

Chapter 480

ZONING

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[HISTORY: Adopted by the Village Board of the Village of Endeavor at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

GENERAL REFERENCES

- Adult entertainment — See Ch. 163.
- Building construction — See Ch. 198.
- Mobile homes — See Ch. 300.
- Storage tanks — See Ch. 385.
- Comprehensive Plan — See Ch. 450.
- Floodplain zoning — See Ch. 455.
- Subdivision of land — See Ch. 470.

§ 480-1. Introduction.

- A. This chapter is adopted in accordance with the authority granted by §§ 61.35, 62.23, 87.30 and 281.31, Wis. Stats.
- B. The purpose of this chapter is to adopt minimum requirements to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Village and to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes and for said purposes to divide the Village into districts of such number, shape and area as are deemed best suited to carry out said purposes.
- C. It is not the intent of this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions the provisions of this chapter shall apply.

- D. The provisions of this chapter shall be interpreted and applied as minimum requirements, shall be construed in favor of the Village, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- E. This chapter shall be known as, referred to, or cited as "Zoning Ordinance, Village of Endeavor, Wisconsin."

§ 480-2. General requirements; administration and enforcement.

- A. Jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Endeavor.
- B. No structure, water or land shall hereafter be used, no land use shall be substantially changed and no structure shall be erected, moved, or structurally altered without full compliance with the terms of this chapter and other applicable regulations and until a zoning permit has been issued.
- C. The Village Board hereby designates that it is the duty of the Zoning Administrator, with the aid of the Chief of Police or his/her designee, to enforce the provisions of this chapter. The Chief of Police or his/her designee shall report to the Zoning Administrator any activities which are being carried out without the required permit.
- D. All applications for a zoning permit shall be made to the Zoning Administrator and shall be accompanied by a fee as set by the Village Board and by plans, in duplicate, drawn to scale, showing the name and address of the property owner; location, actual shape and dimensions of the lot to be built upon; high-water mark of any abutting watercourse; center line of abutting streets and highways; the exact size and location on the lot of the proposed or existing building(s) and accessory building(s); the lines within which the building shall be erected, altered or moved; the existing and intended use of each building or part of a building; the number of families the 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 chapter.
- E. Sewage disposal facilities shall be connected to the sewage disposal system of the Village. In any district where public sewage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Ch. Comm 85, Wis. Adm. Code. In no case, however, shall the minimum lot size required in the zoning district in which such structure is to be located be reduced below the specified minimum.
- F. No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of occupancy has been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof and the use therein are in conformity with the provisions of this chapter. Such certificate shall be issued only when the building or premises and the use thereof conform to all the requirements of this chapter.

- G. Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, 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 building or land is located.
- H. No lot shall be so reduced that the dimensions and yard requirements imposed by this chapter cannot be met.
- I. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building, and no lot shall have more than one principal building.
- J. Every part of the yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices and ornamental features projecting not more than 48 inches, except that in commercial areas a permanent awning and its accessory columns or struts may project not more than five feet into a required front or side yard.
- K. An open or enclosed fire escape may project into a required yard not more than five feet and into a required court not more than 3 1/2 feet, provided that it is so located as not to obstruct light or ventilation.
- L. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of the Village of Endeavor.
- M. 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 the height of 2 1/2 feet above the streets if it obstructs the view across the triangle.
- N. In addition in any commercial or industrial district, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the public street shall at all times be free and unobstructed to the passage of vehicular and pedestrian traffic.
- O. No side yard or front yard in any commercial or industrial district shall be used for storage or the conduct of business.
- P. Recreational vehicles, including pickup truck campers, and whether designed for towing or self-propelled, shall not be maintained as a living unit in any residential, commercial, industrial, or conservancy district for more than an accumulated total of 30 days in a period of one year.
- Q. Any person, firm or corporation who or which fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as provided in Chapter 1, § 1-4 of this Code. Each day such a violation exists shall be considered a separate offense.

§ 480-3. Zoning districts; Official Zoning Map.

A. The following zoning districts are hereby established in accordance with the maps attached hereto, marked Exhibit A.¹

(1) Residential districts.

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Multifamily Residential District
- R-4 One- and Two-Family Residential District

(2) Commercial districts.

- B-1 General Commercial District
- B-2 Highway Commercial District
- B-3 Residential Commercial District

(3) Industrial districts.

- I-1 Industrial District
- I-2 Industrial District

(4) C Conservancy District.

(5) FP Floodplain District.

B. The boundaries of the aforesaid districts are hereby established as shown on the Official Zoning Map, Village of Endeavor, Wisconsin. Such map, together with a copy of this chapter, shall be available for public inspection in the office of the Village Clerk-Treasurer. The map shall be certified by the Village President and attested by the Village Clerk-Treasurer. Any changes in zoning district boundaries shall be recorded on the map. No change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

C. The district boundaries are either streets or alleys, unless otherwise shown, and where the designation on the district map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.

D. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the district map are

1. Editor's Note: Exhibit A is on file at the office of the Village Clerk-Treasurer.

approximately bounded by lot lines, said lot lines shall be construed to be the boundary of the district.

- E. In unsubdivided property, the district boundary lines shown on the district map shall be determined by use of the scale shown on such map.

§ 480-4. Residential districts.

A. R-1 Single-Family Residential District.

- (1) Permitted uses and structures: single-family dwellings and their accessory structures or uses, day-care facilities, and assisted living facilities.
- (2) Conditional uses and structures: parks, greenways and open spaces, playgrounds, public and private schools, hospitals, cemeteries, governmental and community service buildings and functions, utility lines, pumping stations, golf courses, churches, libraries, single-family planned residential development, home occupations, and agricultural uses.
- (3) Lot size:
 - (a) Width: 90 feet minimum.
 - (b) Area: 12,000 square feet minimum.
- (4) Building height: 35 feet maximum.
- (5) Yards:
 - (a) Street right-of-way: 35 feet minimum.
 - (b) Rear: 25 feet minimum.
 - (c) Side: 10 feet minimum.

B. R-2 Single-Family Residential District.

- (1) Permitted uses: single-family dwellings and their accessory structures or uses, day-care facilities, and assisted living facilities.
- (2) Conditional uses and structures: parks, greenways and open spaces, playgrounds, public and private schools, hospitals, cemeteries, governmental and community service buildings and functions, utility lines, pumping stations, golf courses, churches, libraries, single-family planned residential development, home occupations and agricultural uses.
- (3) Lot size:
 - (a) Width: 66 feet minimum.
 - (b) Area: 8,000 square feet minimum.
- (4) Building height: 35 feet maximum.

- (5) Yards:
 - (a) Street right-of-way: 30 feet minimum.
 - (b) Rear: 20 feet minimum.
 - (c) Side: 10 feet minimum.

C. R-3 Multifamily Residential District.

- (1) Permitted uses: single-family residential uses and structures conforming at least to the minimum and maximum requirements of the R-2 District and multifamily uses provided that they conform to the regulations below, day-care facilities, and assisted living facilities.
- (2) Conditional uses and structures: parks, greenways and open spaces, playgrounds, public and private schools, hospitals, cemeteries, governmental and community service buildings and functions, utility lines, pumping stations, golf courses, churches, libraries, single-family planned residential development, home occupations, agricultural uses and multifamily planned unit residential development.
- (3) Lot size:
 - (a) Width: 66 feet minimum.
 - (b) Area: 10,000 square feet minimum.
- (4) Building height: maximum 72 feet or six stories whichever is the least.
- (5) Yards:
 - (a) Street right-of-way: 25 feet minimum.
 - (b) Rear: 20 feet minimum.
 - (c) Side: 10 feet minimum.
- (6) Other requirements:
 - (a) The recreation space ratio, defined as the minimum square footage of recreation space required for each square foot of floor area, is not less than 0.16.
 - (b) The floor area ratio, defined as the maximum square footage of total floor area permitted for each foot of land area, is not more than 0.32.
 - (c) The open space ratio, defined as the minimum square footage of open space required for each square foot of floor area, is not less than 2.0.
 - (d) The living space ratio, defined as the minimum square footage of nonvehicular outdoor space required for each square foot of floor area, is not less than 1.2.

- (e) The occupant car ratio, defined as the minimum number of off-street parking spaces without parking time limits required for each living unit, is not less than 1.2.

D. R-4 One- and Two-Family Residential District.

- (1) Permitted uses: one- and two-family uses and structures, day-care facilities, assisted living facilities, and business uses provided that they conform to the following.
- (2) Conditional uses and structures: beauty salons, barbershops, antique and gift shops, stationery and book shops (said shops defined as not exceeding 2,500 square feet), personal and business service establishments, professional offices, insurance and real estate offices, parking areas, and home occupations. All businesses shall be located within existing residential dwellings or in new buildings constructed in such a way as to have residential dwelling appearance.
- (3) Lot size:
 - (a) Width: 66 feet minimum.
 - (b) Area: 10,000 square feet minimum.
- (4) Yards:
 - (a) Street right-of-way: 25 feet minimum.
 - (b) Rear: 20 feet minimum.
 - (c) Side: 10 feet minimum.
- (5) Other requirements:
 - (a) The recreation space ratio, defined as the minimum square footage of recreation space required for each square foot of floor area, is not less than 1.16.
 - (b) The floor area ratio, defined as the maximum square footage of total floor area permitted for each foot of land area, is not more than 0.32.
 - (c) The open space ratio, defined as the minimum square footage of open space required for each square foot of floor area, is not less than 2.0.
 - (d) The living space ratio, defined as the minimum square footage of nonvehicular outdoor space required for each square foot of floor area, is not less than 1.2.
 - (e) The occupant car ratio, defined as the minimum number of off-street parking spaces without parking time limits required for each living or business unit, is not to be less than 2.0.

§ 480-5. Commercial districts.**A. B-1 General Commercial District.**

- (1) Permitted uses and structures: hardware and feed stores, auto sales, furniture stores, barbershops, bakeries, bars, cocktail lounges, restaurants, motels, hotels, fruit stores, dry goods stores, luggage shops, stationery stores, personal and business service establishments, pet shops, clothing stores, public passenger transportation terminals, taxi stands, gift stores, variety stores, garages, theaters, professional offices, organization headquarters, newspaper and magazine publishers, jewelry stores, banks, shoe stores, religious goods stores, packaged beverage stores, appliance sales and repair, sporting goods, insurance and real estate offices, radio and television sales and service, catalogue order stores, savings and loan and finance companies, department stores, bowling alleys, churches, tobacco and magazine stores, beauty salons, music shops, radio stations (without antenna), public and private schools, parking areas, open spaces, parks, supermarkets, and veterinary clinics.
- (2) Vision clearance triangles. The provisions of this chapter requiring vision clearance triangles shall not apply within the General Commercial District.
- (3) Conditional uses: wholesale outlets, municipal service functions except garages, secondhand stores, professional laundry and dry-cleaning establishments, gas stations, animal boarding kennels, and other uses similar or customarily incident to the above uses. A single or multifamily living unit shall also be permitted within a B-1 General Commercial District building, provided that the principal use of said building is a B-1 General Commercial District use.
- (4) Building height: five stories or 60 feet maximum.
- (5) Lot size:
 - (a) Width: 66 feet minimum.
 - (b) Area: 10,000 square feet minimum.
- (6) Yards:
 - (a) Street right-of-way: 25 feet minimum.
 - (b) Rear: 20 feet minimum.
 - (c) Side: five feet minimum.

B. B-2 Highway Commercial District.

- (1) Permitted uses and structures: gas stations, automobile sales and public garages, drive-in establishments serving food and beverages for consumption on premises, motels, drive-in theaters, amusement parks, veterinary clinics, health-fitness-beauty centers, personal and professional offices, parking, banks and retail discount businesses.

- (2) Conditional uses and structures: other uses similar to or customarily incident to any of the above uses and animal boarding kennels.
- (3) Building:
 - (a) Height: 35 feet maximum.
 - (b) Area: no minimum or maximum.
- (4) Lot size:
 - (a) Width: 66 feet minimum.
 - (b) Area: 1/2 acre.
- (5) Yards:
 - (a) Street right-of-way: 50 feet (may be parking).
 - (b) Rear: 20 feet.
 - (c) Side: 20 feet.
- (6) Parking: minimum of five off-street spaces for each 1,000 square feet of floor area.

C. B-3 Residential Commercial District.

- (1) Permitted uses and structures: hardware and feed stores, auto sales, furniture stores, barbershops, bakeries, bars, cocktail lounges, restaurants, motels, hotels, fruit stores, dry goods stores, luggage shops, stationery stores, personal and business service establishments, pet shops, stands, gift stores, variety stores, garages, theaters, professional offices, organization headquarters, newspaper and magazine publishers, jewelry stores, banks, shoe stores, religious goods stores, packaged beverage stores, appliance sales and repair, sporting goods, insurance and real estate offices, radio and television sales and service, catalogue order stores, savings and loan and finance companies, department stores, bowling alleys, churches, tobacco and magazine stores, beauty salons, music shops, radio stations (without antenna), public and private schools, parking areas, open spaces, parks, supermarkets, and veterinary clinics.
- (2) Conditional uses: wholesale outlets, municipal service functions except garages, secondhand stores, professional laundry and dry-cleaning establishments, gas stations, animal boarding kennels, and other uses similar or customarily incident to the above uses.
- (3) Lot size:
 - (a) Width: 66 feet minimum.
 - (b) Area: 1/2 acre.
- (4) Building:

- (a) Height: no minimum or maximum.
- (b) Area: minimum 1,000 square feet.
- (5) Yards:
 - (a) Street right-of-way: 25 feet (may be parking).
 - (b) Rear: 20 feet.
 - (c) Side: 10 feet.
- (6) Parking: minimum of five off-street spaces for each 1,000 square feet of floor area.

§ 480-6. Industrial districts.

A. I-1 Industrial District.

- (1) Permitted uses and structures: automotive body repairs; automotive upholstery manufacturing; boat manufacturing; cleaning, pressing and dyeing establishments; commercial bakeries; commercial greenhouses; food locker and cold storage plants; testing and research laboratories; machine shops; manufactured homes; manufacturing and bottling of nonalcoholic beverages; printing and publishing establishments, storage and sale of lumber and home improvement products; trade and contractors' offices; warehousing and wholesaling of nonprohibited products; manufacturing, fabrication, packaging, and assembly of nonprohibited products from glass, metals, paper, plaster, plastics, textiles and wood; manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, pharmaceuticals, tobacco, and toiletries; food processing, except fish and fish products and meat and poultry products; canning and food preservation operations not involving outside storage; freight yards, freight terminals, and transshipment facilities; inside storage; parking and open areas; and veterinary clinics.
- (2) Conditional uses and structures: automotive franchise dealerships; boat sales and service; farm machinery sales and service; animal boarding kennels; manufacture and/or processing and/or storage of abrasives, asphalt, batteries, bedding, candles, carpeting, celluloid, dry ice, cereals, charcoal, coffee, dextrine, disinfectant, dye, excelsior, fat, felt, fuel, furs, gelatin, glucose, glue, grains, grease, gypsum, hair products, ink, lard, leather, linoleum, matches, oil cloth, paint, paper, perfume, pickles, plaster of paris, plastics, portland cement, potash, rubber, shellac, soap, starch, stove polish, textiles, turpentine, vinegar, varnish, and yeast; bag cleaning, bleaching, canning, electric- and steam-generating, electroplating, enameling, road testing, smelting, and weaving facilities; forges; foundries; wrecking, junk demolition and scrap yard operations; and any other use or structure not expressly permitted.
- (3) Prohibited uses: when it is the primary end product of the establishment, the manufacture and/or storage of acetylene, acid, alkalies, ammonia, chemicals, chlorine, coal tar, coke, creosote, explosives, fertilizer, flammables, gasoline,

herbicides, insecticides, kerosene, lime and lime products, pulp, pyroxylin, radium, and other radioactive materials; any process involving the use of radioactive material; incinerators; sewage disposal plants; earth and sanitary landfill operations; nuclear waste storage and/or disposal; offal, rubbish, or animal reduction; oil, coal and bone distillation; refineries; slaughterhouses; stockyards; tanneries; other manufacture, processing or storage of materials or products prohibited by exception to the permitted and conditional uses; and any use which is found by the Village Board to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazards.

- (4) Outside storage and manufacturing areas (fences). Such areas shall be surrounded by a solid fence or wall not less than six feet nor more than eight feet in height, or evergreen planting screen, which completely prevents a view of the area from any other property and shall have a five-foot setback from the right-of-way. This requirement also applies to wrecking, junk demolition, and scrap yard operations.
- (5) Lot size:
 - (a) Width: 66 feet.
 - (b) Area: 8,500 feet.
- (6) Building height: no limit.
- (7) Lot setbacks (minimum):
 - (a) From street right-of-way: 20 feet.
 - (b) From rear: 20 feet.
 - (c) From side: 20 feet.
- (8) Parking. A minimum of one off-street parking space shall be provided for each vehicle maintained on the premises, plus one space shall be provided for each 1.3 employees. Number of employees shall be construed to mean the maximum number on the premises at one time.
 - (a) For restaurants, parking spaces shall be provided equal in number to 30% of the patron capacity.
 - (b) For garages involved in the storage, repair, and servicing of motor vehicles, one parking space shall be provided for each 200 square feet of gross building floor area in excess of 2,000 square feet.

B. I-2 Industrial District.

- (1) Permitted uses and structures: all uses and structures permitted in the I-1 District, except automotive body repairs (unless in conjunction with an automotive franchise dealership) or portland cement manufacture or processing.

- (2) Conditional uses and structures. All conditional uses and structures permitted in the I-1 District and sewage disposal plants.
- (3) Prohibited uses. All uses prohibited in I-1 Industrial District, except sewage disposal plants. Also, wrecking, junk demolition, and scrap yard operations are prohibited.
- (4) Outside storage and manufacturing areas (fences). Such areas shall be surrounded by a solid fence or wall not less than six feet nor more than eight feet in height, or evergreen planting screen, which completely prevents a view of the area from any other property and shall have a five-foot setback from the right-of-way. This requirement also applies to wrecking, junk demolition, and scrap yard operations.
- (5) Lot size:
 - (a) Width: 66 feet.
 - (b) Area: 8,500 feet.
- (6) Building height: no limit.
- (7) Lot setbacks (minimum):
 - (a) From street right-of-way: 20 feet.
 - (b) From rear: 20 feet.
 - (c) From side: 20 feet.
- (8) Green space. A minimum of 100 feet must be left undeveloped between a business (whether a structure or paved area) established within the scope of this zoning district and any existing residential area.
- (9) Parking: one off-street parking space for every 1.3 employees. Number of employees shall be construed to mean the maximum number on the premises at one time.
 - (a) For restaurants, parking spaces shall be provided equal in number to 30% of the patron capacity.
 - (b) For garages involved in the storage, repair, and servicing of motor vehicles, one parking space shall be provided for each 200 square feet of gross building floor area in excess of 2,000 square feet.
- (10) Off-street loading. Off-street loading facilities shall be provided in accordance with the following minimum requirements for any business involving the manufacture, production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products:
 - (a) Buildings containing 5,000 to 40,000 square feet: one loading berth.
 - (b) Buildings containing 40,000 to 100,000 square feet: two loading berths.

- (c) For each additional 100,000 square feet: one additional loading berth.
- (d) Square feet refers to gross floor area. Each loading berth shall be not less than 12 feet in width by 55 feet in length.

§ 480-7. Conservancy District.

- A. Permitted uses and structures: the harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds; sustained yield forestry; utilities such as but not restricted to telephone, telegraph, and power transmission lines; hunting, fishing, scenic, historic, scientific and wildlife preserve; nonresident buildings used solely in conjunction with the raising of waterfowl or fish; hiking trails and bridle paths; accessory uses; public and private parks and picnic areas; regulatory signs not over six square feet; and general farming provided that no drainage, filling or dredging takes place and no farm buildings are constructed.
- B. Conditional uses. Fillings, drainage, dredging, nonresidential farm structures, dams, power plants, flowages, ponds, relocation of watercourses, removal of topsoil or peat, piers, docks, boathouses, and cranberry bogs. All permitted and conditional uses are subject to the provisions of §§ 480-10 and 480-11 of this chapter.

§ 480-8. Floodplain District. ²

- A. Permitted uses. All uses and structures permitted in the Conservancy District; drainage and dredging subject to the provisions of §§ 480-10 and 480-11 of this chapter; and general farming provided that no farm buildings are constructed.
- B. Conditional uses and structures: dams; power plants; nonresidential farm structures; piers, docks and boathouses; hunting and fishing shacks, provided that such uses are located above the high-water mark and occupancy does not exceed six months in one year; filling; and campgrounds. All conditional use permits shall be granted only upon a finding by the Plan Commission that such use or structure will not restrict a floodway or destroy the storage capacity of a floodplain.

§ 480-9. Conditional uses.

- A. The Zoning Board of Appeals may issue a conditional use permit for conditional uses specified in this chapter after review and a public hearing, provided that such uses are in accordance with the purpose and intent of this chapter. Notice of such public hearing, specifying the time, place and subject matter, shall be given in the manner specified in the Wisconsin Statutes. The Zoning Board of Appeals shall state in writing the ground(s) for refusing a conditional use permit.
- B. Application for conditional use permits shall be submitted to the Village Clerk-Treasurer and shall be accompanied by the same information as is required for a zoning permit as specified in § 480-2D of this chapter and by a fee as set by the Village Board. The

2. Editor's Note: See also Ch. 455, Floodplain Zoning.

Zoning Board of Appeals may require such other information as may be necessary to determine and provide for an enforcement of this chapter, including but not limited to a plan showing contours, soil types, high-water mark, groundwater conditions, bedrock, vegetative cover and specifications for areas of proposed filling, grading and lagooning.

- C. The Zoning Board of Appeals shall review the site; existing and proposed structures and architectural plans; parking areas; driveway locations; highway access; traffic generation and circulation; drainage, sewerage and water systems; operation; conditions which will affect the maintenance of safe and healthful conditions; prevention and control of water pollution, including sedimentation; and compatibility of the proposed use with the use of adjacent land.
- D. Upon consideration of the factors listed above, the Zoning Board of Appeals may require conditions in addition to those listed elsewhere in this chapter. Such conditions may include specifications for, without limitation because of specific enumeration, landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, increased setbacks and yards, type of shore cover, specified sewage disposal and water supply systems, planting screens, piers and docks, signs or any other requirements necessary to fulfill the purpose and intent of this chapter.
- E. The Zoning Board of Appeals shall evaluate each application and may request assistance from any source which can provide technical assistance.
- F. Planned unit developments (PUD) are permitted as conditional uses in all residential zones. Planned unit developments are intended to provide for innovative large-scale residential developments. A PUD must contain a minimum of 10 contiguous acres under one ownership or control. Plans for the proposed development shall show the location, size, and proposed use of all structures and land included in the area involved. Individual drainage and planting plans shall be provided for the entire development. The plans may provide for a combination of single and multifamily development as well as closely related commercial uses, provided that the plans indicate that:
 - (1) The overall density shown on the PUD plan for residential associated commercial uses shall not exceed an average density of 11 persons per acre. In computing population density, a factor of 3.0 persons shall be used per one-family dwelling, 2.5 persons per garden-type apartment unit or townhouse and 1.5 persons per high-rise apartment unit.
 - (2) Paved streets and sidewalks adequate to serve the needs of the area will be provided.
 - (3) Adequate access to public streets and proper internal circulation will be provided.
 - (4) Adequate sewer and water facilities will be provided.
 - (5) The development will constitute a reasonable extension of the living areas in the Village and will be compatible with surrounding land uses.
 - (6) Adequate safeguards will be taken to ensure that the parks and other open spaces shown on the plan are permanently reserved as parks and open spaces.

§ 480-10. Preservation of shoreland vegetation.

- A. The trimming or removal of natural vegetation in a strip paralleling the shoreline and extending 35 feet inland at all points along the normal high-water mark of any shoreline shall be limited in accordance with the following provisions: natural vegetation may be replaced by artificial planting that is equally effective in controlling erosion and the flow of effluent but is not to exceed 30% of the length of the strip as measured along the normal high-water mark. These provisions shall not apply to the removal of dead, diseased or damaged vegetation.
- B. A path or other passage across the strip shall be so constructed or so surfaced as to be as effective in controlling erosion as the vegetation it replaces, and there shall be not more than one such path or passage on any one lot.
- C. The trimming of the trees or brush to provide a view shall be permitted as long as such trimming does not endanger the life or health of the vegetation.
- D. Increased erosion or effluent or nutrient flow as a result of failure to comply with the above requirements shall constitute a violation of this chapter.

§ 480-11. Filling, grading and lagooning.

- A. A conditional use permit shall be required for any filling or grading:
 - (1) Of the bed of navigable body of water. In addition a permit shall be obtained from the Department of Natural Resources or any other state agency having jurisdiction under the provisions of §§ 30.11 and 30.12, Wis. Stats.
 - (2) Of any area which is within 300 feet horizontal distance of a navigable water which has surface drainage toward the water and on which there is:
 - (a) Filling of more than 500 square feet of any wetland which is contiguous to the water. For purposes of this section, a wetland shall be defined as any area where groundwater is at or near the surface a substantial part of the year.
 - (b) Filling or grading on slopes of 20% or more.
 - (c) Filling or grading of more than 1,000 square feet on slopes of 12% to 20%.
 - (d) Filling or grading of more than 2,000 square feet on slopes of 12% or less.
- B. A conditional use permit shall be required before constructing or commencing work on any artificial waterway, canal ditch, lagoon, pond, lake or similar waterway which is within 500 feet of the high-water mark of a navigable body of water or where the purpose is ultimate connection with a navigable body of water. This requirement does not apply to soil conservation practices such as terraces, diversions and grassed waterways which are used for sediment retardation. In addition a permit shall be obtained from the Public Service Commission or any other state agency having jurisdiction under the provisions of § 30.19, Wis. Stats.

C. In granting a condition use permit for filling, grading, or lagooning the Plan Commission may attach the following conditions in addition to those specified in § 480-9 of this chapter:

- (1) The smallest amount of bare ground shall be exposed for the shortest time feasible.
- (2) Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted.
- (3) Diversions, silting basins, terraces and other methods to trap sediment shall be used.
- (4) Dredging to a firm bottom shall be done before filling.
- (5) Dredging shall be conducted in such a manner as to avoid creation of fish trap conditions.
- (6) Fill is stabilized according to accepted engineering standards.
- (7) Fill will not restrict a floodway or destroy the storage capacity of a floodplain.
- (8) Walls of a channel or artificial watercourse shall be stabilized to prevent slumping.
- (9) Sides of channels or artificial watercourses shall be constructed with side slopes of two horizontal to one vertical or flatter, unless vertical bulkheading is provided.

§ 480-12. Signs.

A. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without first taking the following steps:

- (1) Filing a sign permit application and paying the required fee as set by the Village Board.
- (2) Obtaining a sign permit approved by the Zoning Administrator. If the sign permit is denied, said petitioner can ask to be placed on the agenda of the next regular meeting of the Village Board and petition the Village Board for a review of the Zoning Administrator's denial.

B. All signs are prohibited in all R-1, R-2 and R-3 Districts except for the following. All signs permitted within the exceptions below shall be constructed not less than five feet from the side property boundaries and not less than two feet from the property line facing the Village right-of-way. Lighted signs are not permitted.

- (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and 10 feet in length.
- (2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

- (3) Name, occupation and warning signs not to exceed 16 square feet located on the premises.
 - (4) Bulletin boards for public, charitable or religious institutions not to exceed eight square feet in area located on the premises.
 - (5) Memorial signs, tables, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - (6) Official signs, such as traffic control, parking restrictions, information and notices.
 - (7) Temporary signs when authorized by the Zoning Administrator for a period not to exceed 30 days.
 - (8) Political signs subject to the erection and removal guidelines of the Wisconsin Statutes.³
 - (9) Rummage sale signs. Signs advertising a rummage sale (see definitions below) may be placed on the seller's property, one per lot, except that on a corner lot one sign may be placed facing each street. Signs may be placed on other residential property only with the permission of the property owner or other person who is in charge of the property at the time of the sale. A maximum of two off-premises signs may be displayed if they meet the other conditions of this chapter.
 - (a) Such signs shall not exceed six square feet in area, shall be freestanding, and shall be presentable in appearance. Signs shall not be erected prior to 6:00 p.m. on the day before the beginning of the sale and shall be taken down within one hour after the close of the sale on the last day of the sale. Signs shall not be attached to or displayed on traffic or regulatory signs, utility poles, or trees. No signs shall be placed on public land or in street rights-of-way.
 - (b) Owners of signs posted in violation of this chapter may be requested to remove them, or Village personnel may cause their removal.
 - (c) "Rummage sale" means and includes all general sales open to the public, for the purpose of disposing of personal property, and conducted from or on a residential premises, as defined in § 480-4. This includes, but is not limited to, all sales titled "rummage," "lawn," "yard," "porch," "room," "backyard," "patio," "flea market" or "garage" sale. "Personal property" means property which is acquired, owned, utilized and maintained in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.
- C. Signs in an R-4 District are permitted provided that they meet the following specifications:

3. Editor's Note: See § 12.04, Wis. Stats.

- (1) Said signs may be lighted but with nonblinking lights.
 - (2) Said signs shall be constructed not less than five feet from the side property boundaries and not less than two feet from the property line facing the Village right-of-way.
 - (3) Political signs are permitted subject to the erection and removal guidelines of the Wisconsin Statutes.⁴
 - (4) Said signs must not exceed 16 square feet. Any sign exceeding 16 square feet must be approved by the Village Board.
- D. Signs are permitted in all commercial and industrial districts except districts bordering U.S. 51 as described below and subject to the following restrictions:
- (1) Signs bordering U.S. 51.
 - (a) No signs shall be erected closer than 10 feet to the highway right-of-way.
 - (b) All signs erected shall have a minimum of 96 square feet and shall not be any longer than 24 feet.
 - (c) No signs shall be erected which are illuminated by flashing neon lights or any other type of flashing light. However, lighted signs are permissible provided that the lights do not interfere with driver safety.
 - (d) All signs in this district are subject to review by the Committee on Finance, and the person erecting said sign must have a permit from the Village Clerk-Treasurer and pay the required fee.
 - (e) The top of the sign shall not be more than 100 feet above the ground level at the base of the sign.
 - (f) Every sign contractor shall file with the Village Clerk-Treasurer a certificate of insurance indicating the applicant holds a public liability and property damage policy specifically to include the hold harmless with bodily injury limits of at least \$300,000 per occurrence, and \$300,000 aggregate, and property damage insurance of at least \$100,000 per occurrence and \$100,000 aggregate. Such insurance shall not be canceled or reduced without the insured first giving 30 days' notice in writing to the Village of Endeavor of such cancellation or reduction.
 - (g) Advertising vehicles. No persons shall park any vehicle or trailer on any public right-of-way property or on private properties so as to be seen from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises. The Village Clerk-Treasurer may

4. Editor's Note: See § 12.04, Wis. Stats.

issue special permits for the parking of advertising vehicles for a period not to exceed five days per location.

- (h) Off-premises signs are permitted in B-2 Highway Commercial Districts only. They are not permitted in any other district, whether it be residential, industrial or commercial. An off-premises sign is defined as being a sign advertising a business or product for a business on another location other than where the sign is located.
- (2) Wall signs placed against the exterior walls of buildings shall not exceed more than six inches outside of a building's wall surface and shall not exceed 500 square feet in area for any one premises.
- (3) Projected signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area for any one premises, shall not extend more than six feet into any required yard, shall not extend more than three feet into any public right-of-way, and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- (4) Ground signs shall meet all yard requirements for the district in which they are located. With regards to a B-3 ground sign, setback requirements shall be not less than five feet from the side property boundaries and not less than two feet from the property lines facing the Village right-of-way.
- (5) Roof signs shall not exceed 10 feet in height above the roof, shall meet all setback requirements for the district in which they are located, and shall not exceed 300 square feet on all sides for any one premises.
- (6) Combination of any of the above signs shall meet all the requirements for the individual sign.
- (7) Directory signs shall be permitted under the following conditions:
 - (a) The directory sign will be designed in such a way to accommodate no fewer than five businesses with the same letter type for each business.
 - (b) The sign will be maintained by those persons signing the sign permit.
 - (c) The sign size, shape and dimensions will be subject to the approval of the Committee on Finance.
 - (d) The Committee on Finance will also approve the location of a directory sign.
- E. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or a fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility. No sign shall be maintained in an unsightly, unsafe or hazardous manner. In the event that such a sign exists, the Village Clerk-Treasurer shall give the owner of said real estate 10 days' written notice to remove or repair said sign in accordance with the Village sign requirements and with a further notice that if said

repairs are not completed within 10 days that the Village shall remove said sign and levy the cost of removal as a tax assessment against the landowner.

- F. A sign lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size or location does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure and the provisions of § 480-13 shall apply.
- G. In the event that a business closes in which a sign relates, said sign shall be removed by the landowner within 30 days of the business closing or the Village will remove the same and levy all costs of removal as a special tax assessment after giving the ten-day notice as specified in Subsection E above.
- H. In the event that there is any violation of this section, the Village shall give a ten-day written notice to notify said landowner of said violation, and failure to correct the same shall result in the Village removing the sign and levying it on the tax rolls as a special assessment.

§ 480-13. Nonconforming uses, structures and lots.

- A. Existing nonconforming uses. The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; provided, however, that:
 - (1) Only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or as to comply with the provisions of this chapter.
 - (2) Total lifetime structural repairs or alterations shall not exceed 50% of the Village's assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.
 - (3) Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- B. Abolishment or replacement. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure or land shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. A current file of all nonconforming uses shall be maintained by the Zoning Administrator listing the following: owner's name and address, use of the structure or land, and assessed value, at the time of becoming a nonconforming use. A nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored in accordance with the provisions of § 62.23(7)(hc), Wis. Stats.

- C. Existing nonconforming structures. A lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- D. Changes and substitutions. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals.
- E. Substandard lots. In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel, provided that such lot or parcel was of record in the County Register of Deeds office before the effective date or amendment of this chapter. Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this chapter. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:
- (1) Lot:
 - (a) Width: minimum 40 feet.
 - (b) Area: minimum 4,600 square feet.
 - (2) Building height: maximum 30 feet.
 - (3) Yards:
 - (a) Street: minimum 25 feet; the second street yard on the corner lots shall be not less than 10 feet.
 - (b) Rear: minimum 25 feet.
 - (c) Side: minimum 16% of the frontage, but not less than five feet.

§ 480-14. Zoning Board of Appeals.

- A. A Zoning Board of Appeals shall be appointed as specified in § 62.23(7)(e), Wis. Stats. The members shall serve with compensation as set by the Village Board and shall be removable by the Village President for cause upon written charges and after public hearing. The Zoning Board of Appeals shall make and file in the office of the Village Clerk-Treasurer its own rules and procedure consistent with Wisconsin Statutes.
- B. The Zoning 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 Zoning Administrator.
 - (2) To hear and decide special exceptions to the terms of this chapter upon which the Zoning Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficult or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this chapter, for such purposes which are reasonably necessary for public convenience and welfare.
- C. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of this chapter. The grounds of every such determination shall be stated and recorded.
- D. An application for a variance shall be accompanied by a fee as set by the Village Board.

§ 480-15. Amendments and annexations.

- A. The Village Board may amend this chapter according to the procedures established in § 62.23(7)(d), Wis. Stats.
- B. All territory annexed to the Village of Endeavor shall become part of the R-1 District until definite boundaries and regulations are adopted by the Village Board; provided, however, that the Village shall adopt definite boundaries and district regulations, in accordance with the Comprehensive Plan, within 90 days from date of annexation.

§ 480-16. Definitions and word usage.

For the purpose of this chapter, certain words 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. The word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

ACCESSORY BUILDING — A building or portion of a building subordinate to the main building but not part of the main building and used for a purpose customarily incidental to the permitted use of the main building.

ALLEY — A street or thoroughfare affording only secondary access to abutting property.

BUILDING — Any structure used, designed, or intended for the protection, shelter, enclosure or support of persons or property.

BUILDING, HEIGHT OF — The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of flat roof, to the deckline of a mansard roof, or to the average height of the gable of a gambrel, hip or pitch roof.

CONDITIONAL USE — A use of land, water or building which is allowable only after the issuance of a special permit by the Village Board under conditions specified in this chapter.

DWELLING, MULTIFAMILY — A building or portion thereof designed for and occupied by two or more families.

DWELLING, SINGLE-FAMILY — A detached building designed for or occupied exclusively by one family.

FAMILY — A group of persons related by blood or marriage and living together as a single housekeeping entity.

FLOODPLAIN — The land adjacent to a body of water which is subject to periodic overflow therefrom.

FLOODWAY — The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.

GARAGE, PRIVATE — An accessory building or space for the storage only of not more than three motor-driven vehicles per dwelling.

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

GARAGE, STORAGE — Any building or premises used for storage only of motor-driven vehicles and where no vehicle equipment, parts, fuel or oil is sold or where no vehicles are serviced, repaired, hired or sold.

HOME OCCUPATION — A gainful occupation conducted by members of the family only, within their place of residence, provided 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 immediate family living on the premises is employed.

HOTEL or MOTEL — A building in which lodging, with or without meals, is offered to transient guests for compensation.

LOT — A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by this chapter, and on a public street.

LOT, CORNER — A lot abutting on two or more streets at their intersection.

LOT, DEPTH OF — The mean horizontal distance between the front and rear lot lines.

LOT LINES — The lines bounding lots as defined herein.

MANUFACTURED HOME —

- A. A structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426 which, when placed on the site:
- (1) Is set on a permanent enclosed foundation in accordance with § 70.043(1), Wis. Stats., and Subchapters III, IV and V of Ch. Comm 21, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Village Zoning Administrator. The Village Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - (2) Is installed in accordance with the manufacturer's instructions.
 - (3) Is properly connected to all utilities.
 - (4) Is constructed with a pitched roof and overhanging eaves and sided with wood, aluminum or vinyl siding.
 - (5) Contains floor space of at least 800 square feet and has a minimum width of 16 feet.
 - (6) Is erected on a standard lot in a residential zone, as defined in § 480-4.
 - (7) Meets all other residential zoning requirements, such as setbacks.
- B. A premanufactured home such as one produced by Terrace Homes or Wausau Homes is not considered a "manufactured home" within the above definition but rather is considered the same for regulation purposes as a home built on site from the ground up.

MINI WAREHOUSE — An unoccupied, compartmentalized warehouse building having one or more doors serving each compartment.

NONCONFORMING USE — A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto, which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

SETBACK — The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof.

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

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 is no floor above it, then the space between the floor and the ceiling next above it.

STREET — All property dedicated or intended for public or private street purposes or subject to public easements.

STREET LINE — A dividing line between a lot tract or parcel of land and a contiguous street.

STRUCTURAL ALTERATION — Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

STRUCTURE — Anything constructed or erected, the use of which requires permanent location on the ground.

VETERINARY CLINIC — A facility established for the purpose of providing diagnosis, treatment, prevention, and control of animal disease, as well as promoting the health and well-being of small animals. Kennels are provided only for the treatment and recuperation of animal patients and must be physically located inside the veterinary facility. Outdoor kennels or other outdoor exercise areas are included, provided that an employee of the clinic is on duty. Facilities established for the purpose of boarding animals are not included.

VISION CLEARANCE — An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

WATERLINE — The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75% of the length of such waterline shall be on or on the landward side of the normal high-water mark of such stream.

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 the lot between the front lot line and the nearest part of the main building.

YARD, REAR — A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building.

YARD, SIDE — A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

