

Chapter 195 ZONING

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Table of Dimensional Requirements

[HISTORY: Adopted by the Village Board of the Village of Waldo 11-27-1964 by Ord. No. 4-1964. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 67.

Mobile homes and mobile home parks — See Ch. 113.

Official Map — See Ch. 120.

Development services — See Ch. 174.

Floodplain zoning — See Ch. 178.

Shoreland-wetland zoning — See Ch. 184.

Subdivision of land — See Ch. 189.

Annexations — See Ch. A205.

§ 195-1. Purpose; districts established.

In order to regulate and restrict the location of trades, industries and other uses and the location of buildings designed, erected, altered or occupied for specific purposes; to regulate and limit the height and size of buildings hereafter erected or altered; to regulate and determine the area of yards and other open spaces; and to regulate and limit the destruction of property, the Village of Waldo is hereby divided into districts as follows:

- (1) Single-Family Residence (R1)
- (2) Multiple-Family Residence (R2)
- (3) General Commercial (C1)
- (4) Highway Commercial (C2)
- (5) Conservancy (W)
- (6) Industrial (I)
- (7) Agricultural (A)
- (8) Planned Unit Development (FR)

§ 195-2. Zoning Map. ¹

The Official Zoning Map is an integral part of this chapter. The single official copy of this map, titled "Village of Waldo Official Zoning Map," together with a copy of this chapter, shall be kept at the office of the Village Clerk and shall be available for public inspection during office hours. The map shall be certified by the Village President and attested by the Village Clerk. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 195-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- A. ACCESSORY BUILDING — Any building except the principal building or buildings on a lot. In the case of a house and detached garage on a lot, the accessory building is the garage.
- B. FAMILY — A group of persons related by blood or marriage and living together as a single housekeeping entity.
- C. FENCE — A wall, trellis, railing, posts, landscaping, or similar upright barrier over 30 inches high. **[Added 6-14-2021 by Ord. No. 2021-02]**
- D. LOT — A parcel of land described in a recorded plat or by deed.
- E. STRUCTURE — Anything constructed or erected.

§ 195-4. General provisions.

- A. After adoption of this chapter, no lot area shall be so reduced that the dimensions and yard requirements imposed by this chapter cannot be met. However, where existing lots do not satisfy such requirements, the Board of Appeals (as provided for in § 195-6 of this chapter) may grant a variance.
- B. Setback, lot size, and other dimensional requirements applicable to the various zoning districts are indicated on the Official Zoning Map.
- C. Accessory buildings shall not occupy more than 30% of the required area for the rear yard. Any accessory building projected forward of the rear building line of the principal building shall satisfy the same side yard requirements as the principal building.
- D. Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices and ornamental features. Fire escapes may project into a required yard area not more than five feet.
- E. In each quadrant of every street intersection there shall be designated a vision clearance triangle bounded by the inner street lines and a line connecting them 35 feet from their intersection. Within this triangle no object shall be allowed above a height of 2 1/2 feet above the streets if it obstructs the view across the triangle. This subsection shall not apply to tree trunks, posts, or wire fences.
- F. All fences are subject to the zoning and building permit application, review, and approval process. A plat of survey (prepared by a Wisconsin registered land surveyor) or scale drawing shall be submitted with building permit applications for the construction or modification of a fence. Fences in the Residential Districts are also subject to §195-14. **[Added 6-14-2021 by Ord. No. 2021-02]**

§ 195-5. Nonconforming uses.

Present uses of buildings and premises may be continued even though they do not conform to the restrictions of this chapter. However, structural repairs or alterations of such buildings or premises shall not exceed 50% of their assessed value at the time they become nonconforming unless a building or premises conforming to this chapter results. Any nonconforming use that is abandoned for one year shall be discontinued permanently.

§ 195-6. Board of Appeals.

- A. A Board of Appeals shall be appointed as specified in § 62.23, Wis. Stats. The Board of Appeals shall 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 Building Inspector (as referred to in § 195-7 of this chapter) has made an erroneous finding or order.
 - (2) To grant specific variances from the terms of this chapter where it is shown that unique physical circumstances applying to a lot, cause hardship to the owner under this chapter and that the variance still will be in fundamental harmony with surrounding uses.
- B. No action of the Board of Appeals shall permit uses prohibited by this chapter. The minutes of proceedings and hearings before the Board of Appeals and all variances and special exceptions granted by it shall be filed promptly at the office of the Village Clerk and shall be open for public inspection during office hours.

§ 195-7. Enforcement; violations and penalties.

- A. The Village Board shall create the office of Building Inspector and shall appoint its occupant. The Inspector shall enforce this chapter by means of land use permits, the cost of which shall be established by the Village Board.
- B. The Inspector shall not issue a permit for a structure or a use that is not allowed by this chapter. No structure shall be built, moved, or altered, and no land use shall be substantially altered, until a land use permit has been issued, except that no permit shall be required for farm structures that are not intended to shelter humans.
- C. Applications for any land use permit 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, and the number of families expected to be accommodated.
- D. Under rules established by the Village Board, the Inspector may issue temporary permits of up to one year's duration.
- E. Any person who violates this chapter shall be subject to a fine up to \$200, plus the costs of prosecution, for each day of violation.

§ 195-8. Amendments.

The Village Board may amend this chapter following the procedures prescribed by § 62.23, Wis. Stats.

§ 195-9. Annexation. ²

All territory annexed by the Village, unless otherwise provided by the annexation ordinance, shall become part of the "A" District until definite boundaries and regulations are recommended by the Plan Commission and adopted by the Village Board, such adoption to be completed within 90 days of the annexation.

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2. **Editor's Note:** See also Ch. A205, Annexations.

§ 195-10. Signs. [Added 8-11-1980 by Ord. No. 3-1980]

A. Prohibited signs in the Village of Waldo:

- (1) Private signs on the public right-of-way.
- (2) Illuminated signs which flash or revolve.
- (3) Illuminated signs which obstruct or impair the vision of any motor vehicle operator.
- (4) Signs which obstruct or impair the function of any official sign.
- (5) Signs painted directly upon an outside wall of any building or upon any fence, rocks or similar structure or feature.
- (6) Paper or similar signs attached directly to a building by adhesive or similar means.
- (7) Portable signs.
- (8) Signs located closer than 25 feet to any other sign except on-premises signs.
- (9) Signs which exceed 100 square feet in area. **[Amended 06-13-2022 by Ord. No. 2022-02]**
- (10) Off-premises signs in areas zoned other than commercial or industrial.

B. Restriction of signs in "R" District and Agricultural District.

- (1) Only signs located on the premises of the advertised activity and within 50 feet of such activity, official signs and notices, public utility signs, service club and religious signs, official directional signs and election signs shall be located in an "R" District or Agricultural District. Election signs shall be installed no more than 60 days prior to an election and removed within 30 days after the election.
- (2) Signs advertising sale or lease of property may be erected but may not exceed 25 square feet in area.

§ 195-11. Conditional uses. [Added 7-11-1983 by Ord. No. 2-1983]

A. Permit. The Village Plan Commission may authorize the Building Inspector to issue a conditional use permit for conditional use after the procedures of this section have been followed and a public hearing has been held, provided that such use is in accordance with the objectives and intent of this chapter and the Comprehensive Planning Program of the Village of Waldo.³Application.

3. **Editor's Note:** Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

B. Applications for conditional use permits shall be made to the Plan Commission and shall include the following:

- (1) Names and addresses of the applicant, owner of the site, planner or engineer responsible for the design, contractor, and all adjacent property owners of record.
- (2) Description of the area to be developed, including lot, block, recorded subdivision, type of structure proposed, use proposed, and present zoning.
- (3) Plat or survey (in triplicate) prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures, landscaping, natural ground features, easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; and existing and proposed street, side and rear yards. In addition, the plat of survey shall show the locations, elevation and use of any abutting lands and structures within 50 feet of the subject site.

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- (4) Additional information as shall be required by the Village Plan Commission or as indicated in subsequent subsections of this section.
- (5) Fee receipt from the Village Treasurer in the amount as set by the Village Board,⁴ which will be applied towards the Village's cost incurred in processing the application, except where exempted in subsequent subsections of this section.

4. Editor's Note: See Ch. A212, Fees.

- C. Public hearing. No more than 60 days after the filing of such application a public hearing shall be held on it by the Plan Commission. Notice of the public hearing shall be published as an ordinance is published. At least 10 days prior to the hearing, written notice of the hearing shall be mailed to the applicant and to all abutting property owners whose property lies within 100 feet on any side of the subject property. The notice of the hearing shall contain the date, time and place of the hearing, the street address, common description of the property and the legal description involved, and a brief statement of the conditional use sought.
- D. Review.
 - (1) The Village Plan Commission shall review the site and all aspects of the proposal, along with all provisions for circulation of traffic and extension of public utilities.
 - (2) The Village Plan Commission may impose conditions upon its determination that such requirements are necessary to accomplish the intent and purpose of this chapter. These conditions may pertain to landscaping, architectural design, construction commencement and completion dates, traffic circulation and restrictions, parking requirements, lighting, fencing, operational control, deed restrictions, sureties, or increased yards.
- E. Revocation. The Building Inspector may revoke the conditional use permit at any time if there has been a failure to comply with the conditions imposed or if there has been substantial change in the development without prior written approval for changes from the Plan Commission.
- F. Compliance.
 - (1) Complete state-approved plans will be required before issuance of a local building permit when a change of use is involved in instigating a conditional use request.
 - (2) All other provisions of this chapter shall be observed with the granting of a conditional use.
- G. Limitation. Conditional uses will be granted in the C-1 General Commercial District only. The owner of the property shall direct his request for a conditional use to the Village Plan Commission as provided in this section.
- H. Supper club uses. Supper clubs and general restaurants in the C-1 General Commercial District shall be conditional uses and permitted as provided in this chapter. Supper clubs shall be defined as restaurants serving food during a limited or special time schedule which serve alcoholic beverages.

§ 195-12. Effect on private covenants and other regulations.

This chapter shall not repeal, impair, or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

§ 195-13. District descriptions and permitted uses.

- A. Single-Family Residence District (R1). The R1 District is intended to provide a quiet, pleasant, and relatively spacious living area protected from traffic hazards and intrusion of incompatible land uses. The following uses of land are permitted:
- (1) Single-family dwellings, excepting mobile homes unless their location is approved by the Plan Commission as a part of a planned mobile home development or as a temporary use in connection with construction of a permanent residence.
 - (2) Churches, all grade schools, and libraries.
 - (3) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops, storage yards, and hospitals.
 - (4) Public parks, playgrounds, and recreational and community center buildings and grounds.
 - (5) Telephone buildings, exchanges and lines and transformer stations, excepting service garages and storage yards and excepting microwave radio relay structures unless the Plan Commission approves their location.
 - (6) Unlighted signs and bulletin boards of up to four square feet for advertisements for a lease or sale of the premises and eight square feet for public or religious announcements, provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest sidewalk or street.
 - (7) Rooms for up to two paying guests or boarders.
 - (8) One private garage and accessory buildings.
 - (9) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
- B. Multiple-Family Residence District (R2). The R2 District is intended to provide a living area that is pleasant but not as spacious as the R1 District. The following uses of land are permitted:
- (1) Any use permitted in the R1 District.
 - (2) Two-family dwellings and multiple family-dwellings.
 - (3) Hospitals and medical clinics to care for local needs.
 - (4) Charitable institutions, rest homes, and private, nonprofit clubs and lodges.
 - (5) Storage garages, provided that these must be at least 75 feet from the front lot line and 30 feet from the side lot lines, and provided that there must be at least 2,000 square feet of lot area for each vehicle stored.
- C. General Commercial District (C1). The C1 District is intended to provide an area for the business and commercial needs of the Village. The following uses of land are permitted:
- (1) Any use permitted in the R2 District.
 - (2) Post offices.

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- (3) General business and commercial uses which do not generate noise, smoke or odors that would create a public or private nuisance. These uses generally include:
 - a) Banks, commercial or professional offices, and telephone offices.
 - b) Hotels and motels.
 - c) Places of amusement and theaters, except drive-ins.
 - d) Personal service, automobile service, and equipment service establishments.
 - e) Bus depots.
 - f) Uses customarily incident to any of the above uses.
- D. Highway Commercial District (C2). The C2 District is intended to provide specialized commercial activities along major highways. The following uses of land are permitted:
 - (1) Retail establishments serving food or drink.
 - (2) Miniature golf courses, golf driving ranges, and drive-in theaters.
 - (3) Motels, tourist courts, and inns.
 - (4) Art, curio, antique, gift, book, stationery, sporting goods, and photography stores.
 - (5) Gas stations and automobile service stations.
 - (6) Bus depots.
 - (7) Uses clearly similar to those listed above.
 - (8) Uses customarily incident to any of the above uses.
- E. Conservancy District (W). The W District is intended to preserve the natural state of scenic areas in the Village and to prevent uncontrolled, uneconomical spread of residential development and to help discourage intensive development of marginal lands so as to prevent potential hazards to public and private property. There are no setback, lot size, or other dimensional requirements applicable to the W District. The following uses are permitted:
 - (1) Management of forestry, wildlife, and fish.
 - (2) Harvesting wild crops, such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.
 - (3) Hunting, fishing, and trapping.
 - (4) Dams, power stations, and transmission lines.
 - (5) Gravel or sand pits and quarries, including the washing and grading of products.
 - (6) Upon written permission from the Village Board (based on the purposes of this chapter and on the recommendation of the Plan Commission pursuant to the procedures prescribed for zoning amendments by § 62.23, Wis. Stats.), sewage disposal plants and water pumping or storage facilities, amusement parks, golf courses and driving ranges, and public camping grounds.
 - (7) Uses customarily incident to any of the above uses.

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- F. Industrial District (I). The I District is intended to provide for industrial, and manufacturing uses in areas separated from other sections of the Village. In this district any industrial use is permitted, except those that are dangerous or generate noise, smoke, traffic or air or water pollution that would create a public or private nuisance. All other uses (residential, commercial, and public) are prohibited unless written permission has been obtained from the Village Board on the recommendation of the Plan Commission, in accordance with the procedures prescribed for zoning amendments by § 62.23, Wis. Stats.
- G. Agricultural District (A). The A District provides exclusively for agricultural uses. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services (sewer and water lines.) The following uses are permitted:
- (1) Churches, schools, parks, and municipal buildings.
 - (2) Farming, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest residential district.
 - (3) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet advertising such sale.
 - (4) Water storage and sewage disposal plants and power stations, when surrounded by a woven fence of eight feet or more.
 - (5) Fur farms, kennels, insect breeding facilities, nurseries, greenhouses, and other agricultural uses that may cause noxious odors or noise or create health or sanitation hazards are permitted, but only with the written permission of the Village Board on the recommendation of the Plan Commission, in accordance with the procedures prescribed for zoning amendments by § 62.23, Wis. Stats.
 - (6) Uses customarily incident to any of the above uses, including residential use incident to any of the above uses.
- H. Planned Unit Development District (FR). The FR District is intended to provide for large-scale residential development. This district shall have no definite and measurable boundaries until such are approved by the Village Board, on the recommendation of the Plan Commission, in accordance with the procedures prescribed for zoning amendments by § 62.23, Wis. Stats. Plans for the proposed development shall be submitted in duplicate and shall show the location, size and proposed use of all structures and land included in the area involved. The plans may provide for a combination of single-family and multifamily development as well as related commercial uses, provided that the plans indicate that:
- (1) A single area of at least six acres is involved.
 - (2) Each residential building and lot in the district will conform to the R2 District requirements, and each commercial building and lot will conform to the C2 District requirements.
 - (3) Paved streets and sidewalks adequate to meet the needs of the area involved will be provided.
 - (4) Adequate access to public streets and proper internal circulation will be provided.
 - (5) Adequate sewer and water facilities will be provided.
 - (6) The development will constitute a reasonable extension of the living areas in the Village and will be compatible with surrounding land uses.

§ 195-14. Fences in residential districts. [Added 06-14-2021 by Ord. No. 2021-02]

A. Construction.

- (1) Support posts or similar structures shall be located on the owner's side of the fence so that the solid or "good side" is facing adjacent properties.
- (2) Fences located in a front yard must be open spindled and decorative in nature.
- (3) Wood fences shall be painted or stained neutral colors.
- (4) No barbed wire or electric fences are permitted unless livestock are involved.

B. Maximum Height.

- (1) Rear Yard: Six feet (6.0')
- (2) Front Yard: Four feet (4.0')
- (3) The height of a fence placed on a berm, retaining wall or similar object shall be measured from the final average lot elevation.

C. Placement.

- (1) Six-foot fences shall be placed no closer to a street than the nearest line of a main building on any side thereof, nor be maliciously erected or maintained for the purpose of annoying the owners or occupants of adjoining property, nor be of such a nature as to create a hazardous condition.
- (2) Four-foot fences in the front yard setback must be set back at least three feet (3.0') from the front property line.
- (3) All fences shall be set back at least four feet (4.0') from alleys and lanes.

D. Maintenance. Owners shall have the continuing obligation to maintain fences on their property. Broken, rotten, or deteriorating boards or other fence materials shall be repaired or replaced.

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195 Attachment 1
Village of Waldo

Table of Dimensional Requirements

	R1	R2	C1	C2	I	A
Maximum height* (feet)	35	35	35	35	35	35
Side yard: principal building** (feet)	9 each side	20 on each side multifamily; 9 on each side single-family	9 on each side	20 on each side	20 on each side	9 on each side
Side yard: accessory building** (feet)	3 on each side	5 on each side	3 on each side	3 on each side	5 on each side	3 on each side
Front yard setback** (feet)	25	25	15	25 (50 if parking is permitted in front)	25	20
Rear yard setback** (feet)	25	25	30	20	40	25
Lot area per family	1/5 acre	3,600 square feet for multifamily building; 7,200 square feet for two-family building; 1/5 acre for single-family building	Same as R2 District		1/5 acre single-family building	Enough for a bona fide farming operation
Minimum lot width (feet)	60	60	75	75	100	60
Parking: off-street residential	1 per family and 1 per 2 boarders	Same as R1 District	Same as R1 and R2 Districts		1 per family	1 per family
Parking: commercial			1 per 200 square feet of floor space	Same as C1 District	1 per 200 square feet of floor space	
Parking: places of public gathering/ industrial	1 per 5 seats	Same as R1 District	Same as R1 and R2 Districts	Same as R1, R2 and C1 Districts	1 per 5 seats; 1 per 3 employees	1 per 5 seats
Truck unloading area			Sufficient space so that no streets or alleys need to be blocked	Same as C1 District	Sufficient space so that no streets or alleys need to be blocked	

NOTES:

* Height: Top of building roof to front streets.

** Defined with reference to the main, front street as the front yard line, provided that the standard setback requirement shall apply to both abutting front or corner lots.