

**9.04-A AMENDMENT TO ORDINANCE REGULATING THE
ISSUANCE OF BUILDING PERMITS AND GENERAL
PERMITS IN THE VILLAGE OF SOLON SPRINGS**

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1.1 Authority

These requirements are adopted under the authority granted by the Village of Solon Springs Zoning Ordinances Section XI, dated August 1965 and Wisconsin Statutes 101.65.

1.2 Purpose

The purpose of this ordinance to define the issuance of permits by the Village of Solon Springs for projects on private residential and commercial property.

1.3 Scope

The scope of this ordinance includes the requirements to obtain a permit from the Village of Solon Springs to remodel an existing structure, to construct an alteration or addition to an existing structure, to construct a garage or to construct a new building or dwelling.

1.4 Permits required

Any property owner or contractor in the Village of Solon Springs is required to obtain a permit for the following projects:

- a. Remodeling the interior or exterior of an existing dwelling
- b. Installation of a fence, sidewalk, and driveway
- c. Construction of a garage or building (residential or commercial)
- d. Construction of an addition or alteration to an existing dwelling or building (residential or commercial)
- e. Construction of all new dwellings (residential or commercial)
- f. Installation of a manufactured home or building

If construction begins without a permit, the Village Board or their designee has the right to stop the work by issuance of a work stop

order and cease all work until the required permits are legally obtained.

1.5 Building applications for all new one and two family dwellings to be inspected

As outlined in Ordinance 9.04 and in compliance with Wisconsin Statutes 101.65, all new one and two family dwellings are to be inspected. The following is the procedure for a property owner or contractor to obtain a permit to construct a new one and two family dwelling in the Village of Solon Springs:

a. Two application packages are available at the village clerk's office:

1. Building permit application for site built dwellings
2. Building permit application for manufactured dwellings

b. The cost to obtain any one of the two application packages is thirty five dollars (\$35.00), which is paid to the village clerk before the application package can be obtained.

c. The property owner or contractor may be required to provide the Village of Solon Springs with a recent survey of the property where the project will occur and a site plan. If a survey cannot be

provided, the property owner or contractor may be requested to have a survey completed.

The application package provided will include all the pertinent information that the property owner or contractor will need to begin the permitting process.

1.6 Building applications and permits for additions, alterations and garages

The Village of Solon Springs will strongly recommend to any residential or commercial property owner or contractor requesting an application to construct an addition or alteration to an existing structure (includes second or more stories), an attached or detached garage, or an accessory building to have the projects inspected by a Certified Uniform Dwelling Code Building Inspector. A fact sheet explaining the importance of having the projects inspected along with the inspector's name, address and telephone number will be handed to anyone requesting an application for these projects.

If the residential or commercial property owner or contractor chooses not to have the project inspected, the application along with a site plan will be turned over to the Village Board at their next regular meeting for their review and consideration. The Village Board may,

at the meeting, deem necessary for the applicant to provide a recent survey or have a survey conducted.

No building permit for these projects can be issued without the permit fee being paid, a site plan received, a survey if applicable and Village Board review and approval.

1.7 Site plan and survey maybe required

Any residential or commercial property owner or contractor requesting an application for a project that is for new construction or will change the square footage of the existing buildings on the property, such as: an attached or detached garage, an accessory building, an addition or alteration to an existing dwelling, installation of a sidewalk, driveway or fence may be required to provide a site plan and possibly a survey.

A site plan is defined as follows: plot plans, showing the location of proposed building project with respect to adjoining streets, alleys, lot lines and buildings and a certificate signed by such applicant setting forth the easement restrictions and other matter affecting such property.

If a new dwelling or building is being constructed on a vacant piece of property, the property owner or contractor may be required to

provide proof of a survey of the property in question prior to the application package being given to them.

For all other construction project, the application and site plan will be presented to the Village Board at their next regular meeting for their review and consideration of approval. The Village Board upon review may require the property owner or contractor to provide proof that a survey was conducted or will be conducted before the Village of Solon Springs or their designee will the issue the permit to proceed with the project.

1.8 Setbacks requirements

When a residential or commercial property owner or contractor is constructing a new dwelling, building, garage, alteration or addition to an existing building, sidewalk, fence or driveway, the following setbacks must be adhered to:

Fences, the minimum setback is two (2) feet in from any property line.

Garages, the minimum setback is ten (10) feet from any village street right-of-way.

New dwellings, buildings, alterations or additions, the minimum setback is twenty-five (25) feet from any village street right-of-way.

New dwellings, buildings, alterations or additions, the minimum setback is thirty-five (35) feet from any state highway right-of-way.

New dwellings, buildings, alterations or additions, the minimum setback is fifteen (15) feet from any village alley right-of-way.

New dwellings, buildings, alterations, or additions, the minimum setback is seventy-five (75) feet from the high water mark if lake property.

A rear yard should have a minimum depth of fifty (50) feet. For dwellings/buildings of one and one-half (1 ½) stories, a sum of not less than fifteen (15) feet and no single side yard less than six (6) feet from the property line.

For dwellings/buildings of two and one-half (2 ½) stories, a sum of not less than twenty (20) feet and no single side yard less than eight (8) feet from the property line.

Maximum height is thirty-five (35) feet and two and one-half stories (2 ½).

Minimum dwelling size is six hundred (600) square feet per family.

Minimum lot size needed for construction of a new home eight thousand, seven hundred (8,700) square feet. If building plans do comply with the setbacks listed, the property owner must submit a written request to the Village Board to consider granting a variance. The cost for a variance is one hundred twenty five dollars (\$125.00).

1.9 General applications and permits

A permit is required for any remodeling project or minor repairs of the exterior or interior of an existing building or dwelling, which project cost would exceed five-hundred dollars (\$500.00).

A permit can be issued immediately to any residential or commercial property owner or contractor for a remodeling project, upon completion of the application and payment of the thirty five dollars (\$35.00) fee.

1.10 Fees for applications and permits

The fee schedule is as follows:

Application package for a new site built dwelling	\$35.00
Application package for a new manufactured dwelling	\$35.00
(Permits for these projects will be issued by the UDC INSPECTOR)	
Permits for alterations, additions, garages, buildings	\$35.00
Permits for fences, sidewalks, driveways	\$35.00

Permits for remodeling projects	\$35.00
Permits for projects that commence without obtaining a permit	\$100.00

1.11 Period of Permits

The period for permits issued for new one and two family dwellings is determine by the Uniform Dwelling Code Inspecting Agency.

The period for permits issued by the Village of Solon Springs is one (1) year from the date the permit was issued. If the project is not completed within one (1) year, the property owner or contractor must request an extension of time from the Village Board or its designee.

1.12 Revocation of permits

The Village Board may revoke any building permit or approval issued under the regulations of this ordinance and may stop construction for any of the following reasons:

a. If the Village Board or its designee shall find, at any time that any Village ordinance, law, order, plan and specification is not being conformed with and that the holder of the permit refused to conform after written warning has been issued.

b. Whenever the continuance of any construction becomes dangerous of life or property.

c. Whenever there is any violation of any consideration or provisions of the application for permits or of the permit.

The notice issued by the Village Board shall revoke the building permit by written notice posted at the site of the work.

When any such permit is revoked, it shall be unlawful to do any further work there under until the permit is reissued, excepting such work as the Village Board or its designee may order to be done as a condition precedent to the re-issuance of the permit, or as they may require of the preservation of human life and safety of the property.

Any additional fees imposed, due to the revocation, shall be paid to the Village of Solon Springs prior to the recommencement of work. The penalty fees shall not exceed the penalty description as described in Section 1.14 of this ordinance.

1.13 Report of violations

Any village employee, inspector, or board member who witnesses any and all suspicious building activity, must report this activity to the entire Village Board. The Village Board will investigate any unusual activity and take the appropriate action. Furthermore, the Village Board, if deemed necessary, may contact the Village

Uniform Dwelling Code Inspector or another State Building Inspector at the property owner's expense.

2. If the construction project is underway and the property owner or constructor does not have a valid building permit, the Village Board will order the Village Marshal or its Designee to post the site with a stop work order until said permit is legally obtained.

1.14 Penalties

The Village Board or its designee has the right to issue a stop work order for any construction project that began without a valid permit. Work will not commence until the required permit is obtained.

The enforcement of this section and all other laws and ordinances relating to building and construction shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each day of non-compliance.

Adopted July 27, 2004.

9.05-A AN ORDINANCE ESTABLISHING A SETBACK FOR INSTALLATION OF FENCES ON PRIVATE PROPERTY

SECTION 1: At present the Village of Solon Springs Zoning Ordinances do not require a setback for installation of fences on private land; the ordinances allow fences to be installed on the property lines. With fences located on property lines, the property owner who owns the fence and is responsible for maintenance of the fence would have to walk on the adjoining property owner's land to maintain the fence.

SECTION 2: To eliminate any liability, the Village Board by this ordinance as allowed by Wisconsin Statutes 61.351 section 4b, will require a setback for all fences that are erected on any private property in the Village Solon Springs to be no less than two (2) feet from a property line.

SECTION 3: This ordinance shall take effect upon proper publication and posting as required by Wisconsin Statutes. Further, any law, resolution or ordinance that is in conflict with this ordinance shall become null and void.

Adopted June 28, 1999.

9.07 ZONING ORDINANCES

ZONING ORDINANCE

VILLAGE OF SOLON SPRINGS

WISCONSIN

AUGUST 1965

An ordinance to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes to divide the Village of Solon Springs, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

The Village Board of the Village of Solon Springs, Wisconsin, do ordain as follows:

SECTION 1. INTERPRETATION AND PURPOSE

The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort,

prosperity and general welfare of the Village of Solon Springs, Wisconsin.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with an existing easement, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

SECTION II. DISTRICTS

1. For the purposes of this ordinance, the Village of Solon Springs, Wisconsin is hereby divided into 5 districts as follows:
 - (1) Agricultural District
 - (2) Single Family District
 - (3) Commercial District
 - (4) Light Industrial District
 - (5) Heavy industrial District

2. The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Zoning District Map, Village of Solon Springs, Wisconsin," dated _____,

19__, which map accompanies and is made a part of this ordinance. All notations and references shown on the district map are as much as a part of this ordinance as through specifically described herein.

(a) The district boundaries are either streets, alleys, lot lines, or natural features such as streams, unless otherwise show, and where the designation on the district map indicates that the various districts are approximately bounded by a street, alley, lot line or stream, such lot line or the center line of such street or alley, or the main channel of such stream shall be construed to be the district boundary line.

(b) In un-subdivided property, the location of the district boundary lines shown on the district map shall be determined by use of the scale show on such map.

3. There shall be a certified copy of the district map described above. A copy of such map shall be kept in the office of the village clerk, and shall be available for inspection by any person during regular office hours. Such copy shall bear on its face the notation that it is the certified copy of the district map. The certificate to be signed by the village president and attested by the village clerk, and it shall show the number and title of this ordinance the date of its adoption.

Thereafter no amendment of this ordinance which causes a change in the boundaries of any district shall become effective until such change, together with a certified describing the change has been shown in the certified copy. Such certificate of amendment shall likewise be signed by the village president, attested by the village clerk, and shall show the number of amending ordinance and the date of its adoption.

SECTION III. DEFINITIONS

For the purposes of this ordinance, certain words and terms are defined as follows:

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 work “building” includes the word “structure”, the work “shall” is mandatory and not directory. Any words not herein defined shall be construed as defined in the state and city building codes.

Accessory Use or Building. A use or building on the same lot with and subordinate to the main use or building and customarily incidental thereto. An automobile trailer or other vehicle or part thereof, or other building used as a temporary or permanent dwelling

or lodging place is not an accessory use or building for the purpose of this ordinance.

Alley. A public or private way which affords only secondary vehicular access to abutting property.

Apartment House. See “Dwelling, Multiple.”

Automobile Wrecking Yard. Any premises on which more than one automotive vehicle not in running or operating condition is stored in the open.

Basement. A story partly or wholly underground.

Boarding House. A building other than a hotel where meals, or lodging and meals are furnished for compensation for persons who are not members of the resident family.

Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building, except for side yard requirements where manifestly inappropriate.

Building, Height of. The vertical distance from the average curb level in front of the lot or the finished grade at the front building line,

whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

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

Dwelling, One Family. A detached building designed for an occupied exclusively by one family.

Dwelling, Two Family. A detached or semidetached building designed for and occupied exclusively by two families.

Dwelling, Multiple. A building or portion thereof designed for and occupied by more than two families, including tenement houses, row houses, apartment houses and apartment hotels.

Exception. The use of property, including the use and location of buildings, the size of lots and the dimensions of years, otherwise not allowable under the terms of this ordinance, for which a special permit may be issued under the conditions specified in this ordinance.

Family. One or more persons living together in one dwelling unit as a single housekeeping entity; provided that a family may consist of not more than six such persons when not related by blood or marriage.

Floor Area. The area within the exterior all lines of a building; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, basement or utility rooms, garage, breeze-way and unenclosed porches.

Frontage. All the property abutting on one side of a street between two intersections streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

Garage, Private. An accessory building or space for the storage only of automobiles.

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

Garage, Storage. Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

Home, Occupation. A gainful occupation, such as dressmaking, laundering, home cooking, handicraft and the like,

conducted by members of the family only, within their place of residence.

Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

Junk Yard. Any premises on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber or other scrap materials stored or customarily stored for salvage or sale, unless such accumulation shall be housed in a completely enclosed building.

Less Restricted. The use of land or buildings first permitted in a certain district is less restricted than other uses first permitted in districts appearing earlier in the numerical order in which such districts are numbered in this ordinance.

Loading Space. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, and abutting on or affording direct access to a public street or alley, for the temporary parking of a commercial vehicle while loading or unloading cargo. A loading space is not a parking space for the purposes of this ordinance.

Lodging House. A building other than a hotel where rooms, without board or kitchen facilities either in or in connection with such rooms, are provided for compensation for persons not members of the resident family.

Lot. A parcel of land having a width and depth of sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaces required by this ordinance and abutting on a public street or officially approved place.

Lot, Corner. A lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.

Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

Lot, Interior. A lot other than a corner lot.

Lot, Through. An interior lot having frontage on two streets.

Lot Lines. The lines bounding a lot as defined herein.

Lot, Width of. The shortest distance between the side lines of a lot, measured to the rear of the required front yard.

More Restricted. The use of land or buildings first permitted in a certain district is more restricted than other uses first permitted in

districts appearing later in the numerical order in which such districts are numbered in this ordinance.

Motel. A building or group of buildings in which lodging, with or without meals, is offered to transient guests for compensation, with no kitchen facilities in any individual room or apartment, and with not less than one off-street parking space provided for each such room or apartment.

Nonconforming Use. A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto which use or occupancy does not conform to the regulations of this ordinance or any amendments thereto.

Parking Lot. A building or premises off the public street containing one or more parking spaces, open to the public free or for a fee, and providing access from a public street or alley to each parking space within such parking lot.

Parking Space. An unobstructed piece of ground or floor space sufficient for the temporary storage of one automobile. Each such parking space shall be not less than nine feet wide and 180 square feet in area exclusive of maneuvering space and access from or to a

public street or alley. A loading space is not a parking space for the purposes of this ordinance.

Professional Offices. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

Setback. The depth of the front yard, measured horizontally on a lot from and at right angles to the front lot line or the right-of-way line of a proposed street on the official map, whichever results in the greater front yard depth.

Sign. Any structure or device, except those placed by the public authorities for public purposes, on which advertising is displayed, or attention is directed to advertising on the same or any other structure by any means visible to the eye.

Stable. "Stable" shall have the same meaning as "garage", one draft animal being considered the equivalent of one self-propelled vehicle.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half. The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street. All property dedicated or intended for public or private street purposes or subject to public easements therefore, which affords the principal means of vehicular access to abutting property.

Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.

Street Side. A street bounding the longer side of a corner lot.

Structural Alterations. Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

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

Trailer Camp. A tract or parcel of land on which accommodations are provided for two or more automobile trailers, camp cabins, house cars or other mobile homes.

Variance. A departure from the terms of this ordinance as applied to a specific building or lot, which the board of appeals may permit, contrary to the regulations of this ordinance for the district in which such building or lot is located, when the board finds that a literal application of such regulations will cause a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is not compensating gain to the public health, safety or welfare.

Vision Clearance. A space at the street corner of a corner lot which is bounded by the street lines and setback line connecting pints located on each street line at specified distances from the corner.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard extending the full width of a lot between the nearest wall of the main building and the front lot line or the right-of-way line of a proposed street on the official map, whichever requires the greater front yard depth, excluding only such projections as are permitted hereinafter.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the nearest wall of the main building, excluding only such projections as are permitted hereinafter. In the case of irregular or triangular lots, where none of the lines bounding the rear of the lot are parallel or approximately parallel to the front lot line, the rear lot line for the purpose of this ordinance shall be a line 15 feet long, wholly within the lot, parallel to the front lot line or the main chord thereof, and at the maximum distance from the front lot line.

Yard, Side. A yard extending from the front yard to the rear yard, between the side lot line and the nearest wall of the main building, excluding only such projections as are permitted hereinafter.

SECTION IV. GENERAL PROVISIONS

Except as specifically provided otherwise in this ordinance, the following regulations shall apply to all districts:

A. Buildings and Uses

1. No provision of this ordinance shall be construed to bar an action to enjoin or abate the use of occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.

2. No provision of this ordinance shall be construed to prohibit the customary and necessary construction, reconstruction or maintenance of over-ground or underground public utility neighborhood service lines and mechanical appurtenances thereto, where reasonable necessary for the preservation of the public health, safety, convenience and welfare.

3. The use of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.

4. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot.

5. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this ordinance and the construction of which shall have been started within six months from the date of such permit.

6. Nonconforming Uses.

(a) The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment thereto may be contained although such use does not conform with the provisions of this ordinance for the district in which it is located, but no building or premises containing a nonconforming use shall be enlarged or extended.

(b) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restricted classification. Whenever a nonconforming use such use shall not thereafter be changed to a less restricted use. A nonconforming use shall not be changed to another nonconforming use of the same classification unless and until a permit therefore shall first have been secured from the board of appeals. See Section IV, A 9.

(c) If the nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.

(d) When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the

extent of more than 60 percent of its current equalized assessed value it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs of alterations in any nonconforming use shall not during its life exceed 50 percent of the equalized assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

7. Accessory buildings which are not a part of the main building shall not occupy more than 30 percent of the area of the required rear yards, shall not be more than 15 feet high and shall not be nearer than 5 feet to any lot line, except that where a private garage has an entrance on an alley, such entrance shall be located not less than ten feet from the nearest alley line. The above height and area restrictions shall not apply to accessory buildings on farms or ten or more acres in area, but such accessory buildings shall not be closer than 100 feet to any side lot line. Where an accessory building is not located entirely within the rear yard, the side yard requirements for the district in which the premises are located shall be applied to such accessory building.

8. The board of appeals, after investigation and public hearing, may authorize the location of any of the following buildings or uses in any district from which they are excluded by this ordinance, provided that the board shall find that the proposed location is necessary in order to serve the public health, safety, convenience and welfare, and provide further that each such building or use shall comply with all other regulations for the district in which it is proposed to be located. To protect the value of neighboring buildings or uses, the board may attach reasonable conditions and safeguards, in line with the general purpose and intent of this ordinance.

- (a) Cemeteries.
- (b) Fire and police stations.
- (c) Hospitals and clinics, but not veterinary hospitals or clinics.
- (d) Institutions, public or private, of an educational, philanthropic or charitable nature.
- (e) Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- (f) Public dumping grounds.
- (g) Public utility buildings, structures and lines, including microwave radio, relay structures and their appurtenances, for such purposes as are reasonably necessary for the public convenience and welfare.

(h) Railroad siding and structures.

(i) Sewage disposal plants.

9. The board of appeals, after investigation and public hearing, may authorize the change of a nonconforming use to another of the same classification, provided that the board shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use.

B. Area Regulations

1. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

2. Where a lot has an area less than the minimal number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by one family.

C. Height Regulations

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged or structurally

altered shall be in compliance with the regulations established herein for the district in which such building is located.

2. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the main level of the adjoining ground is more than five feet.

3. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not excluding 60 feet nor five stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

4. Ornamental structures, radio and television, broadcasting and receiving towers, telephone, telegraph and power transmission poles, towers and lines, microwave radio relay structures and necessary mechanical appurtenances, and accessory structures essential to the use or protection of a building or to a manufacturing process carried on therein, are hereby exempted from the height regulations of this ordinance and may be erected in accordance with other local regulations or ordinances; provided that any such

structure which is accessory to a building in a residential district shall be located not less than 25 feet from any lot line.

5. Residences may be increased in height by not more than ten feet with all yards and other requested open spaces are increased by one foot for each foot by which such building exceed the height limit of the district in which it is located.

6. Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.

7. On through lots which extend from street to street, the height of the main building may be measured from the main elevation of the finished grade along the end of the building facing either street.

D. Front, Side and Rear Yard Regulations

1. No part of a yard or other open space provided about any building for the purpose of complying with the provision of this ordinance shall be included as part of a yard or other open space required for another building.

2. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district

equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

3. Where 50 percent or more of a frontage is occupied by buildings having setbacks which are greater or less than the setback required by this ordinance for the district in which such frontage is located, the setback on the remainder of such frontage shall be the average setback of such buildings.

4. Where less than 50 percent of a frontage is occupied by buildings, the following setbacks shall apply:

(a) Where a vacant lot abuts an occupied lot having a setback greater than is required by this ordinance, the setback on the abutting vacant lot shall be the average of the setback required by this ordinance for the district in which such lot is located and the setback on the occupied lot, or the average of such required setback and the lesser of the setbacks on the occupied lots, if the vacant lot abuts more than one occupied lot in the same frontage.

(b) Where a vacant lot abuts a lot occupied by a building which has a setback less than is required by this ordinance, the

setback on the vacant lot shall be the setback required by this ordinance for the district in which such lot is located.

5. No part of any building which has a setback less than is required by this ordinance shall be enlarged or structurally altered within the front yard established by the setback required by this ordinance for the district in which such building is located.

6. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.

7. Every part of a required yard shall be open and unoccupied by any structure from the ground upward, except as follows:

(a) Detached accessory buildings may be located in a required rear yard or in a side yard having excess width, but not in any part of such side yard that is required by this ordinance.

(b) Sills, belt courses, cornices, awnings, canopies, eaves and ornamental architectural features may project into any required yard not more than 30 inches; provided that no such feature shall project over the street line not more than eight inches; provided

further that this regulation shall not apply to retractable awnings, which may extend over a street line to a point not less than one foot from the curb line.

(c) Bay windows, balconies and chimneys may project into any required yard not more than three feet, or into any side yard which does not abut on a street three feet, or 20 percent of the width of such yard, whichever is the lesser amount; provided that the total length of such projections on any one building wall shall not exceed one-third the length of such building wall.

(d) Fire escapes may project into any required yard not more than five feet, or into any side yard which does not abut on a street five feet or 20 percent of the width of such side yard, whichever is the less amount; provided that this regulator shall not be construed to require or permit a fire escape of less width than the minimum established by the state building code.

(e) Uncovered stops, stoops and landings may project into any required yard not more than six feet, or into any side yard which does not abut on a street six feet or 20 percent of the width of such yard, whichever is the lesser amount; provided that no such steps, stoops, or landings shall extend above the main or principal

entrance floor, except for a railing or wall not more than three feet in height.

(f) Platforms, walks and drives extending not more than six inches above the average ground level at their margins, and retaining walls when the top of any such wall is not more than six inches above the average level of the abutting ground one side, may be located in any required yard.

(g) Fences, hedges and walls other than retaining walls may be located as follows:

(1) Fences having a ratio of solid part to open part greater than one to four hedges and walls, except retaining walls, more than six feet in height shall be considered as buildings or structures, and the appropriate requirements of this ordinance shall be applied accordingly.

(2) Fences, hedges, and walls, except retaining walls, shall not exceed five feet in height, with visual clearance on corners when located in a front yard or in a side yard which abuts on a street.

(3) Fences, hedges, and walls, except retaining walls, shall not exceed two and one-half feet in height when located in a vision clearance triangle.

(4) Fences shall be installed not less than two feet from a property line.

8. There shall be a vision clearance setback line connecting the points at which the required front and side street setback lines on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and the street lines, no structure or object or natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet and ten feet above the elevation of the street pavement at the center line, or the elevation of the top of the curb if there be a curb.

This regulation shall not apply to the trunks of trees, fence posts not over six inches square or in diameter, retaining walls used to support ground at or below its natural level or wire fences so designated and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

E. Motor Vehicles and Parking

1. Not more than two automobiles, including not more than one truck of not more than five tons rated capacity, shall be stored or kept in any private garage for each family residing on the premises, provided that this regulation shall not apply to garages or machinery storage sheds or operating farms in the Agriculture District. See Section X, B 4 (H).

2. No commercial motor vehicle exceeding 14 G.V.W. Rating (tons rated capacity) shall be stored or parked on residential property.

3. In any Commercial or industrial District, wherever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.

4. (a) All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space off the public street of sufficient size to accommodate at least one car for every five seats provided.

(b) Every dwelling hereafter erected or structurally altered shall provide parking space on the same lot, off the public street and accessible thereto, in the ratio of not less than one such parking space for each family which the building is intended to accommodate.

(c) Every building hereafter erected or structurally altered for any industrial use shall provide not less than one parking space for each four employees on the premises at any one time, plus not less than one additional parking space for each vehicle operated in connection with the use of such building.

SECTION V. AGRICULTURAL DISTRICT

Use. In the Agricultural District, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. General farming, except fur farms and farms operated for the disposal of garbage, rubbish, offal or sewage.

2. Single family dwellings; provided that there may be one two-family dwellings or two single family dwellings on any operating farm, or not more than two trailer in addition to permitted

dwellings, when such trailers are occupied by person engaged in the farm operation.

3. Accessory buildings; in the case of operating farms, this term shall include all buildings customary on such farms, provided that buildings in which farm animals are kept shall be located not less than 100 feet from the nearest point on the boundary lines of any non-farm residential lot; in the case of non-farm residences the requirements of Section VI relating to accessory buildings shall apply.

4. No over four boarders or lodgers not members of the family.

5. Churches, public and parochial schools.

6. Hospitals and clinics, including veterinary hospitals and clinics.

7. Nursing homes, convalescent homes, homes for the aged.

8. Telephone, telegraph and power transmission towers, poles and lines and accessory structures, such as transformers, unit substations and portable equipment housings; microwave radio relay structures and radio and television broadcasting towers when their

location shall first have been approved by the board of appeals, subject to the procedure specified in Section IV, A 8.

9. Railroad lines and structures.

10. Roadside stands for the sale of farm products produces on the premises.

11. Cemetery's.

12. Gravel pits and quarries, but not including manufacture of products on the premises or other than the production of crushed stone, gravel or sand.

13. Uses customarily incidental to any of the above uses when located on the same lot.

14. Home occupations, provided that such occupation is incidental to the use of the premises for residential purposes and does not effect any substantial change in the character of the premises or of the neighborhood; that no article is sold or offered for sale on the premises except such as is produced by such occupation; that no stock in trade is kept or sold; that no mechanical equipment is used other than such as is permissible for purely domestic purposes; and that no person other than a member of the resident family is employed on the premises.

15. Professional office, when established in a home and incidental to the residential occupation. Not more than 50 percent of the floor area of only one story of such home shall be devoted to such office, and not more than two persons not members of the family shall be employed on the premises.

16. Signs as follows:

(a) One sign, on the premises, for each professional person or home occupation, not over two square feet in area.

(b) One announcement sign or bulletin board for each public, religious or educational institution, not over 16 square feet in area.

(c) A sign, not over six square feet in area, pertaining to the lease, hire or sale of a building or premises, except that there may be two such signs for a group of more than three contiguous vacant lots.

(d) Two signs, not over six square feet in an area, for each roadside stand.

(e) One sign, not over four square feet in an area, for each hospital, clinic, nursing home, convalescent home or home for

the aged. Such signs may be illustrated if attached flat against the building or if located not less than 50 feet from the nearest residence.

(f) One sign, attached flat against the building, advertising a permitted business.

(g) Signs for the protection of person or property.

(h) Signs placed by the public authorities for the guidance or warning of traffic.

Provided that no advertising sign of any other character shall be permitted in the Agricultural District; that all permitted signs, except signs placed by order of the public authorities or required to be located otherwise by law, shall be located on the premises to which they relate and at least five feet within the lot from the street line, and that no sign shall be illuminated, unless otherwise provided herein or so ordered by the public authorities.

Height, Yards and Area

In the Agricultural District, the height of buildings, the minimum dimensions of yards, the minimum size of dwellings and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected, moved or structurally altered shall exceed neither 35 feet nor two and one-half stories in height. See Section IV, C 2, 3, 4, 5, 6 7.

Side Yard. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. For buildings not over one and one-half stories, in height the sum of the widths of the required side yards shall be not less than 15 feet and no single side yard shall be less than six feet in width.

For buildings from two to two and one-half stories in height, the sum of the widths of the required side yards shall be not less than 20 feet and no single side yard shall be less than eight feet in width.

Provided, however, that on a lot having a width of less than 66 feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yard shall be not less than 20 percent of lot width for a building not over one and one-half stories in height, and 30 percent of lot width for a building from two to two and one-half stories in height; provided further that the with of any single side yard shall be not less than 40 percent of the total required side yard width, but in no case less than four feet. A side yard shall be

provided on the street side of a reversed corner lot as required under “Setback” below. See Section IV, A 5; B 2; D 1, 2, 6, 7.

Setback. There shall be a setback of not less than 25 feet, provided that on any reversed corner lot less than 80 feet wide and of record at the time of passage of this ordinance, the setback on the side street shall be the setback required on the adjoining interior lot on such side street less one-half foot for each foot by which the width of the said corner lot is less than 80 feet, but the setback on the side street shall not be less than 50 percent of the setback required on such adjoining interior lot; provided, however, that the setback for detached accessory buildings shall be that required on the side adjoining interior lot. See Section III “Yard, Front,” and IV, A 5; B 1; D 3, 4, 5.

Rear Yard. There shall be a rear yard having a depth of not less than 50 feet. See Section IV, A 5; B 1; D 1, 2.

Minimum Dwelling Size. No building hereafter erected or moved for incidental purposes, except permitted mobile homes, shall have a floor area of less than 600 feet (square) per family. See Section III “Floor Area.”

Lot Area Per Family. Every building hereafter erected or moved shall provide a lot area of not less than 10,000 square feet per family, and no such lot shall be less than 66 feet in width; provided that no corner lot hereafter lay out or divided shall be less than 80 feet in width. See Section III "Lot Width of," and Section IV, A 5; B 1, 2; D 1.

Vision Clearance. There shall be a vision clearance setback line connecting the points at which the inner lines of the required front and side street yards on a corner lot, when projected, intersect the street lines. Within the space bounded by such setback line and the street lines, no structure or object or natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet and ten feet above the elevation of the street pavement at the centerline, or the elevation of the top of the curb if there be a curb. This regulation shall not apply to the trunks of trees, fence posts not over six inches square, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorist and pedestrians across the vision clearance opening from one street to another.

Auto Parking. See Section IV, E 4.

SECTION VI. SINGLE FAMILY RESIDENCE DISTRICT

Use. In the Single Family Residence District, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Single family dwellings. See Section X, B 4 (g).
2. Churches, public and parochial schools, public libraries and other public educational and cultural institutions. Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums. Public recreational and community center buildings and grounds, such as parks, playgrounds, golf courses and swimming pools
3. Telephone buildings, exchanges and lines, unit or neighborhood substations and transformers, provided there is no service garage or storage yard; telephone, telegraph and power transmission poles and lines and necessary appurtenances, including portable public utility equipment housings. This regulation, however, shall not include microwave radio relay structures unless and until the location thereof shall first have been approved by the

board of appeals. The setback requirements of this ordinance shall not be applied to the necessary and customary construction, reconstruction and maintenance of public utility poles and lines.

4. Not over three boarders or lodgers not members of the family.

5. Railroad right-of-way and passenger depots, not including switching, storage, freight yards or siding.

6. Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.

7. Home occupations, provided that such occupation is incidental to the use of the premises for residential purposes, does not involve any structural alteration of the building or any external construction not customary in dwellings, is not conducted in a detached accessory building, that no article is sold or offered for sale on the premises except such as is produced by such occupation, that mechanical equipment is used other than such poses and that no person other than a member of the immediate family living on the premises is employed.

8. Professional offices, when not more than one such office is established in any one dwelling, provided that such office shall be

incidental to the residential occupation. Not more than 50 percent of the floor area of only one story of a dwelling unit shall be occupied by such office and not more than two persons not members of the family may be employed in such office.

9. Signs as follows:

(a) One sign, on the premises, for each professional person or home occupation, not over one square foot in area.

(b) One announcement sign or bulletin board for each public, religious or educational institution, not over 12 square feet in area.

(c) A sign, not over four square feet in area, pertaining to the lease, hire or sale of a building or premises, except that there may be two such signs for a group of more than three contiguous vacant lots.

(d) Two signs, not over four square feet in area, for each roadside stand.

(e) Signs for the protection of person or property.

(f) Sign placed by the public authorities for the guidance of warning of traffic.

Provided that no advertising sign or any other character shall be permitted in the Single Family Residence District; and provided further that all permitted signs, except signs placed by the public authorities or required to be located otherwise by law, shall be located on the premises to which they relate, and at least five feet from the inside sidewalk line, and that no such sign shall be illuminated except by order of the public authorities.

Height, Yards and Area

In the Single Family Residence District, the height of buildings, the minimum dimensions of yards and the minimum to area per family shall be as follows.

Height. Buildings hereafter erected or structurally altered shall exceed neither 35 feet nor two and one-half stories in height. See Section IV, C 2, 3, 4, 5, 6, 7.

Side Yard. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. For buildings not over one and one-half stories high, the sum of the widths of the required side yards shall be not less than 15 feet and no single side yard shall be less than six feet in width.

For buildings from two to two and one-half stories in height, the sum of the widths of the required side yard shall be not less than 20 feet and no single side yard shall be less than eight feet in width.

Provided, however, that on a lot having a width of less than 66 feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yards shall be not less than 20 percent of lot width for a building not over one and one-half stories in height and 30 percent of lot width for a building from two to two and one-half stories in height; provided further that the width of any single side yard shall be not less than 40 percent of the total required side yard width, but in no case less than 4 feet, as required under "Setback" below. See Section IV, A 5; B 2; D 1, 2, 6, 7.

Setback. There shall be a setback of not less than 25 feet except on U.S. Highway 53 where the setback be not less than 35 feet, provided that on any corner lot less than 80 feet wide and of record at the time of the passage of this ordinance, the setback on the side street shall be the set back required on the adjoining interior lot on such side street less one-half for each foot by which the width of the said corner lot is less than 80 feet, but the setback on the side street shall not be less than 50 percent of the setback required on

such adjoining interior lot; provided, however, that the setback for detached accessory buildings shall be that required on the said adjoining interior lot. See Section III, "Yard, Front," and Section IV, A 5; B 1; D 3, 4, 5.

Rear Yard. There shall be a rear yard having a depth of not less than 50 feet. See Section IV, A 5; B 1; D 1, 2.

Minimum Dwelling Size. No building hereafter erected or moved for residential purposes, except permitted mobile homes, shall have a floor area of less than 600 square feet per family. See Section III, "Floor Area."

Lot Area Per Family. Every building hereafter erected, moved or structurally altered shall provide a lot area of not less than 8,700 square feet per family and no such lot shall be less than 66 feet in width; provided that nor corner lot hereafter laid out or divided shall be less than 80 feet in width. See Section III, "Lot, Width of," and Section IV, A 5; B 1, 2; D 1.

Vision Clearance. There shall be a vision clearance setback line connecting the points at which the required front and side street setbacks on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and

street lines, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet and ten feet above the elevation of the street pavement at the intersection of the centerlines, or the elevation of the top of the curbs at their intersection if there be a curb. This regulation shall not apply to the trunk of trees, posts not over six inches square or in diameter, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

Auto Parking. See Section IV, E 4.

SECTION V1-A. MULTIPLE DWELLING RESIDENTIAL DISTRICT

Use. In a Multiple Dwelling District only buildings meant for Multiple Family Dwellings may be erected in this district.

Lot Area. Every building hereafter erected, moved or structurally altered shall provide a lot area of not less than 3,750 square feet per family and no such lot shall be less than 66 feet in width; provided that no corner lot hereafter laid out or divided shall be less than 80 feet in width. See Section III, "Lot, Width of," and Section IV, A 5; B 1, 2; D 1.

Height, Yards and Area. In the Multiple Dwelling Residential District, the height to buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings thereafter erected or structurally altered shall exceed neither 35 feet or two and one-half stories in height.

See Section IV, C 2, 4, 5, 6, 7.

Side Yard. There shall be a side yard on each side of the building hereafter erected, moved or structurally altered. For building not over one and one-half stories in height, the sum of the widths of the required side yards shall not be less than 15 feet and no single side yard shall be less than six feet in width.

For buildings from two to two and one-half stories in height, the sum of the widths of the required side yards shall be not less than 20 feet and no single side yard shall be less than eight feet in width.

Provided, however, that on a lot having a width of less than 66 feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yards shall be not less than 20 percent of the lot width in heights and 20 percent of the lot width for buildings from two to two and one-half stories in height; provided further that the width of any single side yard shall be not less than 40

percent of the total required side yard width, but in no case be less than 4 feet. As required under "Setback" below. See Section IV, A 5; D 1, 6, 7.

Setback. There shall be a setback of no less than 25 feet except on U.S. Highway 53 or Business 53 where the setback be no less than 35 feet, provided that on any corner lot less than 80 feet wide and of record at the time of passage of this ordinance, the setback on the side street shall be the setback required on the adjoining interior lot on such side street less one-half of each foot by which the width of the said corner lot is less than 80 feet, but the setback on the side street shall not be less than 50 percent of the setback required on such adjoining interior lot; provided, however, that the setback for detached accessory buildings shall be that required on the said adjoining interior lot. See Section III, "Yard, Front," and Section IV, A 5; B 1; D 3, 4, 5. Having a depth of not less than 50 feet, see Section IV, A 5; B 1; D 1, 2.

Minimum Dwelling Size. No building hereafter erected or moved for residential purpose, except permitted mobile homes, shall have a floor area of less than 600 square feet per family. See Section III, "Floor Area."

Vision Clearance. There shall be a vision clearance setback line connecting the points at which the required front and side street setbacks on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and the street lines, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet and ten feet above the elevation of the street pavement at the intersection of the centerlines, or the elevation of the top of the curbs at their intersection if there be a curb. This regulation shall not apply to trunks of trees, posts not over six inches square or in diameter, or wire fences so designed and constructed as not to constitute a substantial obstruction to another.

Auto Parking. In the Multiple Dwelling Residential District two parking spaces per dwelling unit will be provided.

Approvals Required. Any structure which is requested to be built in Multiple Dwelling Residential District of the Village of Solon Springs shall have approval by the Village Board. Each application must be accompanied by a site plan containing topography and proposed structural location and design.

SECTION VII. COMMERCIAL DISTRICT

Use

In the Commercial District no building or premises shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Animal hospital, pet shop.
2. Art shop, antique shop, gift shop.
3. Automobile fuel, sales and service establishments.
4. Bakery (retail).
5. Bank, financial institution.
6. Barber shop, beauty parlor.
7. Book and stationary store.
8. Bowling alley, pool and billiard room.
9. Bus depot.
10. Business and professional offices.
11. Candy and confectionery store.
12. Clinics.
13. Clothes store, department store, dress shop, hosiery shop, millinery shop, shoe store.
14. Drug store, ice cream shop, pharmacy, soda fountain.
15. Florist shop.
16. Food and dairy products establishments (retail), delicatessen, fruit and vegetable market, grocery store, meat and fish market.
17. Furniture store, office equipment store, upholsterer's shop.
18. Hardware store, home appliance store, paint store, plumbing, heating and electrical supplies store and sporting goods store.
19. Hotel, motel.
20. Jewelry store, watch repair shop.
21. Laundry or cleaning and dyeing establishments.
22. Microwave radio relay structures.
23. Music store, radio and television store.
24. Optical store.
25. Photographer and photographer's supplies.

26. Police and fire station, post office, municipal garage, except public shops and storage yards.
27. Printing shop.
28. Public utility offices.
29. Restaurant, café, cafeteria, caterer, drive-in food service, lunch room, and tavern.
30. Tailor shop, clothes cleaning and pressing shop.
31. Temporary structures, including signs, bill-boards and other outdoor advertising structures.
32. Theaters and places of amusement, except drive-in theaters.
33. Tobacco store.
34. Undertaking establishment.
35. Variety store and notions shop.
36. Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.
37. any other uses similar in character and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.
38. Motor-cross track, pending agreement with developer.

Height and Area In the Commercial District the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall exceed neither 45 feet nor three stores in height. See Section IV, C 2, 3.

Side Yard. For buildings or parts of buildings hereafter erected or structurally altered for residential use, the side yard regulations for the Single Family Residence District shall apply; otherwise a side yard, if provided, shall not be less than six feet in width.

Setback. No setback shall be required in the Commercial District.

Rear Yard. There shall be a rear yard having a minimum depth of 20 feet for a building two stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased three feet. See Section IV, A 5; B 1; D 1, 2, 5, 6, 7.

Minimum Dwelling Size. The minimum dwelling size shall be the same as for those for the Single Family Residence District, except that when a residence is located over an otherwise commercial use, a minimum dwelling area shall be provided of no less than 500 square feet per family. See Section III "Floor Area."

Lot Area Per Family. Every building or part of a building hereafter erected or structurally altered for residential purposes shall be the same as those for the Multiple Family Residence District, except that when a residence is located over an otherwise commercial use, a minimum lot area shall be provided of no less than 1,000 square feet per family. See Section IV, A 5; B 1, 2; D 1.

SECTION VIII. LIGHT INDUSTRIAL DISTRICT

Use. No building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the Commercial District, conditionally or unconditionally, including any residential uses and educational, religious, charitable or medical institutions constructed, under construction or for which a valid building permit has been issued on or before the effective date of this ordinance; provided that after such date no new residential uses or educational, religious, charitable or medical institutions shall be permitted, except that there may be one dwelling unit in connection with any permitted commercial use, when constructed as an integral part of the building in which such commercial use is located.

2. Blacksmithing, tinsmith, heating and plumbing shops.
3. Enameling and painting shops, provided that all painting, cleaning and related operations shall be conducted within a building.
4. Food locker plants.
5. Laboratories.

6. Machine shops and sheet metal products manufacture, provided that no stamp or punch process exceeding 20 tons capacity, or forge or drop hammers shall be located within 200 feet of the boundary of any residence district.

7. Manufacture and assembly of home and office appliances and supplies, sporting goods and supplies.

8. Manufacture and bottling of nonalcoholic beverages.

9. Manufacture of electrical and electronic appliances and devices.

10. Manufacture of jewelry, toys and novelties.

11. Manufacture of products from textiles, furs glass, leather, plaster, paper, plastics and wood, not including planing mills or the manufacture of paper, pulp, plastics or leather or the tanning of hides.

12. Processing, packing and manufacture of confections cosmetics, food and pharmaceuticals, except meat and meat products, fish and fish products, sauerkraut and cabbage by-products and the vining of peas.

13. Repair, service and assembly of propelled vehicles, including the repair and storage of automobile accessories, except the wrecking or storage for salvage purposes.

14. Storage and warehousing of fuel and materials and contractor's yards, except the storage of wrecked or dismantled automotive equipment, junk, explosives or flammable gases or liquids; provided that all such storage or warehousing shall be within a building or fence not less than six feet in height; provided further that no materials shall be stacked or piled so as to exceed the height of such fence.

15. Wholesale business.

16. Uses customarily incident to the foregoing uses and accessory buildings and structures.

Height, Yards and Area

The height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

Height. Buildings hereafter erected or moved shall exceed neither 60 feet nor five stories in height and not structural alterations to any building shall increase its height above the limit herein established. See Section IV, C 1, 2, 4, 5, 6.

Side Yard. For buildings used in part for residential and in part for nonresidential purposes, where courts are not provided in lieu of side yards, in accordance with the regulations of the Commercial

District, there shall be a side yard on each side of any such building as required by the regulations for the Single Family residence District, except that no side yard which abuts the boundary of a residence district shall be less than 15 feet in width, unless such district boundary lies within a street, alley railroad right-of-way or stream; otherwise a side yard, if provided, shall be not less than six feet in width. See Section IV, D 1, 6.

Setback. There shall be a setback of not less than 15 feet. See Section IV, D 2, 3, 4, 7.

Rear Yard. There shall be a rear yard having a minimum depth of 25 feet for a building three stories or less in height. For each additional story or fractional store in height, the depth of such rear yard shall be increased three feet. Loading platforms may be established in such rear yard where it abuts on a railroad. See Section IV, D 1, 6, 7.

Minimum Dwelling Size. Every building hereafter erected, moved or structurally altered for residential purposes shall have a floor area of not less than 600 square feet per family. See Section III, "Floor Area."

Lot Area. Every building used in part for residential purposes shall have a lot area of not less than 3,000 square foot per family.

See Section IV, B 1, 2.

Vision Clearance. See Section IV, D 8.

Off-Street Parking. See Section IV, E 3, 4.

SECTION IX. HEAVY INDUSTRIAL DISTRICT

Use. Unless otherwise provided in this ordinance, buildings or land may be used for any purposes except the following:

1. Residential, educational, or institutional uses.
2. Uses in conflict with any laws of the State of Wisconsin or any ordinances of the Village of Solon Springs governing nuisances.
3. Any of the following uses unless the location of such use has been approved in writing by the board of appeals after investigation and public hearing. In approving or disapproving proposed locations for uses under this paragraph, the board shall give due consideration to the character and suitability for development of the neighborhood in which any such use is proposed to be located, and shall also base its decision on such evidence as may be presented to the board regarding those attributes of the heavy vehicular traffic and the admission of noise, smoke, dust or dirt, odorous or noxious gases

and the like, that would be detrimental to such character and such suitability for development:

(a) Acid, ammonia, bleach, chlorine or soap manufacture.

(b) Ammunition manufacture; explosive or fireworks manufacture or storage.

(c) Asphalt, coal and coal tar or coke manufacture.

(d) Automobile wrecking yard; junk yard.

(e) Bones, distillation of.

(f) Cement, lime, gypsum or plaster of Paris manufacture.

(g) Fat rendering.

(h) Fertilizer manufacture.

(i) Forge plant.

(j) Garbage, rubbish, offal or dead animal reduction or dumping.

(k) Gelatin, glue or sine manufacture.

(l) Inflammable gas or liquids, refining or manufacture of; over-ground tank farms.

(m) Slaughterhouse, stockyard.

(n) Smelting.

Height and Area.

The height of buildings, the minimum dimensions of yards and the lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall exceed neither 60 feet nor five stories in height. See Section IV, C 3, 6, 7.

Side Yard. There shall be a side yard on each side of a building, and no such side yard shall be less than eight feet in width; provided that, where a boundary of the Industrial District abuts a side or rear lot line of any lot in any Residential District, and there is not intervening street, any industrial use, including any accessory uses, there shall be a special setback from such residential lot line of no less than 25 feet; provided further that between such special setback line and the residential district boundary line there shall be a permanent evergreen planting, such as white or Norway Pine, the individuals trees to be of such number and so arranged that within ten years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet. See Section IV, D 1, 2.

Setback. There shall be a setback of not less than 25 feet, but this regulation, shall not apply to any building erected or under construction on the effective date of this ordinance. See Sections III, “Yard, Front,” and IV, A 5; B 1; D 3, 4, 5.

Rear Yard. There shall be a rear yard having a minimum depth of 20 feet for a building two stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased by three feet. Loading platforms may be established in such rear yard where it abuts on a railroad. See Section IV, A 6; B 1; D 1, 2, 3, 4, 5, 6, 7.

Auto Parking. See Section IV, E 4 (c).

Vision Clearance. There shall be a vision clearance setback line connecting the points at which the required front and side street setbacks on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and the street lines, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet and ten feet above the elevation of the street pavement at the intersection of the centerlines; or the elevation of the top of the curbs at their intersection if there be a curb. This regulation

shall not apply to the trunks of trees, fence posts not over six inches square, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

SECTION X. BOARD OF APPEALS – AMENDED VERSION
9/28/09

A. Creation of Board of Appeals

1. A Board of Appeals is hereby established. The Board of Appeals shall consist of five members appointed by the Village President, subject to confirmation by the Village Board, for terms of three years, except that those first appointed, one shall serve for one year, two for two years, and two for three years. The members shall service at such compensation as affixed by this ordinance and shall be removable by the Village President with confirmation by the Village Board for cause upon written charges and after a public hearing. The President shall designate one member as Chairperson. The Village President shall appoint an alternate member for a term of three years, who shall act with full power only when a member of the Board of Appeals is absent or refuses to vote because of interest.

Vacancies shall be filled for the unexpired terms of members whose terms became vacant.

2. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board of Appeals may determine. The Chairperson, or in their absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Appeals shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Village of Solon Springs and shall be a public record. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Board and shall be a public record.

3. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village of Solon Springs affected by any decision of the

administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall schedule a Hearing of Appeals at least 30 days following the notice of appeal and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.

4. Compensation to Board of Appeals fees for filing an appeal to the Board of Appeals shall be used to compensate the members of Board of Appeals and the secretary. As a filing fee is paid, the amount paid will be distributed equally between members of Board of Appeals and the secretary. See Section C of this ordinance, "Filing Fees."

B. Powers of Board of Appeals

The Board of Appeals shall have the following powers.

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the

administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto.

2. To authorize, upon appeal in specific cases such variance from the terms of the Zoning ordinances as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. See Section III, "Variance."

a. Except as specifically provided, no action of Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

1. Notice shall be given to all property owners located within 100 feet from the proposed variance, along with official notice of the proposal variance advertised in a legal paper at least 30 days prior to the variance being considered by Board of Appeals.

b. In every case where a variance from these regulations has been granted by Board of Appeals, the minutes of the Board shall affirmatively show in what particular and specific respects an

“unnecessary hardship” or “practical difficulty” would have been created by the literal enforcement of the terms of this ordinance.

3. The 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 powers of the officer from whom the appeal was taken. A concurring vote of four members of 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 any variation in the requirements of this ordinance. In all cases, refusal of the board of Appeals to act favorably to the applicant on any matter shall be stated in writing, together with the reasons for such refusal. One copy thereof shall be delivered to the applicant and another shall be placed in the records of the Village of Solon Springs and shall be a public record.

4. To bear and decide exceptions to the terms of this ordinance, as follows also stated in Section III, “Exceptions” of this ordinance:

The use of property, including the use and location of buildings, the size of lots and the dimensions of yards, otherwise not allowable under the terms of this ordinance for which a special permit may be issued under the condition specified in this ordinance.

a. To grant a permit for the change of a nonconforming use to another nonconforming use of the same classification. See Section IV, A 9.

b. To grant permits for certain specified uses, under certain circumstances, in districts from which such uses are otherwise excluded by this ordinance. See Section IV, A 8.

c. To approve the location of specified uses in the Industrial District as provided in Section VIII of this Ordinance.

d. To grant a permit for a temporary building for commercial or industry in a residential district which is incidental to the residential development, such permit is to be issued for a period of not more than one year.

e. To grant a permit for the extension of a district boundary for a distance of not more than 35 feet only where the boundary of a district divides a lot into a single ownership at the time of the adoption of this ordinance.

f. To permit in the Single Family Residential District, in appropriate case and subject to appropriate conditions and safeguards, the alteration or conversion into a two-family dwelling or a building, which was in use as a residence on the effective date of this ordinance, and which has prior to such conversion, a floor area in excess of 2,000 square feet, provided, however, as follows:

1. The enclosed usable area of the building shall not be increased nor shall the height of the building be increased.

2. Living quarters shall not be provided except in those portions of the building devoted to or designed for living quarters at the time of the adoption of this ordinance.

3. The open spaces surround the building shall be at least equivalent to those required by this ordinance for a new building.

g. To permit a private garage to house more than two but not more than four automobiles per family resident on the premises, as an accessory building to a dwelling, provided that the requirements of Section IV, A 7, are met, and provided further that in the case of a dwelling for more than two families may house on truck of not more than five tons rated capacity in such garage.

h. To interpret the provision of this ordinance in such a way as to carry out the intent and purpose of the plan as shown on the district map accompanying and made part of this ordinance.

5. The Board of Appeals shall have the power to call on any other Village Department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.

6. In exercising the foregoing powers the Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this ordinance.

C. Filing Fees

For appeals made to Board of Appeals a fee of \$125.00 will be charged. This fee will compensate the members who are serving on Board of Appeals.

SECTION XI. CHANGES AND ADMENDMENTS

The Village Board may from time to time on its own motion or on petition, amend, supplement, or change the district boundaries or the regulations wherein or subsequently establish upon giving at least ten days notice, buy publication in the official paper at least three

times in the preceding 30 days, of the proposed amendment, supplement or change and of hearing thereon, to give opportunity to any person interested to be heard.

In case of protest against such change duly signed and acknowledged by the owners of 20 percent or more of the areas of land included in such proposed amendment, supplement or change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment, supplement or change shall not become effective except by the favorable vote of three-fourths of the members of the Village Board.

SECTION X11. REFORCEMENT

1. It shall be the duty of the building inspector, with the aid of the police department, to enforce the provisions of this ordinance.

2. No building shall hereafter be erected, moved or structurally altered until a land use permit therefore shall have been applied for and issued.

3. All applications for a land use permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the

location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building or buildings, the lines within which the building or buildings shall be erected, altered or moved, the existing or intended use of each building or part of a building, the number of families the main building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance.

4. All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

5. Except as otherwise provided in this ordinance the building inspector shall issue or refuse to issue a land use permit within ten days after receipt of an application therefore. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.

Certificate of Compliance

1. No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a

certificate of compliance shall have been issued by the building inspector. Such certificate shall show that the building or premises or part of thereof and the proposed use thereof are in conformity with the provisions of this ordinance. Such certificate shall be applied for when application is made for a land use permit and shall be issued within ten days after the completion of the work specified in such land use permit application, but only if the building or premises and the proposed use thereof conform with all requirements of this ordinance.

2. Under such rules and regulations as may be established by the Village board, the building inspector may issue a temporary certificate of compliance for part of a building.

3. Upon written request from the owner, the building inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the ordinance.

SECTION XIII. VIOLATIONS AND PENALTIES

Any building or structure, hereafter erected, moved or structurally altered, or any use hereafter established in violation of

any of the provision of this ordinance shall be deemed an unlawful building, structure or use. The building inspector shall promptly report all such violations to the village attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provision of this ordinance may also be required upon conviction, to forfeit not less than \$10.00 nor more than \$500.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail of Douglas County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

SECTION XIV. ANNEXATION

All territory hereafter annexed to the Village of Solon Springs may, pursuant to Section 66.021 Wisconsin Statutes. Include in the annexing ordinance a provision designating temporary zoning

classifications for such area; otherwise the annexed area shall retain its zoning classification in effect on the date of such annexation, and the zoning district boundaries and regulations so established shall remain until superseded by other district boundaries and regulations for such annexed territory adopted by the Village Board.

SECTION XV. VALIDITY

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION XVI. CONFLICTING PROVISIONS REPEALED

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

SECTION XVII. WHEN EFFECTIVE

This ordinance shall be in force from and after its passage, approval, publication and recording according to law.

SECTION XVIII. BUILDING INSPECTOR

A building inspector shall be appointed with approval of the Village Board.

SECTION XIX. BUILDING INSPECTOR'S FEES

The building inspector's fees shall be incorporated in the
"Building Permit."
