

Village of Stockholm Comprehensive Zoning Ordinance 2018

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INTRODUCTION

SECTION 1.0

1.1 AUTHORITY. These regulations are adopted under the authority granted by Sections 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Village of Stockholm, Wisconsin does ordain as follows:

1.2 PURPOSE. The purpose of this ordinance is to promote the health, safety, prosperity, aesthetics and general welfare of this community. Additionally, this ordinance seeks to fulfill the longer range community goals expressed through our Smart Growth Plan, Village ordinance number _54 - 2008, and our flood plain ordinance number 20- 78 and Shoreland Wetland ordinance number 39-94.

1.3 INTENT. It is the general intent of this ordinance to regulate development through zoning powers granted to the Village by Wisconsin Statutes so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation. It also is intended to protect our groundwater, follow the

provisions of our Smart Growth Plan, follow general ethical standards, and provide for continued functionality of our septic systems.

1.4 TENETS

Tenets provide the strategic direction to these Zoning Ordinances and link these Ordinances to the SmartGrowth Plan. Tenets are used to establish lasting themes which provide guidance and direction to the Ordinances.

- Conformity with the SmartGrowth Plan is a high priority
- Current use is considered when determining future zoning designations
- Each lot/parcel may have only one zoning designation
- Contiguous designations are preferred-checkerboard zoning is to be avoided
- Recognize zoning of adjacent properties and provide for orderly transition
- Account for flood plain and slopes
- Make best use of the scarce resources of a small village

1.5 EXCEPTION: Existing properties and lots shall be considered compliant for the zoning district into which they are being placed at the time this COMPREHENSIVE ZONING ORDINANCE is adopted.

1.6 ABROGATION AND GREATER RESTRICTIONS. This ordinance does replace Ordinance 2015 (Comprehensive Zoning) in its entirety. Except as provided herein, it is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. The floodplain ordinance shall apply to all lands designated by FEMA to be floodplain, flood fringe, or floodway and shall have precedence over this ordinance.

1.7 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. All reference to state statutes or administrative codes is intended to include any subsequent revisions or amendments.

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

1.9 REPEAL. All other ordinances or parts of ordinances of the village inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

10 TITLE. This ordinance shall be known as, referred to or cited as the "VILLAGE OF STOCKHOLM COMPREHENSIVE ZONING ORDINANCE".

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

GENERAL PROVISIONS

SECTION 2.0

2.1 JURISDICTION. The jurisdiction of this ordinance shall include all lands and waters which are located within the limits of the Village of Stockholm.

2.2 COMPLIANCE. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a building/zoning permit if required by this or other ordinance or law, or without full compliance with the provisions of this ordinance and all other applicable local, county and state regulations.

THE DUTY OF THE VILLAGE BOARD, with the aid of the Zoning Administrator or other appointee shall be to:

- (1) Administer this ordinance
- (2) Investigate all complaints about violations of this ordinance.
- (3) Give notice of violations, and enforce the provisions of this ordinance.

The Zoning Administrator and his/her duly appointed deputies may enter at any reasonable time onto any public or private land or waters to make a building or zoning inspection. Except in the event of emergency including, but not limited to a reasonable risk of bodily harm, harm to the health or well-being of any person or animal, property damage or environmental damage, A a minimum of 3 days notice shall be provided to owners for internal or external building inspections.

2.3 ENFORCEMENT

- (1) The Village of STOCKHOLM shall designate the Zoning Administrator to enforce this ordinance by means of building permits, the cost of which shall be established by resolution or ordinance of the Village Board.
- (2) The Zoning Administrator shall not issue a permit for a structure or a use that is not allowed by this ordinance.
- (3) No structures shall be built moved or altered and no land use shall be substantially altered until a building permit has been issued.
- (4) Application for any building permit shall be accompanied by a map showing the location, size and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot, and in the case of residential development, the number of families expected to be accommodated.

2.4 ZONING & BUILDING PERMITS. Applications for zoning and building

permits shall be made to the Village Planning Commission and Building Inspector on forms furnished by the Village and shall include the following where applicable:

- (a) Names and Addresses of the applicant, owner of the site, architect, professional engineer or contractor.
- (b) Description of the Subject Site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type and present use of structures currently on the site; present zoning district of the site; proposed operation or use of the structure or site; number of employees and the zoning district or proposed use that is being requested.
- (c) Plat Plan or Survey showing the location, boundaries, dimensions, slope of terrain uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards..
- (d) All construction must conform to the Wisconsin Uniform Dwelling Code currently in place at the time of the granting of a building permit.
- (e) A Sewage Disposal Plan shall be required and that plan shall be approved by the County of Pepin and State of Wisconsin (if so required) who shall certify in writing that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local county and state regulations.
- (f) A Water Supply (well) Plan shall be required and that plan shall be approved by the County of Pepin who shall certify in writing that a satisfactory, adequate and safe supply of water will be provided on the site in accordance with applicable local, county and state health regulations.
- (g) Additional Information as may be required by the Village and/or the Village Planning Commission including, but not limited to, architectural plans, blue prints, elevations, perspective drawings and sketches illustrating the design, proposed signage and character and color scheme of proposed structures. The Planning Commission will review applications for zoning and building permits to determine whether they are consistent with the Smart Growth Plan goal of maintaining the historic, river-town, small village character of the Village, and with all applicable ordinances. The Planning Commission shall not unreasonably deny an application due to differences of opinion regarding the property owner's design choices.

If the proposed use of the site requires a zoning district change, or a Conditional Use determination by the Village Board, the Village shall arrange for the necessary public hearings and presentation of the recommendation to the Village Board within 60 days. The Village Board shall act upon the matter in a timely fashion.

A building permit not requiring a variance or conditional use shall be granted or denied in writing by the Village within sixty (60) days after application is made. Any permit issued in conflict with the provisions of this ordinance shall be null and void.

A building permit shall be valid for a period of one (1) year from date of issuance after which time an extension may be granted.

- (h) No land shall be used or structure erected where the land is held unsuitable for such use or structure by an expert designated by the Village Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility. The Village Board, in applying the provisions of the section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.
- (i) No Building Permit shall be issued for a lot which abuts a public street or alleyway that has not been dedicated to its required width. If the property owner requests the Village to improve the street or alleyway in any way or if the Village determines that improvements are required in order for the owner to facilitate development of the property, the owner must pay for all such improvements.
- (j) Lot Size Area shall conform to size standards of applicable codes or statutes or the standards of this ordinance whichever are more restrictive.

2.6 USE RESTRICTIONS. The following use restrictions and regulations shall apply:

- (1) Principal Uses. Only those principal uses specified for a district, their essential services and the following uses shall be permitted in that district
- (2) Accessory Uses and structures are permitted in any district only if their principal structure is present or under construction within one year from the time the accessory structure was completed.
- (3) Conditional Uses and their accessory uses require review and prior approval by the Village Board.
- (4) Unclassified or Unspecified Uses may be permitted by the Village Board, provided that such uses are similar in character to the principal uses permitted in the district.
- (5) Temporary Uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Village Board.
- (6) Performance Standards listed in Section 9.0 shall be complied with by all uses in all districts.

2.7 REDUCTION or JOINT USE. No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance.

2.8 VIOLATIONS. It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this ordinance, or to fail to comply with any standard or requirement of this ordinance or with any conditions or qualifications placed upon issuance of a permit or granting of a variance. Violators of this Ordinance shall be issued a warning by the Village Zoning Administrator setting forth the alleged violation, the corrective action to be taken and the date by which the corrective action must be completed. If

corrective action is not taken within the time period specified, the Village may institute action to collect the penalties set forth in this Ordinance. The Village may also institute action to obtain an injunction or other remedy where appropriate.

- 2.9 PENALTIES.** Any person, firm, or corporation who violates this ordinance and who fails to comply with the related corrective actions and who fails to comply with the provisions of this ordinance shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 per violation plus costs of correcting each violation plus the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

2.10 PERSONNEL AND PROCEDURES

This Ordinance shall be administered and enforced by the following persons and their duties shall be as appears in various places in this Ordinance:

PERSONNEL AND DUTIES

1. Zoning Administrator will be appointed by the Village Board.

2. Zoning/Planning Commission shall consist of two (2) Village Board members, and three (3) full-time voting residents, or optionally two (2) full-time voting residents and one part (1) time non-voting resident. The two Village Board representatives and the three non-Board members will be nominated by the Village President and must be approved by a simple majority vote of the Village Board. They will serve 3-year staggered terms, with one term expiring each year.

DUTIES: The Zoning/Planning Commission will conduct hearings regarding requested zoning exceptions and conditional uses at the request of the Village Board. The Zoning/Planning Commission will make recommendations to the Village Board on each issue referred to it, and shall use the SmartGrowth Plan and this Ordinance for guidance in its recommendations. The Zoning/Planning Commission shall be an advisory group and shall make recommendations to the Village Board when this ordinance is to be amended. In all cases, the Zoning/Planning Commission shall only meet and advise when called by the Village Board and shall serve with compensation equal to that of Village Trustees.

3. Zoning Board of Appeals. (see also Section 10 or 11). The Zoning Board of Appeals is established under state statutes, and its authority is limited to appeals regarding interpretations of ordinance provisions, consideration of variances of dimensional standards, and consideration of conditional use permits.

SECTION 3.0 ZONING DISTRICTS

3.1 **ESTABLISHED DISTRICTS** Six zoning districts are provided as follows:

- | | |
|--|-------|
| 1. Residential (platted portion of village) | (R-1) |
| 2. Residential (un-platted portion of village) | (R-2) |
| 3. Central Business District | (B-1) |
| 4. Adjacent Business District | (B-2) |
| 5. Agriculture | (A-1) |
| 6. Floodplain | (F-1) |

There is no provision for an industrial district.

Boundaries of these Districts are hereby established as shown on a map titled "Village of Stockholm Zoning District Map" dated 05/08/2018, which accompanies and is part of this ordinance.

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

3.2 **ZONING MAP.** A certified copy of the Village of Stockholm Zoning District Map (The Zoning Map) shall be adopted and approved bear upon The zoning map shall become certified when bearing upon its face the attestation of the President and Village Clerk and shall be available to the public in the Village Hall and office of the Village Clerk.

Changes thereafter to the districts shall be entered and attested on an updated and newly certified copy of the zoning map.

3.3 **RULES FOR INTERPRETATION OF ZONE BOUNDARIES.** Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets highways or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following municipal boundaries shall be construed as following municipal boundaries.
- (4) Boundaries indicated as following railroad right-of-way lines shall be construed as following railroad right-of-way lines.
- (5) Boundaries indicated as parallel to, or extensions of, features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

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

Permitted uses in each zone shall be mutually exclusive i.e. only those uses identified and listed for each zone are permitted except as otherwise indicated.

3.5 HOME OCCUPATIONS AND PROFESSIONAL HOME OFFICES IN DWELLING. Home occupations and professional home offices are permitted within a single dwelling unit but only to the person or persons residing in the dwelling therein provided that no more than one nonresident person shall be employed in the home occupation.

Evidence of Use: One (1) sign having an area of not more than three (3) square feet affixed to the dwelling and lighted by low intensity lights shall be permitted.

**VILLAGE OF STOCKHOLM
ZONING DISTRICTS CHART
R-1 RESIDENTIAL DISTRICT**

3.6 PURPOSE

The R-1 Residential District is intended to provide a quiet, pleasant living area protected from traffic, congestion, and incompatible land uses. This district is designed to maintain compact residential development near existing residential areas in the platted portion of the Village that comply with minimum lot sizes for private sewage systems as specified by the County of Pepin and the State of Wisconsin codes. This district comprises platted portions of the Village as shown on the official zoning map, and applies only to the portion of the village platted into blocks and lots as shown on the Official Zoning Map as of the date this ordinance is adopted. Development must comply with the Subdivision ordinance, the Extraterritorial Zone Ordinance, and the Uniform Building Code Ordinance.

3.7 PRINCIPAL PERMITTED USES

- (1) The principal structure is a single or two -family dwelling (duplex).
- (2) Home occupations including bed and breakfast uses conducted in the principal use building
- (3) Neighborhood park or playground.

3.8 CONDITIONAL USES

- (1) Home occupations conducted in accessory buildings.
- (2) Churches, schools, libraries, hospitals, community centers, funeral homes, utility structures, cemeteries
- (
- (3) Fences more than six feet high
- (4) Short-term rentals

3.9 PROHIBITED USES

- (1) All uses not specifically permitted by this ordinance
- (2) All buildings, including condominiums, of more than 2 units
- (3) Apartment houses with more than two units
- (4) Retail sales
- (

3.10 MINIMUM LOT AREA

Minimum lot area shall be such that all Village of Stockholm, State of Wisconsin, and Pepin County regulations concerning size requirements for setbacks, buildings, and other considerations for well and septic systems may be accommodated within.

FRONT SETBACK: Thirty feet (30') from the centerline of the street or ten (10') from the right-of-way, whichever is greater.

REAR SETBACK: Twenty feet (20') for principal structure and (5') for accessory structure.

SIDE SETBACK: Ten (10') for principal structure and (5') for accessory structure.

3.11 MAXIMUM BUILDING HEIGHT: Thirty-five (35) feet measured from the lowest grade level but not to exceed two and one-half stories.

3.12 MAXIMUM ACCESSORY BUILDING SIZE: No higher than principal dwelling and no larger footprint than foundation of principal building. Two and one-half story maximum.

3.13 BLDG. FOUNDATION: Must meet requirements of the Uniform Building Code.

3.14 MAXIMUM LOT COVERAGE: No more than Thirty (30) percent of the lot may be covered by structures.

3.15 MODIFICATIONS: Requirements stipulated above may be modified in accordance with Section 6.0.

3.16 PARKING REQUIREMENT: See Section 5.4.

**VILLAGE OF STOCKHOLM
ZONING DISTRICTS CHART
R-2 RESIDENTIAL DISTRICT**

3.17 PURPOSE The R-2 Residential District is intended to provide a quiet, pleasant living area protected from traffic, congestion, and incompatible land uses. This district is designed to maintain compact residential development adjacent to existing residential areas. This district applies to the portion of the Village not divided into blocks and lots at the time of the adoption of this ordinance. Specifically, this district commences at the west edge of the originally platted portion of the Village (the west boundary of R-1) and continues west (up-stream) to Cemetery Road plus the property with tax ID 18100011500000 (Ament) and property with tax ID 181001040000 (Herling) and the land between Cemetery Road and the Herling property

Development must comply with the Subdivision ordinance, the Extraterritorial Zone Ordinance, and the Uniform Building Code Ordinance.

3.18 PRINCIPAL PERMITTED USES

- (1) Single or two family dwellings (duplex)
- (2) Home occupations and professional home office
- (3) Neighborhood park or playground
- (4) Recreational Trails
- (5) Open spaces
- (6) Beekeeping
- (7) Floriculture (*cultivation of ornamental flowering plants*)
- (8) Plant nurseries and orchards
- (9) Raising of grain, grass, mint, and seed crops
- (10) Raising of tree fruit, nuts, and berries
- (11) Sod farming
- (12) Vegetable raising
- (13) Viticulture (grape growing)
- (14) Forest and game management
- (15) Nature trails and walks
- (16) Greenhouses
- (17) In season removable roadside stands used for the sale of agricultural produce
- (18) Barns, sheds, garages, and related structures to serve agricultural operations or residences
- (19) Parks and playgrounds

3.19 CONDITIONAL USES

- (1) Home occupations conducted in accessory buildings
- (2) Churches, schools, libraries, hospitals, community centers, public buildings, utility structures, cemeteries; daycare centers; nursing homes
- (3) Structures exceeding 10% lot coverage
- (4) Fences more than 6 foot high
- (5) Short-term rentals

3.20 PROHIBITED USES

- (1) All uses not specifically permitted by this ordinance
- (2) All buildings, including condominiums, of more than 2 units
- (3) Apartment houses with more than two units
- (4) Retail sales

3.21 MINIMUM LOT AREA; Two (2) acres.

FRONT SETBACK: Thirty feet (30') from the centerline of the street or ten (10') from the right-of-way, whichever is greater.

REAR SETBACK: Forty (40') feet for all structures

SIDE SETBACK: Forty (40') feet for principal structure and forty (40') feet for accessory structures.

3.22 MAXIMUM BUILDING HEIGHT: Thirty-five (35) feet measured from the lowest grade level. Two and one-half story maximum.

3.23 BUILDING FOUNDATION: Must meet current version of the Wisconsin Uniform Dwelling Code. .

3.24 MAXIMUM LOT COVERAGE: No more than 10 percent of the lot may be covered by structures.

3.25 EXISTING NON-CONFORMING LOTS OF LESS THAN 2 ACRES: Any building or structure placed on such a lot must be at least 80 feet from any building or structure, existing or permitted, on any adjacent or nearby property that is zoned residential or agricultural.

If R-2 setback requirements prevent construction then the problematic setbacks (front or side or back or combination) may be reduced minimally to permit construction but must still meet R-1 setback requirements at a minimum. The R-2 lot coverage maximum of 10% must still be met in all cases.

The Zoning Administrator will bring the request to reduce setbacks to the Zoning/Planning Commission which may request modifications but cannot reject the request if these requirements are met.

See list of grandfathered properties in R-2 at time of the adoption of this ordinance.

3.26 Grandfathering of these lots attaches to the lot and continues with subsequent changes of ownership

3.27 MODIFICATIONS Requirements stipulated above may be modified in accordance with Section 6.0.

3.28 PARKING REQUIREMENTS See Section 5.4.

3.29 R-2 Properties of less than 2 Acres on record at the Pepin County Land Records Office as of January 1, 2009 are grandfathered.

VILLAGE OF STOCKHOLM
ZONING DISTRICTS CHART
B-1 BUSINESS DISTRICT

3.30 PURPOSE

The B-1 Central Business District provides for commercial and business uses in the Village Central Business District. All businesses are expected to comply with all applicable Village, County, State and Federal laws, and must be consistent with the goals of the Smart Growth Plan.

3.31 B-1 PRINCIPAL PERMITTED USES:

Business Services that include: appliance dealers; art, gift, jewelry and notions shops; bakeries; law offices; insurance & real estate offices; barber shops; beauty parlors; repair shops; banks and financial institutions; clinics; clothing stores; drug stores and pharmacies; florists; food lockers; grocery stores and other retail food stores; furniture, department, and hardware stores; laundries; music, radio, computer, video, and television stores; news-stands; offices; optical stores; parking lots; retail stores; sporting goods stores; clubs, fraternal organizations, lodges, and foundations; funeral homes; municipal buildings; single family residence; municipal parks and playgrounds, bed and breakfast, short term rental, or other businesses consistent with the Smart Growth Plan.

3.32 Parking areas (see Section 5.4).

3.33 ACCESSORY USES

Residential uses

Essential Services.

3.33

3.34 CONDITIONAL USES: Any business use that will utilize more than one (1) acre of land, vehicular sales and service; eating and/or drinking establishments; rooming houses, hotels, motels; liquor stores; places of entertainment and/or recreation; automobile and vehicle repair.

3.35 PROHIBITED USES

- (1) Manufacturing operations
- (2) Any sexually oriented businesses
- (3) Petroleum product storage, fueling, or sales.
- (4) Any business that would be in violation of the Village of Stockholm nuisance ordinance.

3.36 MINIMUM LOT AREA AND REQUIREMENTS

Since municipal sewer service is unavailable, lot size shall conform with standards required by the County of Pepin in order that all applicable rules and regulations for wells, holding tanks, and septic systems be met.

A. FRONT SETBACK: None required by the Village.

- B. MINIMUM SIDE YARD SETBACK:** Fifteen feet (15') where adjacent to a Residential District; (Zero) feet for fire proof construction. No restriction if in compliance with state fire code.
- C. REAR SETBACK:** Twenty feet (20') where adjacent to a Residential District; otherwise, no restrictions.

3.27 MAXIMUM BUILDING HEIGHT: Thirty-five (35) feet (or 2 and one-half stories) measured from the lowest grade level.

3.38 BUILDING FOUNDATION: Must be built in accordance with Wisconsin Commercial Codes.

3.39 MODIFICATIONS Requirements stipulated above may be modified in accordance with Section 6.0

3.40 PARKING REQUIREMENTS-See Sections 5.4.

**VILLAGE OF STOCKHOLM
ZONING DISTRICTS CHART
B-2 ADJACENT BUSINESS DISTRICT**

3.50 Authority, Purpose, and Intent:

The Village Board for the Village of Stockholm, Wisconsin, creates a new and distinct zoning classification which shall be known as a “Low Impact Business Services Zone B-2”. This amendment to the Comprehensive Zoning Ordinance passed in February, 2010, will come under the same Authority, Purpose, and Intent as the original. This Ordinance also will help to accomplish the goals of the Comprehensive Plan passed in 2008 which calls for actions to help meet the daily needs of residents. A Low Impact Business Services zone will serve as a transition area between the B-1 Zone and adjacent residential zone (s).

Low Impact Business Services would include and be similar to those listed below. This list of activities is intended to be illustrative of the types of uses which will be considered by the Village Board to be Low Impact Business Service uses. But it is not intended to be an exhaustive list of such activities.

3.51 PRINCIPAL PERMITTED USES:

Business Services that include: appliance dealers; art, gift, jewelry and notions shops; bakeries; law offices; insurance and real estate offices; barber shops; beauty parlors; repair shops; banks and financial institutions; clinics; clothing stores; drug stores and pharmacies; florists; food lockers; grocery stores and other retail food stores; furniture, department, and hardware stores; laundries; music, radio, computer, video and television stores; news-stands; offices; optical stores; parking lots; retail stores; sporting goods stores; clubs, fraternal organizations, lodges and foundations; funeral homes; municipal buildings; single family residence; municipal parks and playgrounds; bed and breakfasts; short term rentals; or other businesses consistent with the Smart Growth Plan.

3.55 PROHIBITED USES:

1. Manufacturing operations;
2. Any sexually oriented businesses;
3. Petroleum product storage, fueling or sales; and/or
4. Any business that would be in violations of the Village of Stockholm nuisance ordinance.

3.52 **CONDITIONAL USES:** Any business use that will utilize more than one (1) acre of land, vehicular sales and service; eating and/or drinking establishments; rooming houses, hotels, motels; liquor stores; places of entertainment and/or recreation; automobile and vehicle repair.

3.53 **MINIMUM STANDARDS:**

1. New buildings are to have compatible materials and design to those in the area.
Height cannot exceed 35 feet
2. A minimum of four (4) off-street parking space must be provided for employees and clients.
3. Residential use in part or all of the Low Impact Business Services Zone is allowed.
4. Signs are allowed subject to the Village Sign Ordinance
5. Lighting for businesses in a B-2 Zone must be indirect and non-intrusive with sign lighting turned off between 10pm and 6am

3.54 **MINIMUM Lot Area and Setbacks**

Minimum lot area shall be such that all Village of Stockholm, State of Wisconsin, and Pepin County regulations concerning size requirements for setbacks, buildings, and other considerations for well and septic systems may be accommodated within.

Minimum Side Yard Setback: Fifteen feet (15') where adjacent to a residential District or to a residence in the B 2 zone.

Minimum Rear Setback: Twenty feet (20') where adjacent to a residential district; otherwise no restrictions.

Front Setback: For a commercial building none required. For a new residence thirty feet (30') from the centerline of the street or ten feet (10') from the right-of-way, whichever is greater, as measured to the foundation of the building.

Application of the Low Impact Businesses Services Zone and changes from other zoning designations to Low Impact Businesses Services shall be accomplished using the procedures set forth in State Statutes concerning such requests.

Specific properties included in a Low Impact Business Services Zone will be determined by the Village Board.

**VILLAGE OF STOCKHOLM
ZONING DISTRICTS CHART
F-1 FLOODPLAIN DISTRICT**

3.60 The floodplain district shall be that area of the Village defined as FLOODWAY AREAS IN ZONE AE or as OTHER FLOOD AREAS by the Flood Insurance Rate Maps (FIRM) produced by the National Flood Insurance Program (NFIP) in effect at the adoption of this ordinance:

Map Numbers 55091C0305D and 55091C0285D dated 02 September 2008.

3.61 All building, additions, or alterations in this district shall be done according to the Village of Stockholm Floodplain Ordinance and subsequent FEMA revisions

3.62 Essentially, the Flood Plain District includes properties between the railroad and the Mississippi River.

**VILLAGE OF STOCKHOLM
ZONING DISTRICTS CHART
A-1 AGRICULTURE DISTRICT**

3.70 The A-1 Agriculture District is intended to preserve productive farmlands and to protect farming operations from conflicting land uses. Further, this District is designed to prevent the inefficient spread of urban development into agricultural areas that are inadequately served by public facilities

3.71 PRINCIPAL PERMITTED USES

- (1) A building with no more than two dwellings
- (2) Home occupations and professional home offices
- (3) Beekeeping
- (4) Floriculture (*cultivation of ornamental flowering plants*)
- (5) Plant nurseries and orchards
- (6) Raising of grain, grass, mint, and seed crops
- (7) Raising of tree fruit, nuts, and berries
- (8) Sod farming
- (9) Vegetable raising
- (10) Viticulture (*grape growing*)
- (11) Forest and game management
- (12) Nature trails and walks
- (13) Greenhouses
- (14) In season removable roadside stands used for the sale of agricultural produce.

- (15) Barns, sheds, garages, and related structures to serve agricultural operations or residences.
- (16) Parks and playgrounds
- (17) Growing of seeds, feeds, and similar agricultural products
- (18) Forestry, plant nurseries, orchards, greenhouses, row crops, specialty cropping, and similar agricultural products.
- (19) Parks and playgrounds

3.72 PERMITTED ACCESSORY USES

- (1) Essential services
- (2) Private garages.
- (3) Accessory structures customarily incidental to the operations of the agricultural enterprise.

3.73 CONDITIONAL USES

- (1) Business Services
- (2) Two or more dwelling units
- (3) Hospitals
- (4) Clinics
- (5) Service organizations, institutions, and/or private non-profit corporations
- (6) Conservancy developments
- (7) Campgrounds
- (8) Recreational facilities
- (9) Communication towers and structures
- (10) Dam and flowages
- (11) Governmental and municipal uses such as police and fire stations, highway storage garages, and school
- (12) Churches
- (13) Cemeteries
- (14) Public utility buildings
- (15) Facilities used in processing of agricultural products
- (16) Structures of 35 feet in height or more
- (17) Accessory structures serving conditional uses
- (18) Keeping of hobby farm or pet animals such as horses.
- (19) Nursing Homes
- (20) Short-term rentals

3.74 PROHIBITED USES

- (1) All uses not specifically permitted by this ordinance
- (2) All buildings, including condominiums, of more than 2 units
- (3) Apartment houses with more than two units
- (4) Commercial animal raising or related operations

3.75 MINIMUM LOT AREAS: Ten (10) acres. Lots shall conform with size requirements of the County of Pepin and State of Wisconsin regarding well and septic regulations. Lots of less than ten acres as of January 1, 2009 must comply with R-2 requirements.

3.76 MINIMUM FRONT YARD: Thirty (30) feet from the centerline of the street or ten (10) feet from the street right-of-way line, whichever is the greater for residential structures. Sixty-three (63) feet from the centerline of the street or thirty (30) feet from the street right-of-way line, whichever is the greater for all other structures.

3.77 MINIMUM SIDE & REAR YARD: Forty (40') feet for principal residential structure and forty (40') feet for all other buildings.

3.78 MAXIMUM BUILDING HEIGHT: Thirty-five (35) feet measured from the lowest grade level but not to exceed two and one-half stories.

3.79 BUILDING FOUNDATION: Shall meet Uniform Building Code requirements.

3.80 MODIFICATIONS: Requirements stipulated above may be modified in accordance with Section 6.0.

SECTION 4.0 CONDITIONAL USES

4.1 APPLICATION. Application for conditional use permits shall be submitted to the Village Clerk or Zoning Administrator on forms provided and shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot. The cost of conditional use permits shall be established by the Village Board and shall be an amount equal to the cost of reviewing, meeting, and publicizing. Existing uses shall be in conformance with zoning and building standards in effect at the time of initial construction and development and may not be enlarged or expanded except under the terms for newly established uses and shall continue to be governed by the Zoning Ordinance in the future. The applicant shall be required to supply:

- (1) Plat map showing names and addresses of owners of property within 200 feet of the outer boundaries of the property in question.
- (2) A boundary survey and preliminary building and site development plan.
- (3) Administrative costs for a zoning ordinance, conditional use permit, or zoning change, including meeting costs, public hearing costs, legal costs, postage and mailing costs, duplication and copying and any other costs associated with the request. Additionally, the applicant will be required to pay for the Zoning Board of Appeals if initiated by the applicant, unless fees are waived by the Village Board.

4.2 REVIEW. In all cases of proposed establishment of a conditional use specified in this ordinance, the Village Board or its designate shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water

systems and other aspects of the proposed use.

4.3 STANDARDS. No permit for a conditional use shall be granted unless the Village Board shall find that the following conditions are present:

- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) That the users, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and will not suffer a depreciation in property values or a deterrent to development of nearby vacant land.
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
- (5) 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.
- (6) The use is consistent with the Smart Growth Plan and existing Zoning.

Additional Conditions: The Village Board may impose additional conditions deemed necessary to protect the neighborhood or community as a whole:

- (1) Changing the lot size or yard dimension.
- (2) Limiting the height, size, or location of buildings or structures.
- (3) Controlling location and number of vehicle access points.
- (4) Modifying street width, parking spaces, signage, or screening.
- (5) Impose limits on hours of operation.

Notice of proceedings must be given to all property owners within 200 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.

4.4 CONDITIONS AND GUARANTEES. Prior to granting a permit for a conditional use, the Village Board may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards specified in 4.3 above. Establishment, maintenance and operation shall be construed to include, but shall not be limited to, such factors as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Village Board shall find that conditions applying to these factors are necessary or desirable to fulfill the purpose and intent of this ordinance. In all cases in which a permit for conditional use is granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. If conditions are imposed by the Village

Board, and agreed to by the requestor, in the granting of a permit and these conditions are not met within 2 years of granting of said permit, that permit shall be revoked.

4.5 CONDITIONAL USES SHALL COMPLY with all provisions of this ordinance such as lot width and area, yards, height, building size, parking and loading. The Village Board may impose on conditional uses requirements more restrictive than those otherwise applicable if it deems such additional restriction necessary to promote the public health safety and general welfare of the community.

4.6 THE BOARD MAY AUTHORIZE the Village Clerk or Zoning Administrator (as referred to in the enforcement and penalties section of the ordinance) 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.

4.7 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 two years 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.

4.8 SHORT TERM RENTALS CONDITIONAL USE

Short term rentals: Any property in an area not zoned for business which is rented or leased more than once a year for periods of 28 days or less when the owner/agent/leasee is not present during the rental or lease.

Short term rentals are considered businesses. They do not fall under the provisions for home occupations or B&Bs.

One of the primary objectives of zoning is to provide separate areas for differing uses. Because of Stockholm's relatively small size and geography a few departures from this objective can have significant impact on residents. For these reasons it is in the Village's interest to permit short term rentals under the following conditions.

1. Safety concerns require that short term rentals must meet current standards for new residential construction for electrical, plumbing, septic, and water. Any safety concerns noted by the building inspector's inspection must be corrected before the conditional use permit is granted.

2. Adequate off-street parking must be provided. One off-street parking space for each room that provides a space for sleeping is required. A parking space for 3 or more vehicles must be screened.

3. One sign no larger than 3 square feet affixed to the dwelling and lighted by low intensity lights is allowed.

4. No new short term rental will be allowed within 250 feet of an existing short term rental.

5. An objection of a property owner within 250 feet of a proposed new short term rental would require a 2/3 majority vote by the Village Board to be allowed.

6. If village residents find a short term rental to be disruptive, the Village Board will use existing ordinances to determine if there is reason to revoke the conditional use. The Village Board will provide a written finding to the property owner and give the property owner a reasonable time to correct the issues.

7. Short term rentals operating in 2009 must apply for a conditional use permit and will be granted one if the application is received within six months of the adoption of this ordinance. They are encouraged but not required to meet the conditions in 1 and 2 above.. They are required to apply for a conditional use permit each year and can have a condition use permit revoked under item 6 above.

8. Conditional use permits will expire after one year. The property owner may reapply.

9. The Village Board may set application fees to cover costs involved in issuance.

10. Conditional use permits for short term rentals are issued to the property owner and expire when the title to the property is transferred or the one year time period expires.

SECTION 5.0 TRAFFIC, PARKING, AND ACCESS

5.1 **TRAFFIC VISIBILITY.** A vision triangle shall be required at the intersection of any two existing or proposed highways, streets or alleys. Within such vision triangle, no obstructions such as structures, fences, parking or vegetation shall be permitted in any district between the heights of two (2) feet and ten (10) feet above the plane through the mean pavement grade. The triangle area required shall consist of the area from the corner of the street intersection then (15) fifteen feet along the lot lines, then diagonally along a line connecting the end points of these lines.

5.2 **ACCESS REQUIREMENTS.** Adequate access to a public street shall be provided for each lot or parcel. Driveways shall be at least ten (10) feet wide for one and two family dwellings.

5.3 **HIGHWAY ACCESS AND SETBACK REQUIREMENTS.** No direct private access shall be permitted to the existing or proposed rights-of-way of any street, highway or road without joint permission of the highway agency that controls that right-of-way and the Village.

5.4 **PARKING REQUIREMENTS.** In R-1 and R-2 and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended or increased, two off-street parking stalls, including those in garage(s), for each dwelling unit

- A. **Adequate Access** to a public street shall be provided for each parking space and driveways shall be at least ten (10) feet wide for one and two family dwellings except where such driveways enter on to a state system highway in which case they shall be a minimum of (16) feet wide. In no case shall driveways be wider than 24'.
- B. **Size** of each parking space shall be not less than one hundred sixty (160) square feet (8ft. x20ft.) exclusive of the space required for ingress and egress. A single stall in a garage may replace any single required parking space.
- C. **Screening.** All off-street parking areas containing spaces for five (5) or more vehicles which are located in the residential areas, or in other areas within

twenty-five (25) feet of a Residential area, shall be screened along the sides bordering the residential districts. Such screening, to be provided by the parking lot owner, may be an opaque fence six (6) feet high or a visual screen of evergreen type hedges or shrubs, spaced at intervals to provide an effective screen within five (5) years of establishment and reaching a height of at least six (6) feet. Fences or shrubs erected as screening in accordance with this section will conform with Section 6.0 (6.6) of this ordinance.

- D. Lighting. If parking lots are lighted, the lights shall be shielded to prevent undesirable glare or illumination for nearby residential areas.
- E. Surfacing. All off-street parking areas shall be graded and surfaced and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- F. Curbs or Barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- G. Parking Stalls.

The requirements below apply to B-1 properties where lot size, building size and driveway access make off-street parking feasible. B-1 single-family residences must comply with the requirements below. The requirements below apply to all other zoning districts as shown. Property owners of B-1 and B-2 properties must provide required parking to the side or rear of buildings whenever possible, and may not place parking spaces between buildings and roadways unless no other reasonable alternative exists.

- A. Single Family Residential:
 - a. Two (2) spaces or stalls for each residence and
 - b. One (1) space or stall for each guest house or other structure providing sleeping space
- B. B-2 and B-1 properties not providing overnight lodging or rentals
 - a. One (1) space for each 150 square feet of total available interior space (whether use or unused) of all structures on the property, plus two (2) staff spaces.
- C. B-2 and B-1 properties providing overnight parking lodging or rentals whether long-term or short-term
 - a. One (1) space for each guest room or unit that provides sleeping space, plus one
 - b. (1) Staff space.
- D. B-2 townhomes, condos or multiple dwelling units
 - a. Two (2) resident spaces and
 - b. One (1) guest space for each townhome, condo or dwelling unit.
- E. Restaurants, bars, retail and service stores 1 stall for each 150 sq. ft. of the total available space of all structures and buildings on the property.
- F. All parking stalls must be off-street.

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

- (9) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use

SECTION 6.0 MODIFICATIONS

6.1 HEIGHT.

- (1) Communication Structures such as radio and television transmission and relay towers, aerials and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.
- (2) Agricultural Structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

6.2 YARDS. The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

- (1) Uncovered Stairs, landings and fire escapes may project into any yard but not to exceed six (6) feet and not closer than five (5) feet to any lot line.
- (2) Architectural Projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard but such projection shall not exceed two (2) feet.
- (3) Residential Fences are permitted on the property lines in residential districts but shall not in any case exceed a height of six (6) feet, shall not exceed a height of four (4) feet facing any street, and shall not be closer than two (2) feet to any public right-of-way. The post side will face the fence owner's property.
- (4) Security Fences are permitted on the property line in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (5) shall Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.

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

6.4 AVERAGE STREET YARDS. The required street yards (generally the front yard abutting the street) may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side.

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

6.6 SCREENING REGULATIONS. Any use required by this ordinance to be screened in accordance with this section shall be confined within an opaque fence or wall six (6) feet high or a visual screen consisting of evergreen or evergreen type hedges or shrubs, spaced at intervals to provide an effective visual screen within five (5) years of establishment and reaching a height of six (6) feet located and maintained in good condition or in any way out of view of the public. In case of a conflict between the screening requirements of this section and the specific screening requirements of other sections of this Ordinance, the least restrictive applicable screening requirements shall apply.

6.7 PARKING ON LAWNS. Licensed vehicles shall be allowed to park on lawns. Junked automobiles or parts thereof outside of any building on any real estate within the Village are prohibited.

SECTION 7: SIGNS

See Village Sign Ordinance.

SECTION 8: NONCONFORMING USES, NONCONFORMING

STRUCTURES , and NONCONFORMING LOTS

8.1 EXISTING NONCONFORMING LOTS. All lots platted at the time of the adoption of this Ordinance shall be deemed in compliance with this Ordinance even though they may not meet the minimum lot sizes established by this Ordinance.

8.2 NONCONFORMING STRUCTURES. All structures built after the adoption of this ordinance must be in compliance with all provisions established in these Ordinances. The lawful use of a building or premises or activity existing at the time of the adoption or amendment of this zoning ordinance may be continued although such use does not conform with the provisions of this zoning ordinance. Such nonconforming use may not be extended or increased or converted to another non-conforming use.

8.3 CHANGES AND SUBSTITUTIONS. Once a nonconforming use or structure has been changed to conform, it may not revert back to a nonconforming use or structure.

8.4 SUBSTANDARD LOTS

If in a group of contiguous platted lots under a single ownership, any individual lot does not meet the minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more lots each meeting minimum lot sizes. Substandard lots at the time of the adoption of this ordinance shall be deemed conforming (not requiring combination).

8.5 Non-conforming Use of Building or Land

- (1) Extension: non-conforming use of building or land shall not be enlarged.
- (2) Abandonment: A non-conforming use of a building or land has been abandoned for a period of one year shall not be reestablished.
- (3) Relocation: a non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this Ordinance.
- (4) Maintenance: Normal maintenance of a building or other structures containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

SECTION 9.0 PERFORMANCE STANDARDS

- 9.1 COMPLIANCE. This ordinance permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or districts. No structure, land or water shall hereafter be used except in compliance with the district regulations of the district in which it is located, and with the following performance standards.
- 9.2 SOUND. The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent properties. See Village Nuisance Ordinance.
- 9.3 VIBRATION. An operation which creates vibrations that can be measured or readily detected without instruments on any adjacent properties is prohibited.
- 9.4 RADIOACTIVITY AND ELECTRICAL DISTURBANCES. No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
- 9.5 ODORS. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises.
- 9.6 TOXIC OR NOXIOUS MATTER. No discharge of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business shall be permitted.
- 9.7 GLARE AND HEAT. No activity shall emit glare or heat that is visible or measurable outside its premises. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be sheltered so as not to be visible outside their premises.

SECTION 10.0 ZONING BOARD OF APPEALS. A Zoning Board of Appeals shall be appointed as specified in Sections 61.35 and 62.23 (starting at 62.23 (7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall be composed of five (5) members plus two (2) alternate members appointed by the Village President and confirmed by the Village Board. All members must be full-time voting residents. The members are appointed for three (3) year staggered terms.

DUTIES: The Zoning Board of Appeals does not have authority to amend or repeal any provision of the zoning ordinance. Its authority is limited to appeals regarding interpretations of ordinance provisions, consideration of variances of dimensional standards, and consideration of conditional use permits.

PROCEDURES: If a property owner wishes to appeal a decision of the Zoning Administrator or the Village Board concerning a building permit, a request for variance, a conditional use permit, or a change in zoning, the property owner can request the Village Clerk to schedule a meeting of the Zoning Board of Appeals, will conduct a properly noticed public hearing and make a recommendation to the Village Board on each request.

The members shall serve with compensation and shall be removable by the Village Board for cause upon written charges and after public hearing. In addition to the procedures specifies in Sections 61.35 and 62.23, Wisconsin Statutes, The Zoning Board of Appeals may make and file in the office of the Village Clerk its own rules of procedure consistent with the Statutes. It shall have the following powers:

- (1) To hear and decide appeals where it is alleged that the Village Board has made a finding or order inconsistent with this Ordinance.
- (2) To hear and decide appeals to the terms of this ordinance upon which the Village Board is required to pass.
- (3) To recommend action on specific variances from the terms of this ordinance where it is shown that unique circumstances applying to a lot and/or structure cause hardship to the owner under the ordinance and that the variance still will be in fundamental harmony with surrounding uses. The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made and to that end shall have all the powers of the Building Inspector. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect a variance. The grounds for every such determination shall be stated and recorded. A Public Hearing is required.

No action of the Zoning Board of Appeals shall have the effect of permitting in any direct uses prohibited in such district by this ordinance. The minutes of proceedings and hearings before the

Zoning Board of Appeals and all actions taken by it shall be filed with the Village Clerk and shall be open for public inspection.

SECTION 11.0 AMENDMENTS AND VARIANCES

The Village of STOCKHOLM may amend this ordinance following the procedures prescribed by Wisconsin Statutes.

Procedures: All requests from either a property owner or board member for variances and amendments to an existing Ordinance shall go to the village clerk who shall provide the appropriate forms and instructions. The Zoning commission will meet following a posting of the meeting, and use the criteria described below and exhibits to decide upon a recommendation to the Village Board, who will then meet, either in a regular or special meeting to decide, including those across the street, the issue. In the event that any abutting property owners oppose the granting of the variance, at least a 2/3 vote is required for the board to pass the variance. The board may choose not to consider a petition for variance or amendment but must adhere to statutory processes in either case.

Criteria for Granting Variances A variance from the listed provisions of the zoning ordinance may be issued by the Village Board to provide relief to the landowner in those cases where the ordinance imposes undue hardship because of circumstances unique to the individual property under consideration. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the property since enactment of this Ordinance have had no control.
- (2) The literal interpretation of the provisions of this Ordinance would deprive the applicant of right commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- (3) That the special conditions or circumstances do not result from the actions of the applicant.
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.
- (5) That the variance requested is the minimum variance which would alleviate the hardship. Economic conditions alone shall not be considered a hardship.

(6) The variance would not be materially detrimental to the purpose of this Ordinance or to other property in the same zone.

(7) The proposed variance will not impair light and air to adjacent property, substantially increase traffic or fire danger, or endanger public safety, or diminish property values within the neighborhood. Restrictions and conditions may be imposed by the Village Board to reduce or minimize such effects.

(8) The proposed variance is consistent with the Smart Growth Plan.

Required Exhibits for Variances

(1) Plat map showing names and addresses of owners of property within 200 feet of the outer boundaries of the property in question.

(2) A boundary survey and preliminary building and site development plan.

(3) A written narrative explaining the need for the variance and a description of the undue hardship unique to the property that supports the variance.

SECTION 12.0 There is no Section 12

SECTION 13.0 ANNEXATIONS

All existing territory annexed by the Village of STOCKHOLM shall be assigned a zoning district within ninety (90) days of its annexation. During the period between annexation and the assignment of a permanent district designation, the territory will be zoned as an interim district based on its predominant use at the time of annexation.

SECTION 14.0 CONFLICTING PROVISIONS REPEALED

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

SECTION 15.0 DEFINITIONS

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

Abandonment. To intentionally and permanently give up, surrender, leave, desert, or relinquish all interest or ownership in a property, a house, structure, or other premises.

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

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

Arterial Street. Is a street that directly connects the Village with surrounding communities.

Basement. Is that portion of any structure located partly below the average adjoining lot grade.

Bed and Breakfast. Bed and Breakfast (B & B) Residences: A residence offering overnight lodging and breakfast to registered overnight guests. A residence that provides meals or beverages to non-overnight guests is not a “Bed and Breakfast” as defined herein. The building and use are subject to all state building licensing, and health codes governing such purposes. A permit is required for a B & B with an annual review.

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

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

Building Height. Is the vertical distance measured from the lowest grade level to the highest point of flat roofs; to the highest height level (excluding chimneys) of gable, gambrel, hip, mansard and pitch roofs .

Centerline. Is a line equidistant from the edges of the median separating the main traveled ways of an existing or planned divided road or highway or the centerline of the main traveled way of a non-divided road or highway.

Collector Street. Is a road that collects traffic from local streets and channels traffic out to the arterial roads.

Conditional Uses. Are uses of a special nature as to make impractical their predetermination as a principal use in a district. Such uses are listed in each zoning area, require prior permission, and are prohibited unless specially permitted.

Corner Lot Is a lot abutting two or more streets at an intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less measured on the lot side.

Dwelling. Is a detached building designed or used exclusively as a residence or sleeping place for human habitation but does not include boarding or lodging houses, motels, hotels, tents, cabins, camping trailers, or motor homes.

Dwelling Unit Is one (1) or more rooms designed as a unit for occupancy by not more than one (1) family or household for living and sleeping purposes.

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

Family. Are any number of persons related by blood, marriage, or adoption, or living together in one dwelling as a single housekeeping entity.

Floodplain. Is land adjacent to a body of water which has been or may be hereafter covered by floodway including but not limited to the regional flood.

Floodway. Is the channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any

river or stream including but not limited to flood flows associated with the regional flood.

Foundation. Is the foundation of a residence or building that the superstructure rests. It is the support for the building. The foundation includes footings, foundation walls, pedestals, piers, mats, pilings, and all other parts that provide support for the building and transmit load to the underlying earth. Buildings are to be erected on permanent foundations with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the building trade as being permanent in nature.

Freeway. Is an expressway with full control of access and with fully graded separated intersections.

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

Frontage. Is the smallest dimensions of a lot abutting a public street measured along the street line.

Grade Level: Is the natural existing grade at the time the permit is issued and before any filling or grading occurs. The grade is to be reviewed before the permit is issued to determine the appropriate building height.

Grandfather: a. Is to allow the existing use of a property as it was when restrictions or zoning ordinance was adopted.

b. Are lots in existence when this ordinance is adopted which do not meet minimum lot size required in that zone are grandfathered. The grandfathering goes with the lot in any subsequent change of ownership.

Group Home (developmental care). Is a residential facility, licensed by the state, to provide a family residential living environment for persons who have developmental disabilities and/or are being treated for chemical addiction or other problems. A counselor or house parents) shall be resident in the structure during those times residents are living in the structure. A Group Home provides overnight lodging for the residents. Variations of the traditional group home are Day-Care facilities described below. A Foster Home is the placement of children in a traditional family setting, which may include biological children of the adult family, and is not considered a Group Home.

(a) **Family Day-Care Home.** Is a family day-care home is a dwelling also licensed as a day-care center by the state Department of Health and Social Services where, for compensation or consideration, a resident of the dwelling provides group care for at least four (4) but not more than eight (8) children between the ages of infancy and seven (7) years of age at a location other than the child's own home or the home of relatives or guardians. Overnight lodging is not to be provided at a day-care center.

(b) **Elderly Day-Care Home.** Are locations which provide day-care and food service for adults who are unable to be left alone while other family members are at work or otherwise not at home during the day. Overnight, lodging is not to be provided at a day-care center.

Home Occupation. Is any occupation for gain or support conducted entirely within buildings by resident occupants which is clearly incidental to the principal dwelling use of the premises.

Permitted Home Occupations for all residential districts:

(1) Nuisance; No home occupation shall produce light, noise, odor, vibration, or electrical interference that will in any way have an objectionable effect upon adjacent or nearby properties.

(2) Businesses for which no significant exterior changes are made or necessary.

(3) Businesses which do not significantly alter the traffic patterns of the neighborhood.

(4) Any business may have up to one full-time non-resident employee without a permit.

(5) Garage sales are considered home occupations if they occur more than four times per year.

(6) Businesses which have no permanent or long-term outdoor storage of equipment, machinery, inventory, tools, or any other item used in connection with the business, except for parking of business vehicles.

(7) Any home business operating at the time this ordinance becomes effective shall be deemed conforming unless it changes substantially.

(8) Signage must conform to the sign ordinance.

(9) Premises used for home occupations shall conform to the Uniform Building Code and Fire Code.

Intersecting Highway. Is a highway of any political jurisdiction which forms one or more legs of an interchange and to which access is not fully controlled.

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

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

Loading Area. Is a complete off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

Local Street Are roads which are intended to move vehicles from individual parcels to the higher order road systems and should not carry through traffic. Local roads carry low traffic volumes.

Lot Is a parcel of land occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this ordinance.

Lot Coverage. Is the percentage of the lot covered by the exterior dimensions of all structures located on the lot.

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

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

Manufactured Home. Is a dwelling unit that is primarily assembled at an off-site location, with interior electrical wiring, plumbing, and interior finishing substantially installed before placement on the final site, but which is still not ready for occupancy without substantial preparation and construction at the site. Such homes are trucked to the site, but are not intended for frequent transport by highway, and the wheels are for Initial transport only, and are removed from the structure upon its placement at the site. Such homes

Must meet the Wisconsin Uniform Dwelling Code currently in place at the time of the granting of the building permit.

Mobile Homes. Are any structure originally designed to be capable of transportation by motor vehicle upon public highway which does not require substantial on-site fabrication which is intended for occupancy as a year-round residence.

Mobile Home Park. Is any plot of ground upon which mobile homes are to be located in accordance to the regulations of this ordinance.

Motel. Is a series of attached, semi-attached or detached sleeping units with 01 without cooking facilities for the accommodation of transient guests.

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

Parking Lot Is a structure or premises containing ten (10) or more parking spaces open to the public.

Parking Space or Stall. Is an off-street graded and surfaced area of not less than one hundred eighty (180) square feet in an area either enclosed or open for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

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

Platted Is that portion of the Village of Stockholm that has been platted and divided into blocks and lots at the time of the adoption of this ordinance. This includes the downtown retail area and surrounding residential area.

Professional Home Offices. Are residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other similar professions conducted within buildings by resident occupants which are customarily incidental to the principal use of the premises. Clients are seen by appointment or invitation.

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

Setback: Is the distances between the front, side and rear lot boundaries to the respective sides of any and all structures located on the lot, not including overhangs.

Short-Term Rental: Is any dwelling not in the business district that is rented or leased for periods of 28 days more than once per year. The property and its uses are subject to all state building, licensing, and health codes governing such establishments.

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

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

SmartGrowth Plan. Is the strategic comprehensive plan for the Village passed as an ordinance as required by Wisconsin Statute 66.1001

Street Is a street or highway not otherwise defined lying within a recorded subdivision with a right-of-way not less than fifty (50) feet wide providing primary access to abutting properties.

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

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

Turning Lanes. Are an existing or proposed connecting roadway between two (2) arterial highways or between an arterial highway and any other highway. Turning lanes include grade separated interchange ramps.

Trailers. Are a portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping. ;

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

Variance. Is an exception to the requirements of this ordinance where strict application of the ordinance would result in a practical difficulty or undue hardship. Such an exception may be granted by the Village Board following review and recommendation by the Zoning Board of Appeals and public hearing.

Village Board. Is the Village of Stockholm Village Board and any Committee, Commission, or person designated by the Village Board to administer and enforce this Ordinance.

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

SECTION 16.0 ADOPTION OF THIS ORDINANCE

Date proposed: _____

Date posted: _____

Date of first public hearing: _____

Date of second public hearing: _____

Date final version posted: _____

Date adopted by Village Board: _____

Date Ordinance Became effective _____

Signatures:

Village President

Village Clerk/Treasurer

Trustee

Trustee

Trustee

Trustee