed 2,000 sq. feet.
- (8) Home occupations and professional home offices.
- (9) Elementary, Junior and senior high schools both public and parochial
- (10) Public and parochial elementary schools.
- (11) Public or institutional community centers, senior centers, or youth centers.
- (12) Utility structures/substations (excludes wireless telecommunication facilities).
- (13) Public Library
- (14) Public parks, playgrounds and athletic fields
- (15) Tennis courts, but not those located in the required front yard setback
- (16) Bicycling and hiking trails
- (17) Private non-commercial recreational areas and facilities

D. Minimum Standards for the "R-2" District:

USE	LOT AREA	LOT WIDTH	FIRST FLOOR AREA	HEIGHT OF STRUCTURE	WIDTH OF STRUCTURE	SIDE YARD	STREET SETBACK	REAR YARD	PARKING	SIGNS
All Permitted Uses	11,000 square feet	60 feet except corner lot then 80 ft	900 square feet per residence	May not exceed 35 feet, or 2 1/2 stories	24 feet	10 feet on each side	25 feet	Not less than 20% of lot depth*	Subject to 9.11A	Subject to Sign Ord.

Conditional Use: As set by the Plan Commission and Village Board.

* But not less than 15 feet or more than 30 feet.

9.05B "R-3" SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

A. Intent: This district is established to provide for both single family and two family residences. This District is also intended to be used as a transition district between lower intensity uses such as permitted in "C", "A" and "R" districts and higher intensity districts such as "R-4", "B" and "M" districts, consistent with the Village's Comprehensive Plan. Residences in this District are required to be served by Village sanitary sewer and water facilities.

B. Permitted Uses:

- (1) Single family dwellings.
- (2) Two family dwellings.
- (3) Day care and nursery schools (up to 8 children).
- (4) Railroad rights-of-way, exclusive of switching, storage, freight yards, sidings.
- (5) Signs as permitted by the Village Sign Ordinance.

C. Conditional Uses:

- (1) Bed and Breakfast establishments (Subject to the criteria set forth in Section

- 9.14A F.) or lodging rooms.
- (2) Cemeteries.
- (3) Churches, convents, chapels, temples, synagogues, parish/rectory houses.
- (4) Utility structures or substations or any public utility including transmission or pipe lines (excluding wireless telecommunications facilities).
- (5) Community garden plots.
- (6) Day care and nursery schools (greater than 8 children).
- (7) Governmental administrative and protective facilities such as municipal halls, fire and police stations.
- (8) Group homes exclusive of half-way houses, but not to exceed 2,000 sq. feet.
- (9) Home occupations and professional home offices.
- (10) Elementary, Junior and Senior High School both public and parochial
- (11) Public or institutional community centers, senior centers, or youth centers.
- (12) Single family zero lot line housing.
- (13) Public Library
- (14) Public parks, playgrounds and athletic fields
- (15) Tennis courts, but not those located in required front yard setbacks
- (16) Bicycling and hiking trails
- (17) Private non commercial recreational areas and facilities

D. Minimum Standards for Zero Lot Line Housing:

- (1) Side yard set back requirements for zero lot line dwellings are as follows:
 - (a) The side yard setback may be zero feet for a single family unit on one side of the lot, provided that the lot abutting the zero side yard setback is held under the same ownership at the time of initial building construction.
 - (b) When the zero foot setback provision is utilized, the setback must be zero. Setbacks greater than zero feet but less than ten feet are not permitted. (Minimum 10' setback is required if zero foot setback provision is not utilized).
 - (c) The side yard setback opposite the zero side yard setback shall be a minimum of ten feet.
 - (d) Any side yard setback abutting a lot under different ownership shall be a minimum of ten feet with an allowance of a 24 inch encroachment for an eave for a duplex or multi-plex construction.
 - (e) The Plan Commission and Village Board reserve the right to attach additional conditions to zero lot line development as authorized under Section 9.14A of the Village Zoning Ordinance.

E. Minimum Standards for the "R-3" District:

USE	LOT AREA	LOT WIDTH	FIRST FLOOR AREA	HEIGHT OF STRUCTURE	WIDTH OF STRUCTURE	SIDE YARD	STREET SETBACK	REAR YARD	PARKING	SIGNS
One Family Dwelling	15,000 square feet	80 feet	900 square feet per residence	May not exceed 35 feet, or 2 1/2 stories	24 feet	10 feet on each side	25 feet	Not less than 20% of lot	Subject to 9.11A	Per Sign Ord.

								depth*		
Two Family Dwelling	15,000 square feet	80 feet	900 square feet per unit	May not exceed 35 feet, or 2 1/2 stories	24 feet per unit	10 feet on each side with a 24 inch encroachment allowed for an eave	25 feet	Not less than 20% of lot depth*	Subject to 9.11A	Per Sign Ord.
Single Family Zero Lot Line Dwelling (Conditional Use)	7,500 square feet per unit, 15,000 square feet total per development	40 feet per unit, 80 feet total per development	900 square feet per unit	May not exceed 35 feet, or 2 1/2 stories	24 feet per unit	Per 9.05B D.(1) above	25 feet	Not less than 20% of lot depth*	Subject to 9.11A	Per Sign Ord.

All Other Conditional Uses: As set by the Plan Commission and Village Board.

* But not less than 15 feet or more than 30 feet.

9.06B "R-4" MULTIPLE FAMILY RESIDENTIAL DISTRICT

- A. Intent: This district is established to provide a higher density, mixed residential district intended to provide a transition between lower density detached housing areas and more intense non-residential land usage consistent with the Village's Comprehensive Plan. Residences in this District are required to be served by Village sanitary sewer and water facilities.
- B. Permitted Uses:
- (1) Single family dwellings.
 - (2) Two family dwellings.
 - (3) Multiple family dwellings and apartment buildings.
 - (4) Townhouses and garden apartments.
 - (7) Condominium housing.
 - (8) Day care and nursery schools (up to 8 children).
 - (9) Railroad rights-of-way exclusive of switching, storage, freight yards/ sidings.
 - (10) Accessory buildings.
 - (11) Signs as permitted by the Village Sign Ordinance.
- C. Conditional Uses:
- (1) Bed and Breakfast establishments (subject to criteria in Section 9.14A F.)
 - (2) Boarding, lodging and rooming houses.
 - (3) Cemeteries.
 - (4) Churches, convents, chapels, temples, synagogues, parish/ rectory houses.
 - (5) Community garden plots excluding truck gardens.
 - (6) Day care and nursery schools (greater than 8 children).
 - (7) Elementary schools, junior and Senior High Schools (public and parochial).
 - (8) Funeral homes.
 - (9) Governmental administrative and protective facilities such as municipal halls, fire and police stations.
 - (10) Group homes not to exceed two thousand (2,000) square feet.
 - (11) Half-way houses.

- (12) Home for the aged, rest homes, and nursing homes.
- (13) Home occupations and professional home offices.
- (14) Hospitals and clinics.
- (15) Assisted living and physical rehabilitation facility
- (16) Private clubs, lodges, fraternities, sororities, except those the principal use of which is a service customarily carried on as a business.
- (17) Professional and medical offices.
- (18) Public or institutional community centers.
- (19) Religious and charitable institutions.
- (20) Single family zero lot line housing using a duplex structure.
- (21) Utility structures or substations of any public utility including transmission or pipe lines (excluding wireless telecommunications facilities).
- (22) Any other use which the Plan Commission finds will be similar in nature, operation, and function to conditional uses allowed within the district.
- (23) Public parks, playgrounds and athletic fields
- (24) Tennis courts but not those located in the front yard setback
- (25) Bicycling and hiking trails
- (26) Private non-commercial recreational areas and facilities

D. Minimum Standards for Zero Lot Line Housing:

- (1) Side yard set back requirements for zero lot line dwellings are as follows:
 - (a) The side yard setback may be zero feet for a single family unit on one side of the lot, provided that the lot abutting the zero side yard setback is held under the same ownership at the time of initial building construction.
 - (b) When the zero foot setback provision is utilized, the setback must be zero. Setbacks greater than zero feet but less than ten feet are not permitted. (Minimum 10' setback is required if zero foot setback provision is not utilized).
 - (c) The side yard setback opposite the zero side yard setback shall be a minimum of ten feet.
 - (d) Any side yard setback abutting a lot under different ownership shall be a minimum of ten feet with an allowance of a 24 inch encroachment for an eave for a duplex or multi-plex construction.
 - (e) The Plan Commission and Village Board reserve the right to attach additional conditions to zero lot line development as authorized under Section 9.14A of the Village Zoning Ordinance.

E. Minimum Standards for the "R-4" District:

SINGLE AND TWO FAMILY RESIDENTIAL REQUIREMENTS

USE	LOT AREA	LOT WIDTH	FLOOR AREA	HEIGHT OF STRUCTURE	WIDTH OF STRUCTURE	SIDE YARD	STREET SETBACK	REAR YARD	PARKING	SIGNS
One Family Dwelling	15,000 square	80 feet	900 square feet per	May not exceed 35 feet, or 2 1/2	24 feet	10 feet on each side	25 feet	Not less than 20% of	Subject to 9.11A	Per Sign

	feet		residence	stories				lot depth*		Ord.
Two Family Dwelling	15,000 square feet	80 feet	900 square feet per unit	May not exceed 35 feet, or 2 1/2 stories	24 feet per unit	10 feet on each side with a 24 inch encroachment allowed for an eave	25 feet	Not less than 20% of lot depth*	Subject to 9.11A	Per Sign Ord.
Single Family Zero Lot Line Dwelling (Conditional Use)	7,500 square feet per unit, 15,000 square feet total per development	40 feet per unit, 80 feet total per development	900 square feet per unit	May not exceed 35 feet, or 2 1/2 stories	24 feet per unit	Per 9.06B D.(1) above	25 feet	Not less than 20% of lot depth*	Subject to 9.11A	Per Sign Ord.

All Other Conditional Uses: As set by the Plan Commission and Village Board.

* But not less than 15 feet or more than 30 feet.

MULTIPLE FAMILY RESIDENTIAL (APARTMENTS)

NUMBER OF BEDROOM	LOT AREA PER GROUND FLOOR UNIT**	LOT AREA PER UPPER FLOOR UNIT**	LOT WIDTH	HEIGHT OF STRUCTURE	SIDE YARD	STREET YARD SETBACK	REAR YARD	PARKING	SIGNS
One	3,000 square feet	2,500 square feet	80 feet	35 feet	10 feet on each side with a 24 inch encroachment allowed for an eave	25 feet	20% of depth*	Subject to 9.11A	Per Sign Ord.
Two	3,400 square feet	2,500 square feet	80 feet	35 feet	10 feet on each side with a 24 inch encroachment allowed for an eave	25 feet	20% of depth*	Subject to 9.11A	Per Sign Ord.
Three or more	3,800 square feet	2,500 square feet	80 feet	35 feet	10 feet on each side with a 24 inch encroachment allowed for an eave	25 feet	20% of depth*	Subject to 9.11A	Per Sign Ord.

Conditional Uses: As set by the Plan Commission and Village Board.

* But not less than 15 feet nor more than 30 feet.

** The ground floor and above ground floor area requirements must be added together to determine the total lot area required.

9.07B "B-1" GENERAL BUSINESS DISTRICT

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

B. Permitted Uses (Subject to the Wellhead Protection Ordinance):

- (1) Apartment buildings and apartment flats (includes multiple family dwellings, townhouses, garden apartments, and condominium housing).
- (2) Automotive and marine recreational vehicle sales and servicing.
- (3) Bakeries.
- (4) Banks, savings and loan associations and credit union financial institutions
- (5) Bicycling and hiking trails.
- (6) Boarding, lodging and rooming houses.
- (7) Building, plumbing, electrical and general contracting offices or sales outlets.
- (8) Day care and nursery schools.
- (9) Drive-in restaurants.
- (10) Farm implement and trailer sales and repair, excluding rebuilding, salvage, wrecking, storage or junking operations if such activities are the primary land area use or the primary revenue producing element of the permitted use.
- (11) Farmer's market.
- (12) Fruit and vegetable market.
- (13) Funeral homes.
- (14) Gardening and community garden plots excluding truck gardens.
- (15) Gas or service stations.
- (16) General retail uses including department stores.
- (17) Greenhouses and nurseries.
- (18) Governmental administrative and protective facilities such as municipal halls, fire and police stations.
- (19) Hospitals and clinics.
- (20) Laundromats.
- (21) Libraries, museums, senior centers.
- (22) Printing shops and newspaper publishing.
- (23) Private non-commercial recreational areas and facilities.
- (24) Private clubs, lodges, fraternities, sororities, except those the principle use of which is a service customarily carried on as a business.
- (25) Professional and medical offices.
- (26) Public parks, playgrounds and athletic fields.
- (27) Public or institutional community center.
- (28) Railroad rights-of-way exclusive of switching, storage, freight yards, sidings.
- (29) Religious and charitable institutions.
- (30) Repair shops.
- (31) Rest homes, nursing homes assisted living facilities and rehabilitation facilities
- (32) Signs as permitted by the Village Sign Ordinance.
- (33) Supermarket, grocery stores.
- (34) Tennis courts, but not those located in the required front yard setbacks.
- (35) Utility structures or substations of any public utility including transmission or pipe lines (excluding wireless telecommunications facilities).
- (36) Wholesale and distributing establishments.
- (37) Beauty Shop/Barber Shop/Spa and Nail Salon

C. Conditional Uses:

- (1) Animal hospital and veterinary clinics or kennels.
- (2) Ballroom or dance halls.
- (3) Commercial or institutional recreational game fields, swimming pools, skating, golf driving ranges, miniature golf, go-cart tracks, or similar open air recreational uses and facilities.
- (4) Experimental, testing or research facilities.
- (5) Group homes not to exceed two thousand (2,000) square feet.
- (6) Half-way houses.
- (7) Hotel and motel complexes including other directly related facilities.
- (8) Indoor skating and archery ranges.
- (9) Indoor shooting clubs/ranges.
- (10) Non-municipal utility substations, structures or facilities.
- (11) Railroad tracks and spurs.
- (12) Shopping centers.
- (13) Sign companies including fabrication and repair of all types of signs.
- (14) Transfer, storage, moving, freight and parcel delivery operations and excavating contractors.
- (15) Wireless telecommunications facilities (subject to the requirements listed in Section 9.0E of this ordinance).
- (16) Cemeteries
- (17) Churches, convents, chapels, temples, synagogues, parish or rectory house.
- (18) Elementary, junior and senior high schools (public and parochial)
- (19) Pet Shops
- (20) Taverns, nightclubs (an Entertainment License is necessary for establishments serving minors.)
- (21) Any other use which the Plan Commission finds will be similar in nature, operation, and function to conditional uses allowed within the district.

D. Minimum Standards for the "B-1" District:

USE:	NUMBER OF BEDROOMS	LOT AREA PER GROUND FLOOR UNIT**	LOT AREA PER UPPER FLOOR UNIT**	LOT WIDTH	HEIGHT OF STRUCTURE	SIDE YARD	STREET YARD SETBACK	REAR YARD	PARKING	SIGNS
RESIDENTIAL	One	3,000 square feet	2,500 square feet	80 feet	35 feet	10 feet each side	25 feet	20% of depth*	Subject to 9.11A	Per Sign Ord.
	Two	3,400 square feet	2,500 square feet	80 feet	35 feet	10 feet each side	25 feet	20% of depth*	Subject to 9.11A	Per Sign Ord.
	Three or more	3,800 square feet	2,500 square feet	80 feet	35 feet	10 feet each side	25 feet	20% of depth*	Subject to 9.11A	Per Sign Ord.
ALL OTHER USES	Minimum Lot Area: 8,000 square feet.			80 feet	35 feet	None***	25 feet	20 feet****	Subject to 9.11A	Per Sign Ord.
Conditional Uses: As set by the Plan Commission and Village Board. * But not less than 15 feet or more than 30 feet. ** Ground floor and above ground floor area requirements must be added together to determine the total area required. *** Unless abuts "R" District, then 5 feet required. **** Add 3 feet for each story or fraction thereof over 2 stories.										

- (1) Access Requirements: To eliminate safety hazards, control vehicles that

interfere with traffic flow and plan for the eventual upgrade of USH 10 to a multi-lane facility, no private commercial access points shall be permitted to USH 10 within the Village or its extraterritorial area. Access to USH 10 shall be provided by way of public streets or frontage roads.

- (2) Corner Clearance Requirements: The minimum clearance between a street intersection and the nearest driveway shall be 100 feet if the street intersects with USH 10 and 50 feet in all other cases.
- (3) Driveway Separation Requirements: The minimum distance between adjacent driveways shall be 85 feet.

9.08B "B-2" CENTRAL BUSINESS DISTRICT (CBD)

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

B. Permitted Uses (Subject to the Wellhead Protection Ordinance):

- (1) Apartment flats of at least seven hundred twenty (720) square feet located on floors other than the ground floor of any building in the "B-2" District.
- (2) Arts and crafts, antiques, second hand stores and other specialty sales.
- (3) Bakery shops.
- (4) Bicycle sales and service.
- (5) Blueprinting and photostatting establishments.
- (6) Butcher shops and locker plants.
- (7) Commercial and public parking lots.
- (8) Department stores and discount variety stores.
- (9) Financial, business, professional and medical institutions.
- (10) Funeral homes.
- (11) Furniture, carpet, appliance and auto supplier stores.
- (12) Gas and service stations.
- (13) Household equipment sales and service.
- (14) Indoor commercial recreational enterprises, excluding facilities such as auditoriums, arenas, ice arenas, and similar facilities.
- (15) Laundry and dry cleaning.
- (16) Motor vehicle, marine, sales and repair but not rebuilding, salvage, wrecking, storage or junking operations if these uses are the primary land use or primary revenue producing element of the permitted use.
- (17) Movie theaters.
- (18) Photo studios.
- (19) Plumbing, heating, electrical lighting, and paint sales and service.
- (20) Post office.
- (21) Printing, publishing, engraving and bookbinding.
- (22) Private clubs, lodges, charitable and non-profit organizations (an Entertainment License is necessary for establishments serving minors).
- (23) Professional and general office uses.
- (24) Restaurants, taverns, night clubs, beer and liquor stores (an Entertainment License is necessary for establishments serving minors).
- (25) Retail stores and grocery stores.

- (26) Sales of hardware, building, lawn & garden supplies excluding lumber yards.
- (27) Gardening and Community Garden Plots excluding truck gardens.
- (28) Beauty Shop/Barber Shop/Spa and Nail Salon

C. Conditional Uses:

- (1) Community Centers.
- (2) Experimental testing or research laboratories.
- (3) Governmental administrative, protective and recreational uses.
- (4) Hotel and motel facilities including other directly related facilities.
- (5) Repair shops.
- (6) Wholesale and distributing and warehousing establishments.
- (7) Any other use which the Plan Commission finds will be similar in nature, operation, and function to conditional uses allowed within the district.

D. Minimum Performance Standards for the "B-2" District:

- (1) Lot size: None.
- (2) Street setback: None.
- (3) Side yard: None.
- (4) Rear yard: None.
- (5) Height of structures: 50 feet
- (6) Parking: Off-street parking is not required for commercial uses in the B-2 Central Business District. Off-street parking is required for residential uses in the B-2 Central Business District.

9.09B "M-1" LIGHT MANUFACTURING

A. Intent: This district is established to provide for manufacturing or other industrial uses that are determined not to have a detrimental effect on the environment, neighboring uses, or other desirable features of the Village.

B. Permitted Uses (Subject to the Wellhead Protection Ordinance):

Manufacturing and Industrial uses such as:

- (1) Bag, carpet and rug cleaning and commercial laundries.
- (2) Bakeries.
- (3) Building, plumbing, electrical, and general contractor offices, storage yards.
- (4) Circus, carnival and similar transient enterprises (storage of equipment only; excluding animals).
- (5) Farm implement and trailer sales and repairs.
- (6) Farmer's Market.
- (7) Feed mills.
- (8) Gas and service stations.
- (9) Greenhouses and nurseries.
- (10) Self Storage Facilities
- (11) Industrial research laboratories.
- (12) Lumber yards, providing such uses are enclosed by a min. 8' high fence.
- (13) Manufacturing and assembling of commercial and household fixtures, cabinets and counters including furniture.
- (14) Manufacturing of pottery or similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- (15) Mobile home, Auto and RV Sales.
- (16) Photograph processing.

- (17) Preparation, assembly and packaging of foods.
- (18) Printing and publishing.
- (19) Processing, bottling and distribution facilities for non-alcoholic beverages.
- (20) Railroad rights-of-way and spur tracks.
- (21) Repair shops.
- (22) Sales, rental, storage, and distribution of household and commercial fuel tanks.
- (23) Sheet metal, welding, body, machine shops, and towing service.
- (24) Sign companies including fabrication and repair of all types of signs.
- (25) Transfer, storage, moving, freight, and parcel delivery operation and excavating contractors.
- (26) Truck gardening, field crops, hay fields.
- (27) Truck, terminal and storage facilities and shops including governmental motor pool uses and garages.
- (28) Warehouses.
- (29) Wholesale and distributing establishments.

C. Conditional Uses:

- (1) Above ground and underground storage of flammable liquids; provided in addition to any other conditions, such facilities shall not be located less than 200 feet from any "R" Zoning District, and State of Wisconsin approved plans shall be submitted to the Village of Amherst prior to construction of any facility in sufficient time so as to allow the State of Wisconsin approved plans to be reviewed by the Village of Amherst.
- (2) Fertilizer blending.
- (3) Junk, iron or rags, storage or baling where the premises upon which such activities conducted are wholly enclosed within a building, wall or fence not less than eight (8) feet high completely obscuring the activity; but not including automobile, tractor, or machinery wrecking or used parts yards.
- (4) Military reserve and National Guard armories and training grounds.
- (5) Public fairgrounds.
- (6) Racing tracks for stock cars, snowmobiles, mini-bikes and other motorized vehicle demonstrations and exhibitions.
- (7) Non-municipal utility substations, structures or facilities; wireless telecommunications structures, subject to the requirements listed in Section 9.0E of this ordinance.
- (8) Hatcheries
- (9) Any other use which the Plan Commission finds will be similar in nature, operation, and function to conditional uses allowed within the district.

D. Minimum Standards for the "M-1" District:

USE	LOT AREA	LOT WIDTH	HEIGHT OF STRUCTURE	SIDE YARD	STREET SETBACK	REAR YARD	PARKING AND LOADING	SIGN
All buildings or uses	8,000 square feet	100 feet	50 feet	10 feet each side yard*	50 feet from USH 10, 30 feet from all other rights-of-way	20 feet, plus 5 feet for each story or fraction thereof above 3 stories	Subject to 9.11A and 9.12A	Per Sign Ordinance

- (1) Access Requirements: To eliminate safety hazards, control vehicles that interfere with traffic flow and plan for the eventual upgrade of USH 10 to a multi-lane facility, no private industrial access points shall be permitted to USH 10 within the Village or its extraterritorial area. Access to USH 10 shall be provided by way of public streets or frontage roads.
- (2) Corner Clearance Requirements: The minimum clearance between a street intersection and the nearest driveway shall be 100 feet if the street intersects with USH 10 and 50 feet in all other cases.
- (3) Driveway Separation Requirements: The minimum distance between adjacent driveways shall be 85 feet.

9.0 C ADMINISTRATION AND ENFORCEMENT

9.01C ZONING ADMINISTRATOR

- A. Position Created: There is hereby created the position of Zoning Administrator for the Village of Amherst, Wisconsin, who shall have the powers and duties outlined herein.
- B. Term of Office: The Zoning Administrator shall be appointed by the Village Board and serve at their discretion.

9.02C REQUIRED PERMITS

- A. Zoning Permit
 - (1) A Zoning Permit must be obtained from the Zoning Administrator before any building or other structure, including signs, may be built, enlarged, altered, or moved, except as provided below.
 - (2) No Zoning Permit shall be required for the following situations:
 - (a) For any building on which work began prior to the enactment of this Ordinance. This shall not preclude compliance with any ordinances in effect prior to the enactment of this Ordinance.
 - (b) For any routine interior or exterior repairs or maintenance, including: painting, wallpapering, replacing floor coverings, replacing the siding, water heater, or central air conditioning; replacing roof, chimney or windows, even if such repairs or maintenance exceed \$500.
 - (3) A Zoning Permit shall be required for the following situations:
 - (a) For any new structure.
 - (b) Enlargement of any existing structure, regardless of cost.
 - (c) Fence

- (d) Sign
 - (e) Parking Lots
 - (f) Solar Panels
- (4) The Zoning Administrator is authorized and is responsible for determining when a Zoning Permit shall be and shall not be required, in accordance with this Section. The Zoning Administrator shall be required to maintain a file of all Zoning Permits which shall be available for public inspection.
- (5) All applications for a Zoning Permit shall be accompanied by location sketches in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon; the location, size and dimensions of any proposed building(s); and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Ordinance. The lot and any proposed buildings must be staked out on the ground before the Zoning Permit is issued.
- (6) Except as otherwise noted in this Ordinance, the Zoning Administrator shall, within 10 days after receipt of an application for a Zoning Permit, take action to issue, deny or refer said application to the Plan Commission or Village Board. Refusal to issue a Zoning Permit shall be given in writing, with the reasons for such refusal. There shall be a minimum review period of three (3) business days for each application.
- (7) A Zoning Permit shall lapse and become void if the proposed work is not begun within one year from the date of permit issuance. If the exterior portion of the project work requested under the zoning permit is not completed within the one year period, a permit extension shall be required to be issued by the Zoning Administrator. If the exterior work is not completed within the 6 month extension period the zoning permit will lapse and must then be re-applied for, subject to double permit fees.

B. Conditional Use Permit: As per Section 9.14A.

9.03C VIOLATIONS AND PENALTIES

- A. The provisions of this Ordinance shall be enforced under the direction of the Village Board through the Zoning Administrator with assistance from the Portage County Sheriff's Department and legal counsel designated by the Village Board.
- B. Any building or structure hereafter erected, moved, structurally altered or any use hereafter established in violation of any of the provisions of this Ordinance shall be deemed an unlawful building, structure or use. The Zoning Administrator shall promptly report all such violations to the Village Board, who shall through legal counsel designated by the Village Board bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use, or to cause such building, structure or use to be vacated or removed.
- C. Any person, firm, corporation or partnership, or the agent of any of the foregoing who violates, disobeys, neglects, omits or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall, in addition to all other

remedies available to the Village, be required, upon conviction, to forfeit not less than \$50 nor more than \$1,000 for each offense, together with the costs of prosecution. Each violation of this Ordinance is a public nuisance and may be enjoined and the maintenance thereof may be abated by action at suit of the Village of Amherst, the State or any citizen thereof.

9.04C FEES

- A. The Village Board may adopt fees associated with, but not limited to, the processing and/or publication of the following:
- (1) Zoning Permits
 - (2) Conditional Use Permits
 - (3) Zoning Ordinance or Map amendments.
 - (4) Appeals and Variances
- B. Double Permit Fees: A double permit fee may be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

9.05C CHANGES AND AMENDMENTS

- A. The Village Board may amend, supplement, or change the District boundaries or regulations originally set forth in this Zoning Ordinance or subsequently established: 1) on its own motion, 2) on original recommendation by the Plan Commission, or 3) on petition by the owner or his agent or a person or corporation holding an option on the land involved. However, all said petitions to amend, supplement or change this Ordinance shall be first submitted to the Plan Commission for study and recommendation. Proposals originating in the Village Board shall likewise be submitted to the Plan Commission for study and recommendation before further action thereon by the Village Board.
- B. After a recommendation by the Plan Commission on any such proposed amendment, supplement or change, and a preliminary acceptance of the proposal(s) by a simple majority vote of the Village Board, the Village Board shall order a public hearing on each proposed amendment, supplement or change. Said Hearing shall be held in accordance with the Wisconsin State Statutes.
- C. The Village Clerk shall cause notice of said Public Hearing to be published as a Class 2 notice under Chapter 985, of the Wisconsin Statutes of the proposed changes or amendments. The notice shall include the proposed amendment, supplement or change and explain the meaning thereof. The Village Board shall further direct the Village Clerk to notify by ordinary mail all property owners whose lands lie within 300 feet of the area proposed for a change in district zoning, whose post office addresses are known or can be ascertained with reasonable diligence, within 10 days prior to the date set for Public Hearing of such district change. At any Public Hearing an opportunity shall be given to any person to be heard on the subject of subjects noticed. Following said Public Hearing, the Village Board shall take final action to accept or reject any or all proposals heard no later than the next regularly scheduled Village Board meeting.
- D. In case of protest against any Plan Commission proposal signed and acknowledged by the owners of 20 percent or more of the area or areas of land included in such

proposed amendment, supplement or change, or by the owners of 20 percent or more of the land abutting on all sides the land in question and extending 100 feet therefrom, or by the owners of 20 percent or more of the land abutting on all sides the land in question and extending 100 feet from the street frontage of such opposite land, the proposed amendment, supplement or change shall not become effective except by the favorable vote of 3/4 (6 votes) of the members of the Village Board.

9.0 D DEFINITIONS, RULES AND ILLUSTRATIONS

9.01D DEFINITIONS AND RULES

- A. The following definitions are to be used with all parts and sections of the entire Zoning Ordinance including the sign regulations.

In the construction of this Ordinance the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise.

In further amplification and for clarity of interpretation of the context, the following definitions of word use shall apply:

- (1) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.
- (2) The word “shall” is mandatory and not discretionary.
- (3) The word “may” is permissive.
- (4) The word “lot” shall include the words “piece”, “plot” and “parcel”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
- (5) All “measured distances” shall be to the nearest foot. If a fraction is one-half (1/2) foot or less, the full number next below shall be taken.

- B. Accessory Building or Use is a building or use which is:

- (1) Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance.
- (2) Clearly incidental to, subordinate in purpose to, and serves the principal use; and
- (3) Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers, or visitors of the principal use.

- C. **For definitions which include an asterisk (*), please see Section 9.02D, Illustrations:**

Agriculture:

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

normal agricultural activities and shall contain a minimum of three (3) acres in size.

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

Apartment: A room or suite of rooms located in a multiple dwelling or a series of detached units including apartment motels, which shall include a bath and kitchen accommodations, intended or designed for use as an independent residence by a single family or individual.

Apartment/Flat: A floor or story in a building; an apartment on one floor of a commercial building.

Apartment Building: A multiple family dwelling originally designed and constructed to accommodate three (3) or more apartments, designed with more than one (1) dwelling unit connecting to a common corridor or entranceway, in contrast to single or two-family dwellings converted for multiple family use or attached row dwelling (party wall type) as defined herein.

Apartment Hotel: A hotel in which at least ninety percent (90%) of the hotel accommodations are occupied by guests on a week-to-week or longer time period basis.

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

Auto Paint and Body Shop: A facility which performs vehicle painting, including vehicle preparation, sanding, priming, painting, sealing, baking, undercoating, rust-proofing, etc. Also repairs of a fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan.

Automobile Salvage Yard: An open area where waste or scrap materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk or salvage yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings. All Junk or salvage yards shall comply with applicable DNR regulations.

Auto Service Station: Any building or premises used for the retail sale of fuels for internal combustion engines and other items customarily associated with the sale of such products, including mechanical repairs. This shall not include automobile wrecking or salvaging, or paint and body work.

Balconies: A platform that projects from the wall of a building and is enclosed by a parapet or railing, which is large enough to be used for leisure time activities excluding jump balconies used for fire exit purposes.

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

Bazaar: A fair for sale of goods.

Bed and breakfast: Any place of lodging that provides eight or fewer rooms for rent, is the owner or a member of the owner's immediate family's personal residence and is occupied by the owner or member of the immediate family at the time of rental, and in which the only meal served to guests is breakfast. Guests shall not exceed ten consecutive days of occupancy.

Billboard: Any sign with a surface area of one hundred and fifty (150) square feet or more, supported by posts set into the ground, which is used to display printed or painted advertising matter.

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

Boarding House: A building, other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals are provided for more than five (5) persons, not members of the family, but not exceeding twenty (20) persons.

Boulevard: The space between the sidewalk and the curb or the equivalent space where sidewalk and/or curb are not installed.

Building: Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

***Building Height:** The vertical distance from the grade to the highest point of the coping of the flat roof or to the deck lines of a mansard roof or to the average height of the highest gable, pitch or hip roof.

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

Building, Detached: A building surrounded by open space on the same lot.

Building, Main: A building constituting the principal use of a lot.

Bulkhead: A structure or partition to resist pressure or to shut off water.

Bulkhead Line: A geographic line along a reach of navigable stream that has been adopted by a municipal ordinance and approved by the Department of Natural Resources (DNR) pursuant to Section 30.11 of the Wisconsin Statutes and which allows complete filling on the landward side, except where flood way regulations of this ordinance would prohibit such filling.

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

Car Port Storage Structure: Any framework structure or free-standing canopy structure with a

fabric or metal roof NOT erected for temporary social events, but erected for the storage of items or materials, such as but not limited to motorized or non-motorized vehicles, lawn equipment, recreational equipment and firewood. A building permit is not required for the placement of this type of structure.

Canopy: A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather. The provisions for this ordinance concerning canopies shall apply only to canopies located on lands outside of street rights-of way.

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

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

Club or Lodge, Private (Non-Profit): A non-profit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such Aprivate club or lodge≡ are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food, meals and beverages on such premises.

Conditional Use: A use, either public or private, which, because of its special characteristics, cannot be allowed as a permitted use in a particular district or districts, and requires a public hearing. After due consideration, in each case, of the impact of such use upon neighboring land such Aconditional use≡ may or may not be granted, subject to the terms of this ordinance and the intent of the respective district.

Condominiums: Individual ownership of a unit in a multi-unit structure (as an apt. building).

Conservation Standards: Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Portage County adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities.

Convalescent Home/Rest Home/ Nursing Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriates, or contagious cases.

Dwelling: A building, or portion thereof designated or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, multiple-family dwellings and apartment hotels.

Dwelling Units: One (1) or more rooms in a dwelling or apartment hotel designated for occupancy by one (1) family for living purposes and having its own

permanently installed cooking and sanitary and sleeping facilities.

Dwelling, Attached: (Group, Row or Townhouses). A dwelling joined by one (1) or more other dwellings by party-wall or walls.

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

Dwelling, Efficiency: One (1) or more rooms in a dwelling or apartment hotel designated for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary and sleeping facilities.

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

Dwelling, Single-Family: A detached dwelling containing accommodations for and occupied by one (1) family only.

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

Extended Medical Care Facilities: Refers to those medical facilities designed to accommodate in-patients in need of lengthy recuperative periods requiring nursing attention and periodic medication.

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

Farm: A use of land for agricultural purposes including customary accessory farm uses and up to two (2) residences.

Farmers Market: An area designated by the municipality to be used by producers of farm products for sale of such products.

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

Field Crops: The growing or crops such as vegetables, fruit trees, and grain and the packing or storage of the products produced on the premises.

First Floor The first floor level above any ground floor or basement or in the absence of a ground floor or basement, means the lowest floor level in the dwelling meant for habitable use which is any room used for sleeping, living or dining purposes including such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

Frontage Road: A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

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

Garden Apartment: Any of various multi-unit dwelling having considerable lawn or garden space.

Garden Plots: A parcel used for the growing of vegetables, flowers, etc., used for human consumption, but not for commercial sale.

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

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

Ground Floor: That level of a building on a sloping or multi-level site which has its floor line at or not more than four and one-half (4 1/2) feet above exit discharge grade.

Group Home: A facility wherein:

- (a) the operator is not legally related to the individuals supervised and is licensed by the State of Wisconsin or by a state agency, and wherein
- (b) one (1) or more physically, mentally or emotionally handicapped individuals is provided with room, board, ordinary care and supervision in a family environment. A group house is not a Halfway House.

Halfway House/Rehabilitation Center/Home for Adjustment: A use providing board and room, recreational, counseling, and other rehabilitation services to individuals, of either sex, who by reason of addiction to drugs or alcohol, or social adjustment problems require specialized attention and care in order to achieve personal independence. Individuals participating in work release, or similar program from a state institution, and under the supervision of a county, state or local agency shall be included within this definition.

Home Occupation/Professional Offices: Any gainful occupation or profession engaged in by an occupant of a dwelling unit where the use is clearly incidental to the use of the dwelling unit for residential purposes. Home occupations/professional offices shall comply with the following conditions:

1. The home occupation/professional office shall be carried out wholly within the principal residential building, or within a building accessory thereto, and only by the residents occupying the premises and one additional person not a resident of the premises;
2. Materials used in or produced by a home occupation/professional office may not be stored or displayed outside the dwelling;
3. No substantial amount of stock in trade shall be kept on the premises or commodities sold;
4. The home occupation/professional office shall not include operational activity resulting in offensive noise, vibration, smoke, dust, odors, heat or glare which may create a nuisance or be

otherwise disruptive of the surrounding residential area.

5. The exterior of the dwelling containing the home occupation/professional office may not be enlarged to accommodate the non-residential use. The building must maintain its residential character.
6. One non-illuminated sign shall be allowed to identify the home occupation/professional office, subject to requirements of the Village of Amherst Sign Code.
7. Off-street parking must comply with Section 9.11A of this ordinance.

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

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

Junk/Salvage Yard: An open area where waste or scrap materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. All Ajunk or salvage yards shall comply with applicable DNR regulations.

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

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

Lodging Houses: (Including Boarding and Rooming House). A residential building, or portion thereof (other than a motel, apartment hotel, or hotel), lodging rooms which accommodate persons, not exceeding twenty (20) in number, who are not members of the keepers family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

Lodging Rooms: (Rooming Unit) A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite or rooms without cooking facilities each room which provides sleeping accommodations shall be counted as one Alodging room for the purpose of this ordinance.

Lot: A parcel of land which is either a lot of official record or zoning lot. Every building or use shall be located on a single lot of official record and there shall not be more than one (1) main building on one (1) lot of official record except that the Plan Commission may authorize more than one (1) main building on one (1) lot of official record after their review and approval of such a proposal.

Lot or Plat of Official Record: A parcel of land or subdivision of parcels which would be recorded in the office of the Portage County Register of Deeds, or a single lot or parcel described by metes and bounds or by a certified survey map, the description and deed of which has been so recorded.

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

*Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

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

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

*Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

*Lot Width: The horizontal distance between the side lot lines of a lot measured at the required street setback.

*Lot, Corner: A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street two (2) chords of which form an angle of one hundred twenty (120) degrees or less measured on the lot side.

Lot, Double Frontage: A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

*Lot, Interior: A lot other than a corner or reversed corner lot.

*Lot, Reversed Corner: A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

*Lot, Through: A lot having a pair of opposite lot lines along two (2) more-or-less parallel public streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

Lot, Zoning: A single tract of land which (at the time of filing for a Zoning or Building

Permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under the ownership and/or legal control of the person or persons applying for the Zoning and/or Building Permit(s). A zoning lot shall be large enough to meet the various yard, area, setback and parking requirements of this ordinance. A zoning lot may be composed of one (1) or more lots of official record under the ownership of the applicant for a Zoning or Building Permit.

Mobile Home: A mobile home is a long term living quarters designed, built, and intended to be transported as a single housing unit, as defined herein. A mobile home is not a modular or double-wide type of housing unit. There shall be no more than one (1) dwelling unit in a single mobile home unit. Mobile homes shall be permitted only in mobile home parks. No commercial business shall be carried on in a mobile home or trailer constructed as a mobile home except when used as a temporary office upon obtaining a permit for a period on ninety (90) days, or unless authorization is granted by the Village Board after recommendation by the Plan Commission.

Mobile Home Lot: A parcel of land rented or sold for the exclusive use of the occupants of a single mobile home, only in a mobile home park.

Mobile Home Park: A tract of land designated, maintained, or intended for the purpose of supplying a long term location or accommodations for one (1) or more mobile homes, and upon which any mobile home, coach, or mobile home coaches are parked, and shall include all buildings used or intended for use as a part of the equipment thereof, whether or not a change is made for the use of the mobile home park facilities. Mobile home parks shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection, display and sale. Mobile home parks shall meet the requirements of the Village Mobile Park Ordinance.

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

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

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

Ordinary High Water Mark: The highest point on the bank of a normal stage channel at which the water level has been for a sufficient period of time to leave a distinguishable mark including stream banks, limits of vegetation or other obvious indicators.

Parking Lot: A building or premises containing one (1) or more vehicle parking spaces excluding parking for single and two-family residences.

Parking Space: An unobstructed and clearly marked two hundred (200) square feet area not counting turning, ingress and egress areas. Each such parking space shall be located off the public street but accessible thereto. A loading space is not

a parking space.

Person: "Person" means any individual, firm, association, corporation or body politic and includes any receiver, assignee or similar representative thereof.

Pole "Post Frame" Building: A building whose sidewalls have as its basic support members, posts or columns integrated into a structural system that acts as the bearing walls, partitions and supports for the roof system.

Public Way: Any sidewalk, street, alley, mall highway, or other public thoroughfare.

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

Rest Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriates, or contagious cases.

Self Storage Facility: A building or group of buildings containing separate, individual and private storage spaces of varying sizes available for lease or rent for varying periods of time.

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

Shopping Center: A retail center designed primarily for the purpose of retailing and providing a wide range of goods and services of both the convenience and the durable nature for a trade area comprised of the entire community and extending beyond. Such center may include a number of separate businesses and stores within one (1) or more structures under the ownership and management by one (1) or more individual business and/or by a separate developer or corporation.

Sign: The term sign shall mean any material, structure or device, or part thereof, upon which lettered or pictorial matter is placed, which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which directs attention to a product, place, activity, person, institution, organization or business in view of the general public. This zoning ordinance shall not apply to any sign exerted within or extended over only public street rights-of-way. See Sign Ordinance.

Solid Fuel Fired Heating Device Means a device designed for solid fuel combustion so that usable heat is derived for the interior of the building, and includes solid fuel fired stoves, fireplaces, cooking stoves, and combination fuel furnaces or boilers which burn solid fuel including outdoor wood burning units.

Stacks or Chimneys Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device; especially that part of such structures extending above a roof.

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

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

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

Townhouse: A multiple-family dwelling which is one (1) or two (2) stories in height, usually with the living room, dining room, and kitchen on the ground floor, with sleeping rooms on the second floor. Townhouses provide flexibility by allowing several ground floor, single family dwelling units to be constructed in one (1) structure around a street or court. This type of construction provides low-lot coverage with concentrated dwelling units often in combination with unified open space for use by the townhouse residents.

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

Truck Garden/Truck Farm: A farm devoted to the production of vegetables or other field products as cash crops.

Use: Use of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

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

Use, Conditional: A use (either public or private) which, because of its special characteristics, cannot be allowed as a permitted use in a particular district or districts, and requires a public hearing. After due consideration in each case of the impact of such use upon neighboring land, such conditional use may or may not be granted, subject to the terms of this ordinance and the intent of the respective district.

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

Use, Principal: The main use of land or buildings as distinguished from a subordinate or

accessory use. A principal use may be permitted or conditional.

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

*Vision Clearance: An unoccupied triangular space at the street corner of a corner lot, which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

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

*Yard, Corner Side: A side yard which adjoins a public street.

*Yard, Front: A yard extending along the full length of the front lot line between the side lot lines.

*Yard, Interior Side: A yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

*Yard, Rear: A yard extending the full width of the lot between the rear lot line and the nearest part of the main building, excluding uncovered steps: provided that if there be an alley abutting on a rear yard, the rear lot line shall be the center line of such alley. In case of irregular or triangular lots, where none of the lines bounding the rear of the lot are at an angle of less than forty-five (45) degrees to the front lot line, the rear lot line shall be a line fifteen (15) feet long, within the lot, parallel to the front lot line or the main chord thereof, and at the maximum distance from the front lot line.

*Yard, Side: A yard extending from the front yard, or the front lot line if there is no front yard, to the rear yard, being the minimum horizontal distance between a building and the side lot line.

*Yard, Transitional: That yard which must be provided on a zoning lot in a Commercial District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Commercial District. The transitional yard shall meet at a minimum the yard requirements of the less intensive district.

Zoning Districts: All zoning districts established by this ordinance are as shown on the Villages Official Zoning Map, which is incorporated herein by reference thereto. Zoning districts apply to all lands in the Village except public rights-of-way improved for public travel.

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

Zoning Lot: Is a single tract of land which (at the time of filing for a Zoning or Building

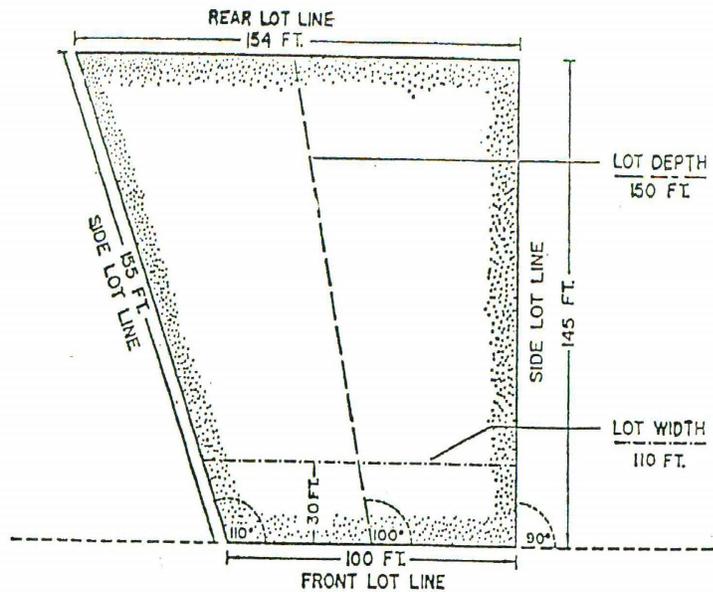
Permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under the ownership and/or legal control of the person or persons applying for the Zoning and/or Building Permit(s). A zoning lot shall be large enough to meet the various yard, area, setback and parking requirements of this ordinance. A zoning lot may be composed of one (1) or more lots of official record under the ownership of the applicant for a Zoning or Building Permit.

Zoning Permit:

Refers to the written approval of the Zoning Administrator certifying that the applicants plans and proposed use comply with all applicable provisions of this ordinance. The zoning permit may consist of a standardized independent form bearing the signature of the Zoning Administrator or it may be integrated with the building permit application.

9.02D ILLUSTRATIONS

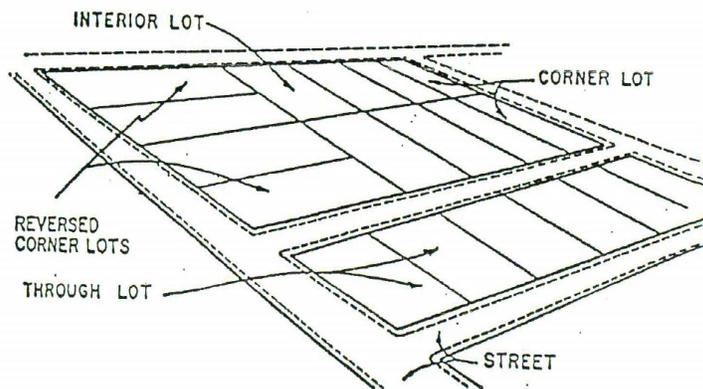
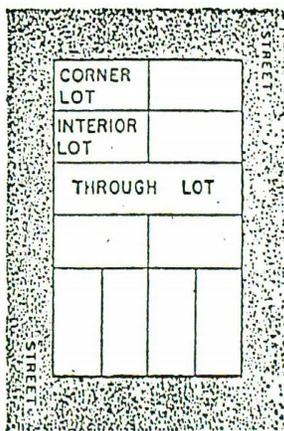
9.02D(A). LOT WIDTH AND LOT DEPTH



LOT WIDTH: the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.

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

9.02D(B). EXAMPLE OF LOT TYPES

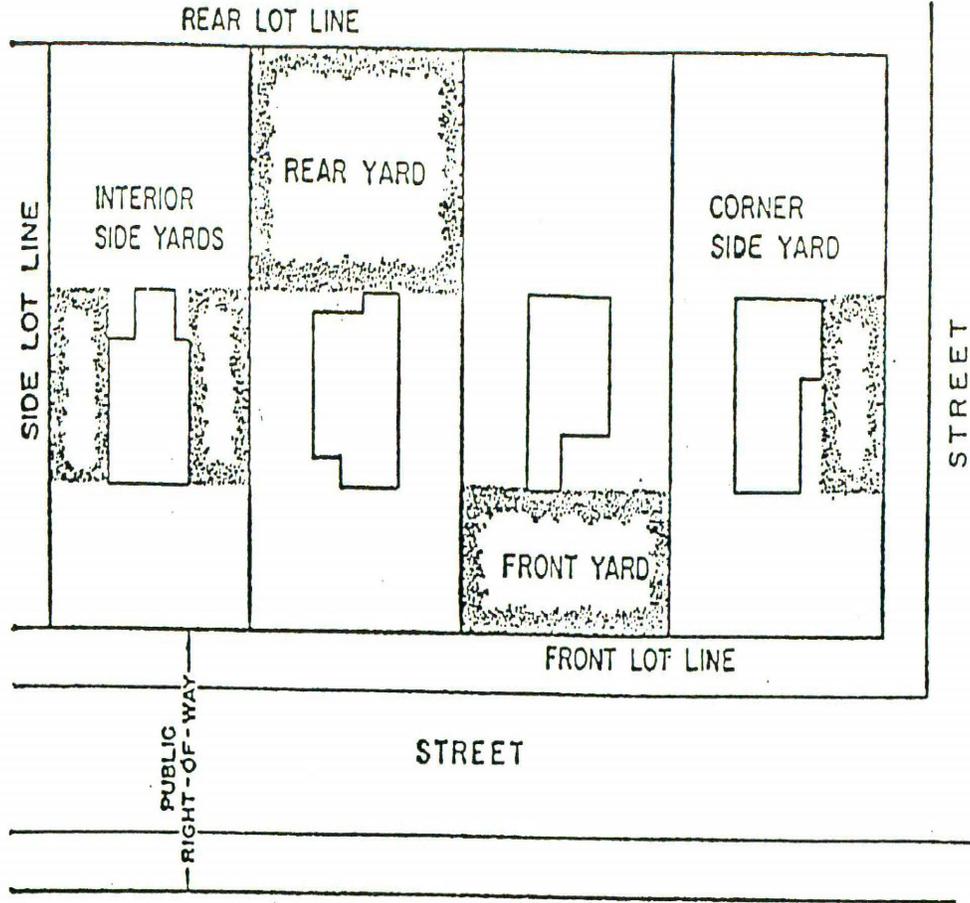


Corner Lot: a lot abutting on two streets at their intersection, where the angle of intersection is < 135 degrees.

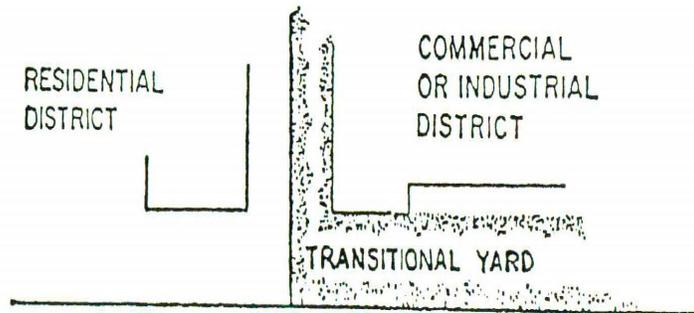
Interior Lot: a lot other than a corner or reversed corner lot.

Through Lot: a lot having a pair of opposite lot lines along two more or less parallel public streets. On a through street both street lines shall be deemed front lot lines.

9.02D(C). REQUIRED YARDS

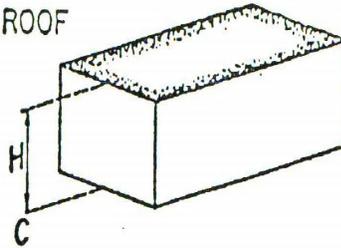


TRANSITIONAL YARDS

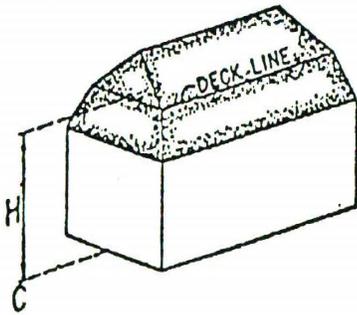


9.02D(D). BUILDING HEIGHT

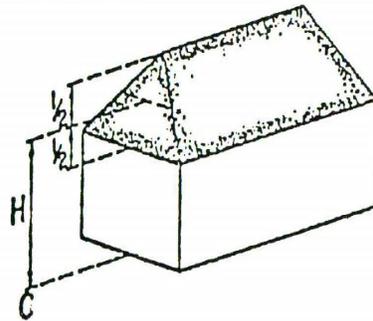
FLAT ROOF



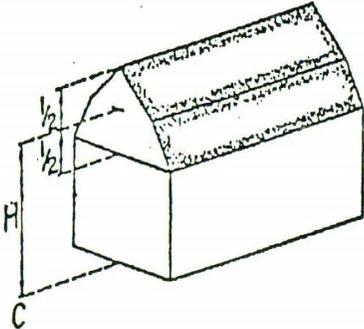
MANSARD ROOF



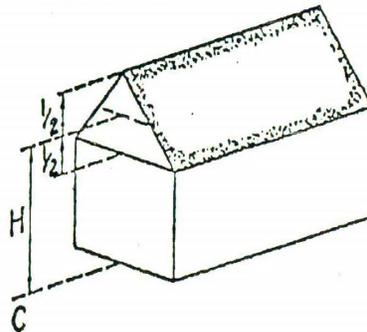
HIP ROOF



GAMBREL ROOF



GABLE ROOF



H = Height of building
C = Curb level or tentative curb level grade

9.020(F). HEIGHT LIMITS FOR FENCES, WALLS, AND OTHER STRUCTURES

The height limit in rear yards is ten (10) feet.

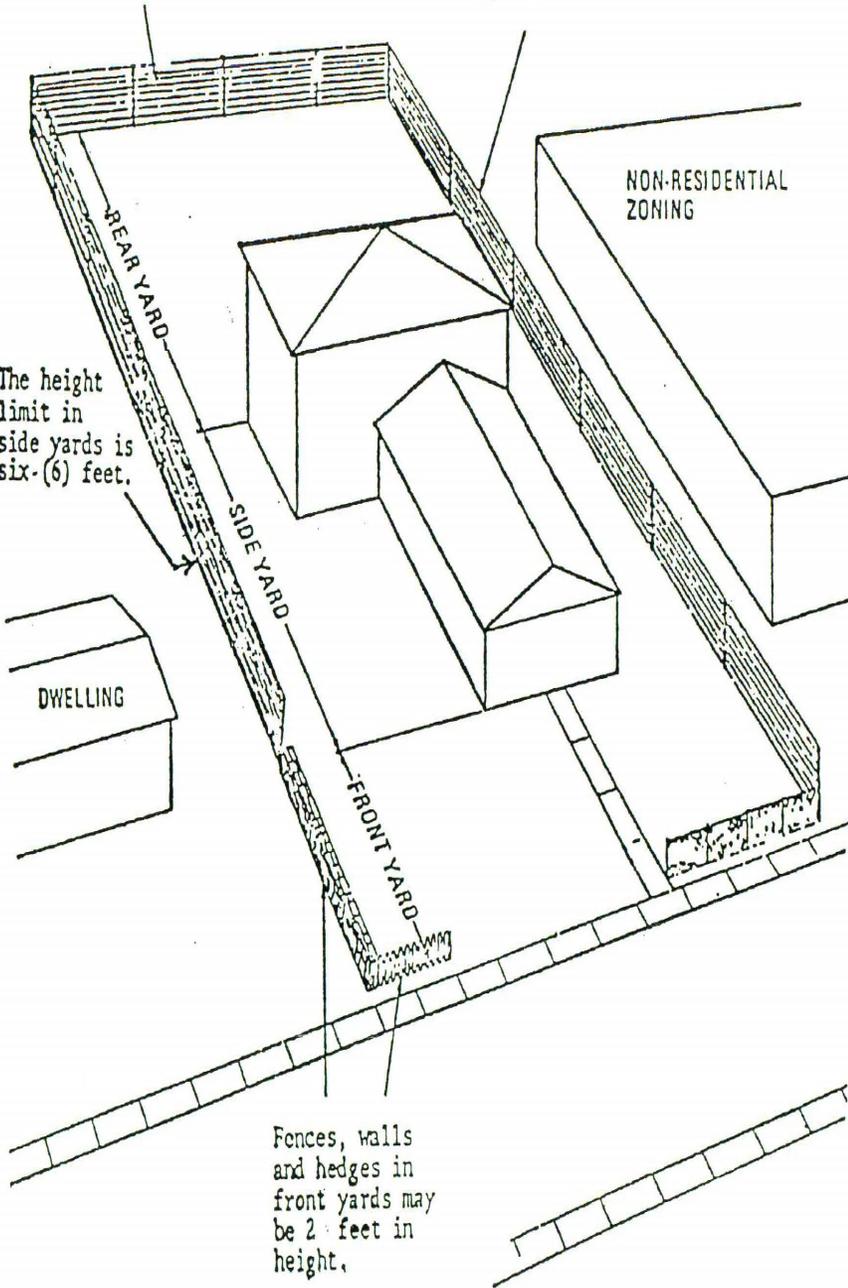
Where lot abuts nonresidential lot, height limit is ten (10) feet.

The height limit in side yards is six (6) feet.

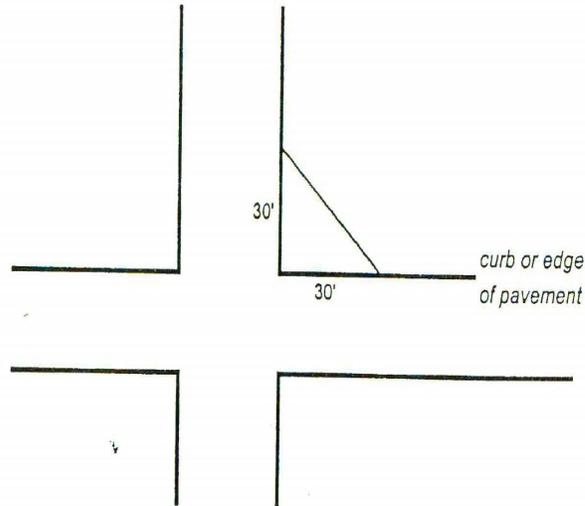
NON-RESIDENTIAL ZONING

DWELLING

Fences, walls and hedges in front yards may be 2 feet in height.

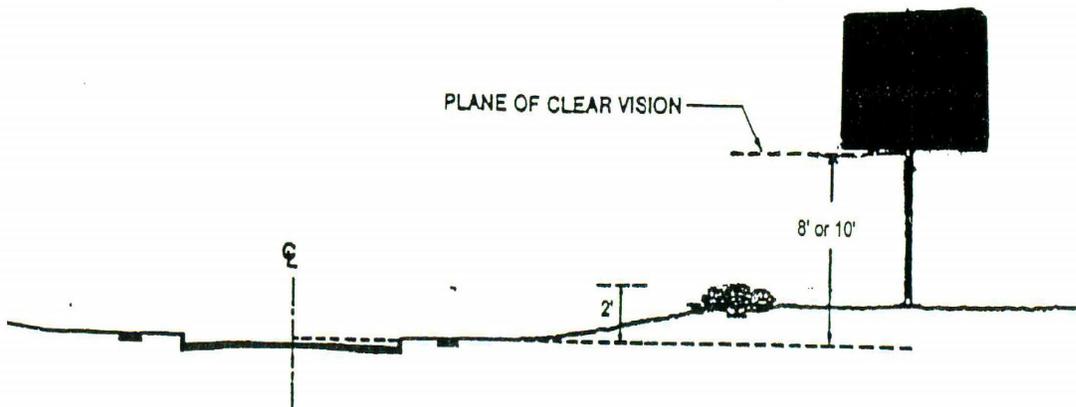


9.02D(F). CLEAR VISION REQUIREMENTS



A clear vision triangle is established by marking a point at which the back of curb or edge of the street pavement intersects with a driveway, access point or intersecting right-of-way (the back of the curb or edge of the pavement of the street), measuring back 30 feet along each intersecting line, and drawing a line across the two back points to form a triangular area.

No sign, landscaping or fencing in excess of 2 feet above curb grade nor support pole larger than 12 inches in diameter may be installed within the triangle (the B-2 District is exempt). Any freestanding signs proposed to be located in a clear vision triangle must have at least 8 feet of clearance (10 feet for industrial uses) between the bottom of the sign and the grade at the right-of-way line.



9.0F SOLID FUEL FIRED HEATING DEVICES

- (A) Location of Outdoor New Units: The construction of solid fuel fired outdoor heating devices on property zoned agricultural within the Village of Amherst will be subject to Conditional Use approval. The construction or solid fuel fired outdoor heating devices in all other land use zones within the Village is prohibited.
- (B) Other Requirements:
- (1) All solid fuel units installed within the Village limits are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.
 - (2) All outdoor burning units or solid fuel fired heating devices are subject to public nuisance as described in Section 24.06 of the Village code.
 - (3) Any outdoor or indoor solid fuel fired heating device shall have a minimum stack height of 20 feet from ground level.
 - (4) Any existing non-complying stack shall be removed, replaced or modified within a period of 60 days from the receipt of a notice generated from the Safety Committee Chairperson. Such notice will be drafted upon receiving a complaint and investigating the situation and finding a non-compliant stack.
 - (5) All stacks or chimneys must be so constructed to withstand high winds or other related elements.
 - (6) All solid fuel fired heating units constructed with less than 25 feet of open space between structures shall have a minimum stack height of three (3) feet above the adjoining property's highest roof elevation.

10.00 SMALL WIND ENERGY SYSTEM ORDINANCE

10.01 Title: The title of this ordinance shall be Small Wind Energy System Ordinance

10.02 Purpose: The purpose of this ordinance is to:

- (1) Oversee the permitting of small wind energy systems
- (2) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (per Wis. Stat. §. 66.0401).

10.03 Definitions. In this ordinance:

- (1) "Administrator" means the Village of Amherst Land Use Administrator or Planning and Zoning Administrator
- (2) "Board" means the Village of Amherst Board of Trustees.
- (3) "Meteorological tower" (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- (4) "Owner" shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
- (5) "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.
- (6) "Small wind energy system" means a wind energy system that
 - (a) is used to generate electricity;
 - (b) has a nameplate capacity of 100 kilowatts or less; and
 - (c) has a total height of 170 feet or less.

- (7) "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- (8) "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator.
- (9) "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stat. §. 66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
- (10) "Wind generator" means blades and associated mechanical and electrical conversion components mounted on top of the tower.

10.04 Standards. A small wind energy system shall be a conditional use in areas zoned manufacturing, agricultural or residential low density.

- (1) Setbacks. A wind tower for a small wind system shall be set back a distance equal to its total height times 1.1 but is limited in height by FAA requirements:
 - (a) any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - (b) any overhead utility lines, unless written permission is granted by the affected utility;
 - (c) all property lines, unless written permission is granted from the affected land owner or neighbor.
- (2) Access.
 - (a) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 - (b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
- (3) Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- (4) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- (5) Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit.
- (6) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
- (7) Code Compliance. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- (8) Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."
- (9) Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.
- (10) Noise: Small wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short term events such as utility outages and/or severe wind storms.

10.05 Permit Requirements.

- (1) Building Permit. A building permit shall be required for the installation of a small wind energy system upon approval of the conditional use permit.
- (2) Documents: The building permit application shall be accompanied by a site plan

which includes the following:

- (a) Property lines and physical dimensions of the property
 - (b) Location, dimensions, and types of existing major structures on the property
 - (c) Location of the proposed wind system tower
 - (d) The right-of-way of any public road that is contiguous with the property;
 - (e) Any overhead utility lines;
 - (f) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
 - (g) Tower foundation blueprints or drawings
 - (h) Tower blueprint or drawing
 - (i) Line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is typically provided by the manufacturer.
 - (j) Utility Notification: No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.
- (3) Fees. The application for a building permit for a small wind energy system must be accompanied by the fee required for a building permit for a Permitted Accessory Use.
- (4) Expiration. A permit issued pursuant to this ordinance shall expire if:
- (a) The small wind energy system is not installed and functioning within 12-months from the date the permit is issued; or,
 - (b) The small wind energy system is out of service or otherwise unused for a continuous 12-month period.

10.06 Abandonment.

- (1) A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
- (2) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.

10.07 Building Permit Procedure.

- (1) An Owner shall submit an application to the Administrator for a building permit for a small wind energy system. The application must be on a form approved by the Administrator and must be accompanied by two copies of the plot plan identified in 10.05 (2) above.
- (2) The Administrator shall issue a permit or deny the application within one month of the date on which the application is received.
- (3) The Administrator shall issue a building permit for a small wind energy system if the application materials show that the proposed small wind energy system meets the requirements of this ordinance.
- (4) If the application is approved, the Administrator will return one signed copy of the application with the permit and retain the other copy with the application.
- (5) If the application is rejected, the Administrator will notify the applicant in writing and

provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to Chapter 68 Wis. Statutes. The applicant may reapply if the deficiencies specified by the Administrator are resolved.



Tourist Rooming House Registration Village of Amherst

Submit application to: Initial Application Date: _____ Fee: \$_____

Village of Amherst Clerk/Treasurer Annual Review Date: _____ Fee: \$_____

P.O. Box 36, 160 Mill Street Make checks payable to: Village of Amherst
Amherst, WI 54406

Property Owner Name: _____

Street Address: _____

City, State, Zip: _____

Phone: _____ Email: _____

Emergency contact phone (if different than above) _____

Additional Information: _____

Please provide a copy of the following documents with your application: **ANNUALLY**

1. Portage County Lodging and Recreational Facility Permit, s.ATCP 72.04 (expires June 30)
2. Completed Portage County Lodging Inspection (done yearly)
3. WI Seller's Permit issued by the Department of Revenue

_____ I understand the Village of Amherst will share my contact information with adjacent property owners for notification purposes and/or upon public request.

_____ I agree the statements made in this application are true and complete.

Signature: _____ Date: _____