

CHAPTER 17  
ZONING CODE

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**17.01 INTRODUCTION.** (1) **AUTHORITY.** These regulations are adopted under the authority granted by §62.23(7), Wis. Stats.

(2) **SHORT TITLE.** This chapter shall be known as, referred to or cited as the "Zoning Code, Village of Frederic, Wisconsin.

(3) **PURPOSE.** The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Village.

(4) **INTENT.** It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Village; and implement the Village comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

(5) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(6) **INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**17.02 DEFINITIONS.** For the purpose of this chapter, the following definitions shall be used:

(1) **ABUTTING.** Having a common property line or district line.

(2) **ACCESSORY BUILDING.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.

(3) **ALLEY.** A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

(4) **APARTMENT.** A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

(5) **APARTMENT HOUSE.** See DWELLING, MULTI-FAMILY.

(6) **BASEMENT.** A story, as defined in sub. (46) below, partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

(7) **BILLBOARD.** An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.

(8) **BOARDING HOUSE.** A building other than a hotel where lodging and meals are furnished for compensation for 3 or more persons not members of a family.

(9) **BUILDING.** Any structure use, 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.

(10) **BUILDING, ALTERATIONS OF.** See **STRUCTURAL ALTERATIONS.**

(11) **BUILDING AREA.** The total living area bounded by the exterior walls of a building at the floor level, but not including a basement not qualified for living area under the State Building Code, a garage, an unfinished and unheated porch and an attic.

(12) **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 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 pitched roof.

(13) **CERTIFICATE OF OCCUPANCY.** A written statement issued by the Zoning Administrator which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this chapter for the specified use and occupancy.

(14) **CONDITIONAL USE.** A use of a special nature so as to make impractical its predetermination as a principal use within a district.

(15) **SPECIAL EXCEPTION.** A use which is prohibited under this chapter, but which may be granted by the Village Board upon application and referral to the Plan Commission on a case-by-case basis under circumstances where the Board finds that granting a special exception would not be contrary to the public interest and that not granting it would result in undue practical difficulty.

(16) **DWELLING.** (a) *One-Family.* A detached building designed for or occupied exclusively by one family.

(b) *Two-Family.* A detached or semi-detached building designed for and occupied exclusively by 2 families.

(c) *Multi-Family.* A building or portion thereof designed for and occupied by more than 2 families, including tenement houses, row houses, apartment houses and apartment hotels.

(17) **DWELLING UNIT.** A separate housekeeping unit, designed and used for occupancy by a single family.

(18) FAMILY. Any number of persons related by blood, adoption or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.

(19) FARM. Land consisting of 5 acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.

(20) FLOOR AREA (a) For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of unfinished and unheated porches, balconies, garages and basements qualified for living area under the State Building Code, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.

(b) For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the center line of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

(21) FRONTAGE. All the property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

(22) GARAGE. (a) *Private*. An accessory building, attached or detached, used for the purpose of storage of vehicles and miscellaneous equipment.

(b) *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.

(c) *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. No commercial motor vehicle exceeding 2 tons capacity shall be stored in any storage garage.

(23) 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 occupations, 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, that no sign other than one unlighted name plate not more than one foot square is installed and that no person other than a member of the immediate family living on the premises is employed. Outdoor storage of raw materials or finished products is not allowed.

(24) HOTEL, MOTEL. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.

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

(26) LOT, CORNER. A lot abutting on 2 or more dedicated and accepted streets at their intersections, provided that the interior angle of such intersection is less than 135°.

(27) LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

(28) LOT, INTERIOR. A lot other than a corner lot.

(29) LOT LINES. The lines bounding a lot as defined herein.

(30) MANUFACTURED DWELLING. A dwelling structure or component thereof, as defined in Wis. Adm. Code COMM 20.07(52), which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with Wis. Adm. Code COMM 20, Subch. V.

(31) MANUFACTURED HOME. A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufacturing Housing Construction Standards.

(32) LOT, THROUGH. An interior lot having frontage on 2 nonintersecting streets.

(33) MOBILE HOME. A nonself-propelled one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, whether or not the same is placed on a permanent foundation.

(34) MOBILE HOME PARK. Any lot on which 2 or more mobile homes are parked for the purpose of temporary or permanent habitation.

(35) MOTEL. See HOTEL.

(36) 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.

(37) NURSERY. Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

(38) NURSING HOME. Any building used for the continuous care, on commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

(39) PARKING STALL. An off-street space, available for the parking of a motor vehicle and which, in this chapter, is held to be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

(40) PROFESSIONAL HOME OFFICE. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in an **R-1** District, a professional office shall be incidental to the residential occupation and not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office. Only one person may be employed who is not a resident of the home.

(41) RAILROAD RIGHT OF WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

(42) SETBACK. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.

(43) **SHOPPING CENTER.** A group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

(44) **SIGN.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices or designs visible from a public street or highway which convey information regarding the use or ownership of the establishment on the same property upon which it is located, as distinguished from a billboard.

(45) **STREET.** All property dedicated for public street purposes.

(46) **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. A basement or cellar having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

(47) **STREET LINE.** A dividing line between a lot, tract or parcel of land and an abutting street light of way.

(48) **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.

(49) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

(50) **TEMPORARY STRUCTURE.** A movable structure which does not require a permanent location on the ground and which is not attached to something having a permanent location on the ground.

(51) **USE.** The use of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

(52) **USE, ACCESSORY.** A use subordinate in nature, extent or purpose to the principal use of a building or lot and which is also an approved use if so stated in this chapter.

(53) **USE, CONDITIONAL.** See **CONDITIONAL USE.**

(54) **USE, PERMITTED.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.

(55) **USE, PRINCIPAL.** The main use of land or building as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.

(56) **UTILITIES.** Public and private facilities such as water wells, water and sewer pumping stations, water storage tanks, electric transmission towers, electric lines, electric transmission substations, gas transmission regulation stations, telephone and telegraph exchanges, microwave relay structures, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

(57) **VISION CLEARANCE.** An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line. (See sec. 17.03 of this chapter)

(58) **YARD.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

(a) *Front Yard or Setback.* A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

(b) *Rear Yard.* 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 excluding uncovered steps.

(c) *Side Yard.* A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line. See also secs. 17.03(5) and 17.05(3) of this chapter.

(59) **ZONING DISTRICT.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

(60) **ZONING PERMIT.** A permit stating that the placement of and the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.

**17.03 GENERAL PROVISIONS.** (1) **COMPLIANCE.** No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable Village, County and State regulations.

(2) **USE RESTRICTIONS.** The following use restrictions and regulations shall apply:

(a) *Principal Uses.* Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.

1. **Accessory Uses.** Accessory uses and structures are permitted in any district, If a principal structure is not present adequate room must be left for a principal structure, this will be determined by lot size and zoning district restriction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's and watchman's quarters not for rent; private swimming pools; and private emergency shelters. Accessory buildings shall not occupy more than 30% of the required area for the rear yard.

2. **Unclassified or Unspecified Uses.** Unclassified or unspecified uses may be permitted by the Village Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

3. **Temporary Uses.** Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Village Board.

(b) *Performance Standards.* Performance standards listed in sec. 17.24 of

this chapter shall be complied with by all uses in all districts.

(3) **YARD REDUCTION OR JOINT USE.** (a) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, 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.

(b) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.

(c) No lot in the Village which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such lot.

(4) **LOT OCCUPANCY.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a platted lot and in no case shall there be more than one principal building on one platted lot unless approved by the Village Board.

(5) **YARDS ABUTTING DISTRICT BOUNDARIES.** 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 2 districts which abut the district boundary line.

(6) **STORAGE LIMITATION.** No required side yard or front yard in the commercial or industrial districts shall be used for storage or the conduct of business.

(7) **VISION CLEARANCE.** No obstructions such as structures, parking or vegetation shall be permitted in any district other than the B-1 District between the height of 2-1/2 and 10 feet above a plane through the mean curb grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right of way lines and a line joining points on such lines, located a minimum of 35 feet from their intersection. Official signs, utility poles, tree trunks and wire fences may be permitted within each segment of an intersection traffic visibility area.

(8) **PERFORMANCE STANDARDS.** See sec. 17.24 of this chapter.

(9) **PARKING AND LOADING RESTRICTIONS.** See sec. 17.23 of this chapter.

**17.04 SINGLE-FAMILY DWELLING STANDARDS.** No single-family dwelling, including dwellings, constructed on the building site, manufactured dwellings and manufactured homes, shall be erected or installed in any zoning district except the MHP District unless such dwelling meets all of the following standards:

(1) The dwelling shall be set on a full basement or other permanent enclosed structure in accordance with the State Uniform Dwelling Code.

(2) The dwelling shall have a minimum width of 24 feet and a core area of living space at least 24 feet by 24 feet.

(3) The dwelling shall have a pitched roof with a minimum slope of 2 inches of rise in 12 inches of run, and eaves extending beyond the nearest vertical wall a minimum of 12 inches. The roofing shall be asphalt shingles or comparable roofing.

**17.05 HEIGHT AND AREA EXCEPTIONS.** The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

(1) **CHIMNEYS, TOWERS, LOFTS, ETC.** Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, windmills, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances exceeding the height regulations of this chapter may be permitted as conditional uses by the Plan Commission.

(2) **STREET YARD MODIFICATIONS** The yard requirements stipulated elsewhere in this chapter may be modified as follows:

(a) *Uncovered Stair Restrictions.* Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed 6 feet and be not closer than 3 feet to any lot line.

(b) *Cul-de-Sac and Curve Restrictions.* Residential lot frontage on cul-de-sacs and curves in R-1 Districts and for single-family residences in the R-2 District may be less than 80 feet provided the width at the building setback line is at least 80 feet and the street frontage is not less than 45 feet. Residential lot frontage on cul-de-sacs and curves for 2-family and multi-family residences in R-2 Districts may be less than 100 feet provided the width at the building setback line is at least 100 feet and the street frontage is not less than 55 feet.

(f) *Street Yard Restrictions.* With the approval of the Plan Commission, the required street yards may be decreased in any residential, business or industrial district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the residential districts and 5 feet in any business or industrial district.

(3) **CORNER LOTS.** On corner lots the side yard facing the street shall not be less than the average of the front and side setbacks for that district.

(4) **LOTS ABUTTING DIFFERENT GRADES.** Where a lot abuts on 2 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 plus 12 inches to the top of the basement wall.

(5) **BUILDINGS ON THROUGH LOTS.** The requirements for a rear yard for buildings on through lots and extending from street to street may be waived 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.

(6) **ACCESSORY BUILDINGS.** Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard and shall not be nearer than 5 feet to any lot line nor 5 feet to any alley line and shall not extend into a front yard beyond the required setback.

(7) **UNOBSTRUCTED YARDS.** Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard.

**17.06 NONCONFORMING USES, STRUCTURES AND LOTS.** (1) **EXISTING NONCONFORMING USES.** (a) *Continuation.* The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter, provided, however:

1. Only that portion of the land or water 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 so as to comply with the provisions of this chapter.

2. The total lifetime structural repairs or alterations shall not exceed 50% of the 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 Village Board if such equipment will reduce the incompatibility of the conforming use with the neighboring uses.

(b) *Abolishment or Replacement of Existing Nonconforming Use.* If such conforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water 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 equalized assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. From the date of adoption of this chapter, a current file of all nonconforming uses shall be maintained by the Clerk-Treasurer, listing the following:

1. Owner's name and address.
2. Use of the structure, land or water.
3. Assessed value at the time of its becoming a nonconforming use.

(2) **EXISTING NONCONFORMING STRUCTURES.** Any lawful nonconforming structures existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform with 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 unless a variance is first obtained from the Board of Zoning Appeals.

(3) **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 Village Board 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 Village Board.

(4) **EXISTING VACANT SUBSTANDARD LOTS.** An existing lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 50 feet wide and 5,000 square feet in area, may be used as a single-family building site provided that the use is permitted in the zoning district and the lot is of record in the County Register of Deed's office prior to the effective date of this chapter; and, further provided, that the

lot is in separate ownership from abutting lands. If 2 or more vacant substandard lots with continuous frontage have the same ownership as of the effective date of this chapter, the lots involved shall be considered to be an individual parcel for the purpose of this chapter. Substandard lots shall be required to meet the setbacks and other yard requirements of this chapter. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after approval of a variance by the Board of Zoning Appeals.

**17.07 COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES.** (1) STATE LAWS ADOPTED. The provisions of §§62.23(7)(i) and 66.1017, Wis. Stats., are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this chapter.

(2) PERMITTED USES; RESTRICTIONS.

COMMUNITY LIVING ARRANGEMENT (CLA); FAMILY DAY CARE HOMES	DISTRICTS PERMITTED	STATUTORY RESTRICTIONS
(a) Foster family home (domicile licensed under §48.62, Wis. Stats., up to 4 children	All residential districts	None
(b) Other foster homes	All residential districts	§62.23(7)(i). and 2., Wis. Stats.
(c) Adult family home domicile, as districts defined in §50.01(1), Wis. Stats., up to 4 adults, or more if all adults are siblings	All residential	None
(d) Other adult family homes	All residential districts	§62.23(7)(i)l. and 2., Wis. Stats.
(e) CLA, up to 8 persons	All residential districts	§62.23(7)(i)l., 2. and 9., Wis. Stats.
(f) CLA, 9 to 15 persons	Multi-Family districts	§62.23(7)(i)l., 2. And 9., Wis. Stats.
(g) Family day care home licensed under §48.65 Wis. Stats., up to 8 children	All 1- and 2-family districts	§66.1017, Wis. Stats.

(3) CONDITIONAL USES. All community living arrangements and family day care homes not permitted in sub. (2) above. See sec. 17.21 of this chapter.

**17.08 ZONING DISTRICTS.** (1) ESTABLISHED. For the purposes of this chapter, the Village is hereby divided into the following zoning districts:

- (a) R-1 Single-Family and Two-Family Residential District
- (b) R-2 Single-Family and Two-Family Residential District
- (c) R-3 Multi-Family Residential District
- (d) R-4 Rural Development District
- (e) R-5 Mobile Home Park District

- (f) B-1 Downtown Business District
- (g) B-2 Highway Business District
- (h) I-1 Industrial-Commercial District
- (i) I-2 Industrial-Commercial District
- (j) PUD Planned Unit Development District
- (k) CON Conservancy District
- (l) Floodplain and Shoreland-Wetland District

(2) **INCORPORATION OF ZONING MAP.** The locations and boundaries of the districts are shown on the Village Zoning Map, dated March, 2001, and referred to by reference as the Official Zoning Map, Village of Frederic, Wisconsin. Such Map, together with all explanatory matter and regulations thereon, is an integral part of this chapter and all amendments thereto. Official copies of the Zoning Map, together with a copy of this chapter, shall be kept by the Clerk-Treasurer and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries shall not be effective until recorded and the certified change is filed with the Map.

(3) **DISTRICT BOUNDARY AND MAP AMENDMENTS.** Ordinances:

(4) **BOUNDARIES OF DISTRICTS.** When uncertainty exists with respect to the boundaries of the various districts as shown on the Map, the following rules apply:

(a) When width or length of boundaries are not clear, the scale of the Map shall determine the approximate dimensions.

(b) When the Floodplain Zoning and Shoreland-Wetland Codes and the Zoning Code regulations conflict with one another, the most restrictive combination of such regulations shall control.

(c) District boundaries are normally lot lines and center lines of streets, highways, railroads or alleys.

(5) **ANNEXATIONS.** Annexations to the Village shall be temporarily zoned R-4 unless the annexation ordinance temporarily places the land in another district.

**17.09 R-1 SINGLE-AND TWO-FAMILY RESIDENTIAL DISTRICT.** The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

(1) **PERMITTED USES.** (a) Single-family dwellings.

(b) Attached and detached garages, as follows:

1. **Attached Garages.** Attached garages 1,000 square feet in area maximum. Attached garages with living quarters above shall have a floor to ceiling height of 10 feet maximum; attached garages without living quarters above shall have a floor to ceiling height of no more than 10 feet maximum and a roof pitch no greater than that of the principal building living quarters.

2. **Detached Garages.** Detached garages 1,800 square feet in area maximum, with a sidewall height up to 14 feet depending on location and Board approval.

(c) Garden and yard equipment shed, 150 square feet maximum and 15 feet in height maximum.

(2) **CONDITIONAL USES.** See also sec. 17.21 of this chapter.

(a) Two-family dwellings.

(b) Churches, synagogues and similar places of worship and instruction, including parsonages.

(c) Municipal buildings, except sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.

(d) Utility offices, provided there is no service garage or storage yard.

(e) Public, parochial and private elementary and secondary schools.

(f) Public parks, recreation areas, playgrounds and community centers.

(g) Home occupations and professional offices.

(h) Bed and breakfast inns.

(i) Golf courses.

(j) Medical clinics.

(k) Funeral homes.

(l) Cemeteries.

(m) Barber and beauty shops.

(n) Manufactured homes

(1) Manufactured homes complying with all of the following requirements and limitations:

The home shall be at least twenty-four (24) feet in width and thirty-six (36) feet in length. With Board approval the following exception may apply: Over 50% of the home shall be at least twenty-four (24) feet in width and thirty-six (36) feet in length.

(2) The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed.

(3) The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

(4) The home shall be equipped with foundation siding, which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

(5) The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.

(6) The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Frederic.

(3) **LOT, YARD AND BUILDING REQUIREMENTS.** See also sec. 17.03 of this chapter.

(a) *Single-Family Residences.*

Lot frontage.....Minimum 90 ft.

Lot area .....Minimum 10,000 sq. ft.

Principal building:

Front yard .....Minimum 40 ft.

Side yards .....Minimum 10 ft.

Rear yard .....Minimum 25 ft.

Building height.....Maximum 35 ft.

Accessory buildings:

Front yard .....Minimum 40 ft

Side yards .....Minimum 5 ft.

Rear yard .....Minimum 5 ft.

Garages.....See sub. (1)(b) above

Garden shed.....See sub. (1)(c) above

Lot coverage.....Maximum 70%

Off-street parking ..... Minimum 2 spaces per unit.  
(See also sec. 17.23 of this chapter)

(b) *Two-Family Residences.*

Lot frontage ..... Minimum 90 ft.  
 Lot area:  
     New construction ..... Minimum 14,000 sq. ft.  
     Converted one-family ..... Minimum 12,000 sq. ft.  
 Principal building:  
     Front yard..... Minimum 40 ft.  
     Side yards ..... Minimum 10 ft.  
     Rear yard ..... Minimum 25 ft.  
     Building height..... Maximum 35 ft.  
 Accessory buildings:  
     Front yard ..... Minimum 40 ft.  
     Side yards ..... Minimum 5 ft.  
     Rear yard..... Minimum 5 ft.  
     Garage (one per unit)..... See sub. (l)(b) above  
     Garden and yard equipment shed (one per unit) ..... See sub. (l)(c) above  
 Lot coverage..... Maximum 70%  
 Off-street parking..... Minimum 2 spaces per unit  
(see also sec. 17.23 of this chapter)

**17.10 R-2 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT.** The R-2 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family, 2-family and multi-family dwellings protected from traffic hazards and intrusion.

- (1) PERMITTED USES. Same as the R-1 District.
- (2) CONDITIONAL USES. (a) Same as the R-1 District.
- (3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

(a) *Single Family Dwellings.*

Lot frontage..... Minimum 60 ft.  
 Lot area ..... Minimum 7,000 ft.  
 Principal buildings:  
     Front yard..... Minimum 25 ft.  
     Side yards ..... Minimum 8 ft.  
     Rear yard..... Minimum 20 ft.  
     Building height..... Maximum 35 ft.  
 Accessory buildings:  
     Front yard..... Minimum 25 ft.  
     Side yards ..... Minimum 5 ft.  
     Rear yard..... Minimum 5 ft.

Garage.....	See sec. 17.09(1)(b) of this chapter
Garden and yard equipment shed.....	See sec. 17.09(1)(c) of this chapter
Lot coverage .....	Maximum 70%
Off-street parking.....	Minimum 2 spaces (see also sec. 17.23 of this chapter)

(b) *Two-Family Dwellings.*

Lot frontage .....	Minimum 60 ft.
Lot area:	
New construction.....	Minimum 12,000 sq. ft.
Converted single-family.....	Minimum 10,000 sq. ft.
Principal building:	
Front yard.....	Minimum 25 ft.
Side yards.....	Minimum 8 ft.
Rear yard.....	Minimum 20 ft.
Building height.....	Maximum 35 ft.
Accessory buildings:	
Front yard.....	Minimum 25 ft.
Side yards.....	Minimum 5 ft.
Rear yard.....	Minimum 5 ft.
Garage.....	See sec. 17.09(1)(b) of this chapter
Garden and yard equipment shed .....	See sec. 17.09(1)(c) of this chapter
Lot coverage .....	Maximum 70%
Off-street parking.....	Minimum 2 spaces per unit. (See also sec. 17.23 of this chapter)

**17.11 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.** The R-3 District is intended to provide a mixture of single-family, two-family and multi-family dwellings.

(1) PERMITTED USES. (a) Single-family residences.

(b) Two-family residences.

(c) Multi-family residences.

(d) Garages (see R-1 District).

(e) Storage sheds (see R-1 District).

(f) Home occupations and professional offices.

(2) CONDITIONAL USES. Same as R-1 District.

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

- (a) *Single-Family Dwellings.* Same as R-2 District.
- (b) *Two-Family Dwellings.* Same as R-2 District.
- (c) *Multi-Family Dwellings.*

Lot frontage .....	Minimum 80 ft.
Lot area .....	Minimum 12,000 sq. ft.
Principal building:	
Front yard .....	Minimum 25 ft.
Side yards .....	Minimum 8 ft.
Rear yard .....	Minimum 20 ft.
Building height.....	Maximum 35 ft.
Accessory building:	
Front yard .....	Minimum 25 ft.
Side yards .....	Minimum 5 ft.
Rear yard .....	Minimum 5 ft.
Garage .....	See sec. 17.09(1)(b) of this chapter
Garden and yard equipment shed.....	See sec. 17.09(1)(c) of this chapter
Lot coverage .....	Maximum 80%
Off-street parking.....	2 spaces per unit (see also sec. 17.23 of this chapter)

**17.12 R-4 RURAL DEVELOPMENT DISTRICT.** The R-4 District is intended to provide for farmette rural estate single-family residential development.

- (1) PERMITTED USES. (a) Two-family dwellings.
  - (b) Home occupations and professional home offices.
- (2) CONDITIONAL USES. (a) Same as R-1 District.
  - (b) Home occupations and professional home offices.

(c) Livestock such as, but not limited to, cattle, swine, horses, ponies, sheep, poultry and other fowl may be permitted in the R-4 District following issuance of a conditional use permit after public hearing. As a general policy guideline, the R-4 District is not intended to be used for intensive raising or boarding of livestock or fowl. A conditional use permit for livestock or fowl may only be issued if such use is compatible with the neighborhood.

(3) LOT, YARD AND BUILDING REQUIREMENTS.

Lot frontage.....	Minimum 125ft.
Lot area .....	Minimum 5 acres
Principal building:	
Front yard .....	Minimum 35 ft.
Side yards .....	Minimum 20 ft.
Rear yard .....	Minimum 50 ft.
Building height.....	Maximum 35 ft.

Accessory buildings:

- Front yard..... Minimum 35 ft.
- Side yards..... Minimum 20 ft.
- Rear yard..... Minimum 20 ft.

**17.13 R-5 MOBILE HOME PARK DISTRICT.** (1) PERMITTED USES. Mobile home parks.

(2) CONDITIONAL USES. None.

(3) MOBILE HOME PARK.REQUIREMENTS.

(a) *Park Requirements.*

1. A minimum of 5 acres.
2. 40 foot minimum setbacks on all sides.
3. A hard surface road no less than 24 feet wide serving all mobile home spaces.
4. Electricity, cable television and public sewer and water servicing all mobile home spaces.
5. A central hard surface parking lot with one parking space for each 3 mobile home spaces.
6. A separate building providing laundry facilities.
7. An on-site manager's office.

(b) *Space Requirements.*

Space frontage	Minimum 50 ft.
Space area	Minimum 4,000 sq. ft
Front yard	Minimum 25 ft.
Side yards	Minimum 10 ft.
Rear yard	Minimum 25 ft.
Off-street parking	2 spaces per mobile home

**17.14 R-PUD RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICTS.**

(1) INTENT. The Residential Planned Unit Development (R-PUD) Overlay District regulations are intended to permit flexibility and, consequently, encourage more creative and imaginative design for residential development of a site than under conventional zoning regulations while, at the same time, preserving the health, safety, order, convenience, prosperity and general welfare of the Village. The planned development procedure requires a high degree of cooperation between the developer and the Village. The procedure described herein is designed to give the developer general plan approval before completing all detailed design work while providing the Village with assurances that the project will retain the overall quality and character of a planned residential development envisioned at the time of approval.

(2) **GENERAL PROVISIONS.** The Plan Commission may recommend and the Village Board may, upon the request of the owners, establish planned development overlay districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and compatible uses while encouraging maximum protection and preservation of natural resources and environmentally sensitive areas located within and impacted by such development.

(a) *Minimum R-PUD Overlay District Development Area.* The Plan Commission shall be the authority in establishing the required size of an R-PUD Overlay District. Conditions to be considered by the Plan Commission in determining the minimum area required for R-PUD Overlay District zoning may include, but are not limited to, the following:

1. Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features.

2. The land is adjacent to or across the Street from property which has been developed as an R-PUD and is to be developed in relationship to such prior development.

3. The R-PUD process is desirable to insure compatibility and careful consideration of the effect of a development on surrounding land uses.

4. Detrimental site features affecting the development potential of a site such as heavily used highways, railroad tracks traversing a property, rock outcroppings, adjacent incompatible land uses or others may also justify consideration of an area as an R-PUD in order to give the design flexibility needed to deal with site constraints.

(b) *Permitted and Accessory Uses.* Permitted and accessory uses in an R-PUD Overlay District shall be the same as those permitted in the underlying existing zoning district in which an R-PUD is located. If a developer desires uses different than those permitted by the existing zoning, the developer shall simultaneously petition for rezoning of the underlying existing zoning to a zoning district which permits the desired uses.

(c) *Mixed Uses.* A mix of different residential uses within an R-PUD Overlay District may be permitted if the Plan Commission and the Village Board determine that the mix of uses is compatible internally and with land uses in the abutting and surrounding neighborhood and necessary to achieve the objectives of the R-PUD Overlay District.

(d) *Number of Buildings on a Lot.* The R-PUD Overlay District may permit more than one residential building on a lot.

(e) *Density.* The R-PUD Overlay District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district or districts.

(f) *Setbacks.* Front yard setbacks shall comply with that of the underlying zoning district or districts. Side and rear yard setbacks are to be determined by the Plan Commission after considering site specific areas.

(g) *Building Requirements.* The building regulations of the underlying zoning shall be applicable for all developers.

(h) *Temporary Uses.* Real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure are permitted.

(i) *Buffers.* The Plan Commission may require buffers between different and potentially incompatible land uses, buildings and structures. The use and integration of existing, natural features and vegetation as well as the installation of a variety of landscaping features shall be used as buffers and is strongly encouraged. The need for buffers in an R-PUD Overlay District shall be determined by the Plan Commission at the time of site-specific plan review.

U) *Open Space.* The Plan Commission may require the development area of an R-PUD Overlay District to contain up to 20% open space as determined by the Plan Commission on a site-specific basis. When deemed appropriate, the Plan Commission may also reduce density for open space purposes. For purposes of satisfying this requirement, "open space":

1. May include floodplain area and wetland area in certain instances if permitted by the Plan Commission.
2. May not include streets, driveways and front yard setback requirements.
3. Shall be established as part of the general development plan and described and identified as to size, location, use, improvements (if any) and maintenance responsibility.

(3) APPLICATION PROCEDURE AND REQUIRED INFORMATION.

(a) *Preliminary Consultation.* An applicant shall meet with the Plan Commission and appropriate Village staff members for a preliminary consultation prior to formally submitting a rezoning petition for an R-PUD Overlay District. The purpose of this preliminary consultation is to discuss the proposed request and review the local regulations and policies applicable to the project and discuss the land use implications of the proposal.

(b) *Rezoning Petition and General Development Plan.* The applicant shall submit a rezoning petition in accordance with the application procedure described in sec. 17.31 of this chapter. In addition to the required information noted in sec. 17.31, a general development plan shall be submitted to the Plan Commission and the Village Board for review 30 business days prior to any rezoning hearing. The general development plan and supporting information shall contain and/or address the following:

1. Plot plan of area proposed for development.
2. Proposed location of public utilities, public and private roads, driveways and parking facilities.
3. Size, arrangement and location of all proposed buildings.
4. Location of proposed open space areas, buffer yards and areas reserved or dedicated for public uses.
5. Perspective drawings and sketches illustrating the design and character of proposed structures.

6. Existing topography on site with contours at no greater than 2 foot intervals National Geodetic Vertical elevation.

7. A development phasing plan if development is to be developed in stages or phases.

(c) *Public Inspection.* The general development plan shall be available for public inspection prior to any rezoning hearing on the proposed project.

(d) *Public Hearing.* The Plan Commission shall hold a public hearing on the rezoning request and, following said public hearing, shall make a recommendation to the Village Board regarding approval/disapproval.

(e) *Rezoning Approval/Disapproval.* The Village Board shall act on the recommendation of the Plan Commission regarding the rezoning petition at their next scheduled meeting.

(4) CONDITIONS AND RESTRICTIONS, PRELIMINARY PLAN APPROVAL.

(a) The Plan Commission may recommend and the Village Board may adopt, by resolution, conditions and restrictions for R-PUD Overlay Districts that specify permitted uses and set bulk regulations and density standards for lot coverage and dwelling unit size and distribution and yard setbacks.

(b) Conditions and restrictions adopted to govern development within a specific R-PUD Overlay District may include, but not be limited to, nonstandard or nonuniform requirements, regulations and provisions recommended by the Plan Commission and approved by the Village Board. Such nonstandard requirements, regulations and provisions shall be designed to insure proper development and appropriate operation and maintenance of specific developments on specific sites consistent with the intent of these regulations and commitments made by a developer at the time an R-PUD Overlay District and general development plan are approved.

(5) DETAILED PLANS AND INFORMATION. (a) After the R-PUD zoning has been granted and the general development plan, together with conditions imposed by either the Plan Commission or the Village Board, has been approved, detailed site plans, architectural plans and utility plans shall be submitted to the Plan Commission for final review prior to the execution of a developer's agreement between the developer and the Village Board. Other related information required may include, but is not limited to, maintenance standards and plans of operation. The detailed plan and information shall conform substantially to the general development plan as approved.

(b) Information to be included in the detailed plan shall conform to the following subsections of sec. 19.06 of this Code where applicable:

1. General Requirements. A final plat prepared by a registered land surveyor shall be required for all developments. It shall comply in all respects with the requirements of §236.20, Wis. Stats.

2. Additional Information. The plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:

- a. Exact length and bearing of the center line and center and center line curves of all streets.
- b. Exact street width along the right of way line of any obliquely intersecting street.
- c. Railroad rights of way within and abutting the plat.
- d. Setbacks or building lines, if required by the Plan Commission, in accordance with the guidelines set forth in sec. 19.08 of this Code.
- e. Utility and/or drainage easements.
- f. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- g. A detailed landscaping plan.
- h. Special restrictions required by the Village Board relating to access control along public ways and delineation of floodland limits.

3. Deed Restrictions. The Village Board may require that deed restrictions imposed by the developer be filed with the final plat.

4. Plat Restrictions. The Village Board may require that plat restrictions intended to reflect Village plans and ordinances be placed on the face of the plat.

(6) REVIEW OF DETAILED PLAN. The Plan Commission shall review the detailed plan and provide the developer with a list of changes and additional requirements as it deems appropriate. Upon reaching agreement with the developer, the Plan Commission shall forward its recommendation to the Village Board.

(7) COMMENCEMENT OF PROJECT. (a) After the Village Board, upon recommendation of the Plan Commission, has approved the detailed site plans, construction of private and public amenities may commence in accordance with sec. 19.10 of this Code.

(b) No zoning permit for residences shall be issued until building plans have been approved by the Plan Commission and all applicable fees and assessments required in sub. (12) below and sec. 19.11 of this Code have been paid and either all public and private construction has been completed and approved or a developer's agreement, including a letter of credit, has been approved by the Village Board. For staged development, such developers' agreements shall provide for the construction of improvements and the use of common areas outside of the subject stage.

(c) After the Village Board, upon the recommendation of the Plan Commission, has approved the plans, the project shall be commenced within one year unless the time is extended in writing by the Village Board. In the event the project is not so timely commenced, the approval of the Village Board shall be deemed to be automatically revoked and zoning will revert back to the classification it held prior to rezoning approval.

(8) RECORDATION. The final plat or condominium declaration shall be recorded with the County Register of Deeds. Plats shall be recorded only after the certificates of the

Director of Planning Function in the Wisconsin Department of Development, of the Village Board, of the surveyor and those certificates required by Sec. 236.21, Wis. Stats., are placed on the face of the plat. The Clerk-Treasurer shall record the plat or condominium declaration within 10 days of its approval by the Village Board. The developer shall, however, be responsible for payment of the recording fee.

(9) **DUPLICATE PLAT OR CONDOMINIUM DECLARATION AND PLAT TO BE FILED.** An identical reproducible copy on stable drafting film at least 4 mils thick, along with the recording data, shall be placed on file with the Director of Public Works.

(10) **MAINTENANCE OF PROJECT.** (a) Should the owner of a planned development, homeowners' association or the condominium owners' association, in the event a condominium is created, fail to properly operate or maintain the premises according to the terms of this section or the developer's agreement, or to the extent that a nuisance is caused to occupants or neighbors, the Plan Commission may refuse to approve subsequent stages of the development until such time as they determine that the situation and/or the method of operation has been corrected. Failure to maintain the premises and/or satisfy any and all requirements contained in the approved plans, the R-PUD Overlay District ordinance or developer's agreement shall constitute a violation of the Zoning Code and be subject to the enforcement provisions set forth therein.

(b) Should the owner of a planned development or condominium owners or homeowners' association fail to adequately perform maintenance functions such as snow and ice removal, weed cutting or trash disposal, the Village shall have the right to perform such functions or to contract for their accomplishment at the property owner's expense.

(11) **CHANGES OR REVISIONS.** (a) All proposed changes, revisions and additions to any aspect of an approved planned development project shall be submitted to the Plan Commission for its review. The Plan Commission shall determine if the change, revision or addition is minor or if it materially affects the intended design of the project and the impact of the project on neighboring uses.

(b) If the change is determined to be minor, the Plan Commission shall review the request and pass its findings to the Village Board, which may approve the change without a public hearing. The Plan Commission's decision on minor changes shall be rendered at a meeting subsequent to the meeting at which the requested change was initially presented to the Plan Commission.

(c) If the requested change is determined by the Plan Commission to be substantial because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the Plan Commission to review and pass its findings to the Village Board for final approval.

(12) **FEES.** The developer shall pay to the Village all fees and all professional expenditures incurred by the Village at the time specified.

(a) *General R-PUD Plan Review Fee.* The developer shall pay a fee of \$100 plus \$2 for each residential unit over 25 at the time the application is filed.

(b) *Detailed R-PUD Plan Review Fee.* The developer shall pay a fee of \$100 plus \$2 for each residential unit over 25 at the time the application is filed.

(c) *Professional Fees.* The developer shall reimburse the Village for all engineering, planning and legal fees incurred by the Village. The Village shall bill the developer monthly and payment shall be made within 10 days from date of billing.

**17.15 B-1 DOWNTOWN COMMERCIAL DISTRICT.** The B-1 District is intended to provide an area for the business and commercial needs of the Village.

(1) PERMITTED USES. (a) Post offices.

(b) General business and commercial uses which do not generate noise, smoke or odors that would create a public or private nuisance. These uses generally include the following:

1. Banks, commercial or professional offices and telephone offices.
2. Places of amusement and theaters.
3. Personal service, automobile service, and equipment service establishments.
4. Bus depots.
5. Parking lots.
6. Government and public buildings.
7. Existing one- and 2-family dwellings.
8. Uses customarily incident to any of the above uses.

(2) CONDITIONAL USES. (a) Any other uses similar in character with the permitted uses and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.

(b) Miscellaneous repair shops and related services.

(c) Residential units located on the ground level and/or second story of a commercial structure.

(d) Farm supplies, wholesale trade.

(e) Retail sale of automobiles, trailers, mobile homes or campers.

(f) Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories.

(g) Washing, cleaning or polishing of automobiles, including self-service car washes.

(h) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.

(i) Veterinary clinics.

(3) **ADDITIONAL RESTRICTIONS.** Uses permitted in the B-1 District are subject to the following conditions:

(a) Business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are now established.

(b) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(c) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

(4) **DEVELOPMENT STANDARDS.** Within the B-1 District, there shall be no minimum required standards or setbacks in order to provide flexibility in the redevelopment of the downtown area. However, new buildings shall be subject to the off-street parking and loading requirements of sec. 17.23 of this chapter.

**17.16 B-2 HIGHWAY COMMERCIAL DISTRICT.** The B-2 District is established to provide for the establishment of principally motor vehicle-oriented or dependent commercial activities in nonresidential settings. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off-street parking.

(1) **PERMITTED USES.**

- (a) Amusement activities
- (b) Automobile and truck sales and services, and nonsalvage automotive parts stores
- (c) Automobile repair services
- (d) Taverns
- (e) Gasoline service stations and convenience stores
- (f) Gift, novelty and souvenir sales
- (g) Hotels, motels and tourist courts
- (h) Nightclubs and dance halls
- (i) Restaurants
- (i) Sales, service and installation of tires, batteries and accessories
- (k) Residential dwelling units
- (l) Animal hospitals, shelters and kennels
- (m) Hospitals and health care clinics
- (n) Public assembly uses
- (o) Commercial recreation facilities
- (p) Off-season storage facilities
- (q) Nursing homes
- (r) Drive-in food and beverage establishments, for consumption on- or off- premises
- (s) Drive-in banks
- (t) Drive-in theaters
- (u) Vehicle sales and service
- (v) Golf courses
- (w) Sewage disposal plants

- (x) Governmental, cultural and public buildings or uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums
- (y) Utilities
- (z) Schools and churches
- (aa) Mobile home sales
- (bb) Mental health care facilities, including counseling centers
- (cc) Chiropractic clinics
- (dd) Professionally supervised juvenile detention centers
- (ee) Lawn and garden equipment sales
- (ff) Bait and tackle stores

(2) **CONDITIONAL USES.** Uses similar in character to the permitted uses, giving due consideration to such items as noise, odor, pollution, traffic and parking, safety, hours and type of operation.

(3) **LOT, YARD AND BUILDING REQUIREMENTS.**

Lot frontage	Minimum 66 ft.
Lot area	Minimum 8,000 sq. ft.
Front yard	Minimum 50 ft., includes parking
Side yards	Minimum 20 ft.
Rear yard	Minimum 20 ft.
Building height	Maximum 35 ft.

(4) **OFF-STREET PARKING AND LOADING REQUIREMENTS.** See sec. 17.23 of this chapter.

**17.17 I-1 LIMITED INDUSTRIAL DISTRICT.** The I-1 District is intended to provide for manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of noise, dirt, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably insure compatibility in this respect.

(1) **PERMITTED USES.** See sec. 17.25 of this chapter.

(a) Manufacturing establishments, usually described as factories, mills or plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.

(b) Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.

(c) Outdoor storage of industrial products, machinery, equipment or other materials, provided that such storage is enclosed by a suitable fence or other manner of screening.

(d) Railroads.

(e) Wholesale establishments and warehouses.

(f) Building construction contractors.

- (g) Motor freight transportation.
- (h) Light industry and service uses.
- (i) Commercial bakeries, retail or wholesale.
- (j) Commercial greenhouses, retail or wholesale.
- (k) Food locker plants.
- (l) Trade and contractor's facilities.
- (m) Offices.
- (n) Recreation vehicle, boat and miscellaneous storage.

(2) **CONDITIONAL USES.** (a) Telecommunications towers. See sec. 17.26 of this chapter.

(b) Other uses similar in character to the permitted uses, giving due consideration to such items as noise, odor, pollution, traffic and parking, safety, hours and type of operation.

(3) **LOT, YARD AND BUILDING REQUIREMENTS.**

Lot frontage	Minimum 66 ft.
Lot area	Minimum 8,500 sq. ft.
Front yard	Minimum 25 ft.
Side yards	Minimum 10 ft.
Rear yard	Minimum 30 ft.
Building height	Maximum 35 ft.

(4) **OFF-STREET PARKING AND LOADING REQUIREMENTS.** See sec. 17.23 of this chapter.

(5) **PERFORMANCE STANDARDS.** See sec. 17.24 of this chapter.

**17.18 I-2 INDUSTRIAL/COMMERCIAL PARK DISTRICT.** (1) **STATEMENT OF PURPOSE.** The I-2 Industrial/Commercial Park District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, certain specialized manufacturing operations, and research and development institutions. The essential purpose of this district is to achieve development which is practical, feasible and economical and an asset to the owners, neighbors and the Village, and to promote and maintain desirable economic development activities in a park-like setting.

(2) **General Regulation.** Uses permitted in the I-2 District are subject to the following conditions:

(a) No use shall be so conducted as to cause the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system., into or within any water system or water, or into the atmosphere. All uses shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive conditions

or characteristics, including excessive creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination. Prior to issuance of a zoning certificate or occupancy certificate, the Village may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, Safety, and general welfare from such nuisance, hazard, or offensive condition.

(b) All business, servicing processing, except off-street parking and off-street loading, and outside storage areas as regulated hereinafter, shall be conducted within completely enclosed buildings.

(c) The building coverage on any zoning lot shall not exceed 70%.

(d) Parking of trucks as an accessory use, when used in the conduct of a permitted business use, shall be limited to vehicles of not over 1-1/2 ton capacity when located within 150 feet of a residence district boundary line.

(e) All open off-street parking areas, loading areas, and driveways shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds [normally a 2-inch blacktop and a 4-inch base or 5 inches of Portland cement will meet this requirement].

(f) No land shall be rezoned to this District and developed and no use shall be permitted that results in flooding, erosion or sedimentation to adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area or other storm water management facility.

(3) PERMITTED USES. The following uses are permitted in the I-2 District, after complying with the site plan review requirements of sec. 17.25 of this chapter.

(a) *Manufacturing Uses.* 1. Commercial printing.

2. Service industries for the printing trade.

3. Biological products, medical chemicals, and pharmaceutical preparations.

4. Industrial organic chemicals.

5. Optical glass and fiber optics.

6. Miscellaneous fabricated metal products.

7. Office, computing and accounting machines.

8. Communication equipment except telecommunications towers and facilities as set forth in sec. 17.26 of this chapter.

9. Electronic components accessories.

10. Miscellaneous electrical machinery, equipment, and supplies.

11. Measuring, analyzing, and controlling instruments.

12. Small-scale products [finished weight not exceeding 50 pounds] related to the resource industries of agriculture and food production, forestry, petrochemicals, and mining

13. Specific products not listed above, but similar in intent and character, and which may be defined as being produced or assembled manually or by a light industrial process by virtue of the use of only light machinery, being conducted entirely within enclosed substantially constructed buildings in which the open area around such buildings is not used for storage of raw materials or manufactured products, or for any industrial purpose other than loading and unloading operations, and which are not noxious or offensive by reason of emission of smoke, dust, fumes, odors, noise, or vibrations beyond the confines of the building.

(b) *Service Uses.* 1. Computer and data processing services.

2. Miscellaneous business services, including laboratories.

3. Offices, business and professional.

4. Communication services.

(c) *Accessory Use.* Including, but not limited to the following:

1. Educational or training centers or institutions.

2. Nursery schools or day care centers for children of employees on the site.

3. Restaurants or structurally integrated lodging facilities which are open to persons employed on the site and to business visitors, guests and retail customers.

(4) **CONDITIONAL USES.** The following uses may be permitted as conditional uses pursuant to sec. 17.21 of this chapter and shall comply with the site plan review requirements of sec. 17.25 of this chapter.

(a) Local and suburban transit.

(b) Taxicabs.

(c) Public utilities and public services.

(d) Conference centers and hotel facilities.

(e) Other proposed commercial and industrial uses.

(5) **LOT, YARD AND BUILDING REQUIREMENTS.**

Lot frontage .....	Minimum 150 ft.
Lot area .....	Minimum 33,000 sq. ft.
Front yard .....	Minimum 40 ft.

Side yards.....	Minimum 15 ft.
Comer lot side.....	Minimum 20 ft.
Rear yard.....	Minimum 30 ft.
Building height.....	Maximum 35 ft.

(6) DESIGN STANDARDS. (a) *Review.* All buildings shall be reviewed and approved by an architectural review committee as established by the developer, provided that any building design criteria and review procedures adopted by such committee and the categories of membership of the committee shall be initially approved by the Plan Commission. As an alternative, the developer may regulate building design by deed or plat restrictions, the text of which shall be approved by the Plan Commission.

(b) *Accessory Off-Street Parking and Loading.* 1. Accessory off-street parking lots and loading berths and access driveways shall be located, designed and improved so as to provide for safe and convenient access from adjoining streets, as well as safe and convenient circulation within the site.

2. Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas, fences or other appropriate materials to ensure pedestrian safety.

3. Off-street parking lots shall not be located in required front yards or street side yards on comer lots but may be located in required rear yards to the rear of the building or in an interior side yard beyond the larger of the required front yard or the actual front setback.

4. A guest parking lot containing not more than 10 parking spaces may be located to the front or side of a building, but not in the required front yard or in the required street side yard on a comer lot.

5. Any parking lot located in a required side or rear yard shall be located not less than 20 feet from any other lot in a residence district.

6. Access driveways shall be designed and located so that such driveways do not expose an unlandscaped view from the street to the loading berths or storage areas.

7. A plan for tree islands and parking lot landscaping shall be included with the landscape plan required in par. (c) below.

(c) *Landscaping and Site Development.* To provide a park-like setting, all lots shall be landscaped, including the provision of canopy-type shade trees. Where possible, all existing mature, healthy trees shall be retained. All land areas not covered by buildings, structure, storage areas, parking lots, loading areas and driveways shall be landscaped and maintained. Landscaping shall mean decorative plazas, mounds, pools or the planting of grass, shrubs, trees, or other plant materials or other comparable surface cover. To comply with the above provisions, a landscape plan shall be submitted and approved by the Plan Commission prior to construction.

(d) *Storage Areas.* All storage, except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than 6 feet nor more than 8 feet in height, and no storage shall exceed the height of such

screening. Wire fence is not acceptable for this purpose. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than 10% of the total lot area.

(e) *Illumination.* Electrical reflectors, spotlights, floodlights, and other sources of illumination may be used to illuminate buildings, landscaping, signs, and parking and loading areas on any site, but only if they are equipped with lenses or other devices which concentrate the illumination upon such buildings, landscaping, signs, and parking and loading areas. All lighting shall be reflected away from residences and public streets.

(f) *Signage.* A scale drawing of any sign, trademark or advertising device to be used on any lot or the exterior of any building or structure will be submitted to the Plan Commission for approval. Normally, the occupant's trademark and/or trade name may be displayed on the building in the manner in which they are generally used by the occupant. No signs other than company, product identification and directional signs are permitted. The Plan Commission shall approve the type, location, and placement of signs.

(g) *Buildings.* 1. The fronts of all buildings, that is, the side facing the street on which the building is deemed to front, shall be faced with concrete or brick masonry, stone, or other material approved by the Plan Commission, and said facing shall extend across the full front of the building and also extend a distance of not less than 20 feet on each side of the front of the building. That portion of any building facing a street other than the street on which the building fronts shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings, but need not be finished in a like manner as that portion of the building referred to as the front. It is the intent of these provisions that all structures shall be designed and constructed in such a manner as to provide an aesthetically pleasing and harmonious overall development of the Commercial Park. This paragraph may be waived or modified by the Village Board.

2. Except as otherwise provided herein, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings subject to the approval of the Plan Commission. All faces of all buildings shall be kept in good repair and appearance at all times. All buildings must be of approved construction in conformity with all applicable building codes. Buildings shall not exceed 35 feet in height. All electrical and air conditioning structures, including towers and air handling units, regardless of location and whether on the roof or otherwise, shall be concealed by landscaping or by decorative screening materials which form an integral part of the design.

(h) *Maintenance.* 1. Each property owner shall at all times keep his premises, buildings, improvements and appurtenances in a safe, clean, neat and sanitary condition and shall keep all grass, trees, shrubbery in good appearance at all times and shall comply with all laws, ordinances and regulations pertaining to health and safety.

2. During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of rubbish and scrap materials and that construction materials, trailers, shacks and the like are kept in a neat and orderly manner.

(i) *Rubbish.* No rubbish may be burned on the premises within the District except in an incinerator specially constructed and designated for this operation and approved by the Covenant Committee and the Wisconsin Department of Commerce and/or Department of Natural Resources. All outdoor refuse collection areas shall be visually screened from access

streets, and adjacent property by a complete opaque screen. No refuse collection areas shall be permitted between a frontage street and the building line.

**17.19 CON CONSERVANCY DISTRICT.** The CON District is intended to preserve scenic and natural areas in the Village and to prevent uncontrolled, uneconomical spread of residential development, and to help discourage intensive development of marginal lands so as to prevent potential hazards to public and private property.

- (1) PERMITTED USES. (a) Public parks and playgrounds.
  - (b) Management of forestry, wildlife and fish.
  - (c) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
  - (d) Fishing and trapping.
  - (e) Dams, power stations and transmission lines.
  - (f) Upon written permission from the Village Board, based on the purposes of this chapter and on the recommendation of the Plan Commission following a public hearing, sewage disposal plants and water pumping or storage facilities, amusement parks, golf courses and driving ranges, and public camping grounds.
  - (g) Uses customarily incident to any of the above uses.

- (2) LOT, YARD AND BUILDING REQUIREMENTS. None.

**17.20 FLOODPLAIN AND SHORELAND-WETLAND DISTRICTS.** See ch. 18 of this Code.

**17.21 CONDITIONAL USES.** (1) GENERAL USES APPLICABLE TO ONE OR MORE DISTRICTS. The following uses shall be conditional uses and may be permitted as specified:

- (a) Governmental and cultural uses such as fire and police stations, a mobile home to be used by the Fire Department for training and educational purposes, community centers, libraries, public emergency shelters, parks, playgrounds, museums and historical landmarks or restorations may be permitted in all residential and commercial districts.
- (b) Utilities in all districts, provided all principal structures and uses are not less than 50 feet from any residential lot line.
- (c) Incinerators, sewerage disposal plants and earth or sanitary landfill operations may be permitted in the A Agricultural District.
- (d) Golf courses may be permitted in any residential or agricultural district.
- (e) Cemeteries may be permitted in any residential or commercial district.
- (f) Skating rinks, sparts fields, swimming pools and tennis courts may be permitted in any district.

(g) Commercial recreational facilities such as bowling alleys, dance halls, driving ranges, miniature golf, amusement parks, gymnasiums, physical culture facilities, roller rinks and outdoor theaters may be permitted in any district.

(h) State licensed day care facilities may be permitted in any district.

(2) APPLICATION. Applications for conditional use permits shall be made in duplicate to the Clerk-Treasurer on forms furnished by the Clerk-Treasurer and shall include the following:

(a) Names and address of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

(b) Description of the subject site by lot, block and recorded subdivision, or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees, if any; and the zoning district within which the subject site lies.

(c) Site plan showing the location of any buildings and all proposed provisions for off-street parking and loading.

(d) Additional information, as may be required by the Plan Commission, the Director of Public Works and the Zoning Administrator.

(e) The fee shall accompany such application. See Village Fee Schedule on file in the office of the Clerk-Treasurer.

(3) NOTICE. Notice of such application and the subsequent hearing thereon before the Plan Commission shall be published as a Class I notice.

(4) APPEARANCES AT HEARINGS. Either the applicant or his agent or attorney shall attend the public hearing of the Plan Commission at which such application is to be considered unless such attendance has been excused by the Plan Commission.

(5) REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation. The Plan Commission shall hold a hearing and thereafter shall recommend approval, denial or condition of approval to the Village Board. The Village Board shall accept, reject or modify the Plan Commission's recommendations.

(6) ISSUANCE OF PERMIT. If such permit is issued, the Village Board may attach conditions thereto such as, but not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, hours of operation, traffic circulation or parking requirements, highway access restrictions, or increased yards.

(7) USES ADJACENT TO CONTROLLED ACCESS HIGHWAYS. Any development within 500 feet of the existing or proposed right of way of any freeway, expressway or other controlled access trafficway, and within 1,500 feet of their existing or proposed interchange or turning lane right of way, shall be deemed to be a conditional use which shall require the issuance of a permit.

**17.22 CONSTRUCTION SITE EROSION CONTROL.** The intent of this section is to require erosion control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbance activities. This section applies to all land disturbing construction activities.

(1) **AUTHORITY.** This section is adopted under the authority granted in §61.354, Wis. Stats.

(2) **FINDINGS AND PURPOSE.** (a) *Findings.* The Village Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and the Village.

(b) *Purpose.* It is the purpose of this section to preserve the natural resources; to protect the quality of the waters of the State and the Village; and to protect and promote the health, safety and welfare of the people to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharges from construction sites to lakes, streams and wetlands.

(3) **APPLICABILITY.** This section applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village and, optionally, the public and private lands subject to extrajurisdictional review under Ch. 236, Wis. Stats. All State-funded or conducted construction is exempt from this section.

(4) **DEFINITIONS.** (a) *Agricultural Land Use.* Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

(b) *Commercial Land Use.* Use of land for the retail or wholesale sale of goods or services.

(c) *Construction Site Control Measure.* A control measure used to meet the requirements of sec. (7)(b) below.

(d) *Control Measure.* A practice or combination of practices to control erosion and attendant pollution.

(e) *Control Plan.* A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this section submitted by the applicant for review and approval by the Director of Public Works.

(f) *Erosion.* The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

(g) *Land Developing Activity.* The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

(h) *Land Disturbing Construction Activity.* Any manmade change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.

(i) *Landowner.* Any person holding title to or having an interest in land.

(j) *Land User.* Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his land.

(k) *Runoff* The rainfall, snow melt or irrigation water flowing over the ground surface.

(l) *Site.* The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

(5) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES. All control measures required to comply with this section shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Director of Public Works and in accordance with, but not limited to, the Wisconsin Construction Site Best Management Practice Handbook.

(6) MAINTENANCE OF CONTROL MEASURES. All sedimentation basins and other control measures necessary to meet the requirements of this section shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

(7) CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT. (a) *Applicability.* This subsection applies to the following sites of land development or land disturbing activities.

1. Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats.

2. Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.

3. Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.

4. Those involving excavation or filling or a combination of excavation and filling affecting 350 cubic yards or more of dirt, sand or other excavation or fill material. Excavation and filling of less than 350 cubic yards, at the discretion of the Director of Public Works, may require control of erosion and pollutants if judged necessary.

5. Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.

6. Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.

(b) *Erosion and Other Pollutant Control Requirements.* The following requirements shall be met on all sites described in par. (a) above.

1. *Discharged Water.* Water may not be discharged in a manner that causes erosion of the site or receiving channels.

2. Waste and Material Disposal. All waste and unused building materials, including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials, shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm sewer system.

3. Tracking. Each site shall have gravel roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each work day.

4. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier meeting accepted design criteria, standards and specifications.

5. Site Erosion Control. The following criteria apply only to land development or land disturbing activities that result in runoff leaving the site.

a. Channelized runoff and sheet flow runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, channelized runoff and sheet flow runoff shall be protected as described in subpar. c.ii. below.

b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. This shall include the planting of vegetative cover as soon as practical.

c. Runoff from the entire disturbed area on the site shall be controlled by meeting the following:

i. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, sedimentation basins/traps shall be constructed.

ii. For all sites, filter fences, straw bales or equivalent control measures shall be placed along all critical! necessary sides of the site as determined by the Director of Public Works. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

d. Soil or dirt storage piles containing more than 350 cubic yards of material shall be controlled by placing straw bales or filter fence barriers around the down slope side of the pile. Any soil or dirt storage pile under 350 cubic yards may be required, at the discretion of the Director of Public Works, to be controlled by placing straw bales or filter fence barriers around the down slope side of the piles if conditions warrant. New in-street utility construction soil or dirt storage piles located closer than 25 feet to a roadway or drainage channel, if exposed for more than 7 days, must be protected with straw bales or other appropriate filtering barriers.

(8) PERMIT APPLICATION, CONTROL PLAN AND PERMIT ISSUANCE. No landowner or land user may commence a land disturbance or land development activity, subject to this section, without receiving prior approval of a control plan for the site and a permit from the Director of Public Works. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this section shall submit an application for a permit and a control plan and pay an application fee to the

Director of Public Works. By submitting an application, the applicant is authorizing the Director of Public Works to enter the site to obtain information required for the review of the control plan.

(a) *Content of the Control Plan for Land Disturbing Activities Covering Less than 2 Acres.* 1. Existing Site Map. A map of existing site conditions on a scale of at least one-inch equals 100 feet showing the site and immediately adjacent areas:

- a. Site boundaries and adjacent lands which accurately identify site location.
- b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site.
- c. 100-year floodplains, flood fringes and floodways.
- d. Vegetative cover.
- e. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site.
- f. Locations and dimensions of utilities, structures, roads, highways and paving.
- g. Site topography at a contour interval not to exceed 2 feet.

2. Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.

3. Site Construction Plan. A site construction plan, including the following:

- a. Locations and dimensions of all proposed land disturbing activities.
- b. Locations and dimensions of all temporary soil or dirt stock piles.
- c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this section.
- d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity, planting of vegetative cover and installation of construction site control measures needed to meet the requirements of this section.
- e. Provisions for maintenance of the construction site control measures during construction.

(b) *Content of Control Plan Statement for Land Disturbing Activities Covering Less Than 2 Acres, But Meeting the Applicability Requirements Stated in Sub. (7)(a) Above.*

An erosion control plan statement, with simple map, shall be submitted to briefly describe the site and erosion controls, including the site development schedule, that will be used to meet the requirements of this section.

(c) *Review of Control Plan.* Within 30 days of receipt of the application, control plan, or control plan statement and fee, the Director of Public Works shall review the application and control plan to determine if the requirements of this section are met. The Director may request comments from other departments or agencies. If the requirements of this section are met, the Director shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Director shall inform the applicant, in writing, and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the Director shall again determine if the plan meets the requirements of this section. If the plan is disapproved, the Director shall inform the applicant, in writing, of the reasons for the disapproval.

(d) *Permits.* 1. Duration. Permits shall be valid for a period of 180 days or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Director of Public Works may extend the period one or more times for up to an additional 180 days. The Director may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this section.

2. Permit Conditions. All permits shall require the permittee to:

a. Notify the Director within 48 hours of commencing any land disturbing activity.

b. Notify the Director of the completion of any control measures within 48 hours after their installation.

c. Obtain permission, in writing, from the Director prior to modifying the control plan.

d. Install all control measures as identified in the approved control plan.

e. Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the control plan.

f. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities.

g. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs.

h. Allow the Director to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.

1. Keep a copy of the control plan on the site.

(9) INSPECTION. The Director of Public Works shall inspect construction sites at times appropriate to stages of construction. If land disturbing or land development activi-

ties are being carried out without a permit, the Director shall enter the land pursuant to the provisions of §§66.0119, Wis. Stats.

(10) ENFORCEMENT. (a) The Director of Public Works may post a stop-work order if:

1. Any land disturbing or land developing activity regulated under this section is being undertaken without a permit; or

2. The control plan is not being implemented in a good faith manner; or

3. The conditions of the permit are not being met.

(b) If the permittee does not cease the activity or comply with the control plan or permit conditions within 48 hours, the Director has the power to revoke the permit.

(c) If the landowner or land user, where no permit has been issued, does not cease the activity within 48 hours, the Director may request the Village Attorney to obtain a cease-and-desist order.

(d) The Director or the Village Board may retract the stop-work order or the revocation.

(e) Forty-eight hours after posting a stop-work order, the Director may issue a notice of intent to the permittee or landowner or land user of the Village's intent to perform the work necessary to comply with this section. The Village or agents of the Village may go on the land and commence the work after 48 hours from issuing the notice of intent. The costs of the work performed by the Village plus interest at the rate authorized by the Village Board shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Clerk-Treasurer shall enter the amount due on the tax roll and shall collect as a special assessment against the property, pursuant to §66.0627, Wis. Stats.

(f) Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than \$10 nor more than \$1,000 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(g) Compliance with the provisions of this section may also be enforced by injunction.

(11) APPEALS. (a) *Board of Zoning Appeals.* The Board of Zoning Appeals, created pursuant to sec. 17.30 of this chapter, pursuant to §62.23(7)(e), Wis. Stats.

(b) *Who May Appeal.* Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Director in administering this section.

**17.23 TRAFFIC, PARKING AND ACCESS.** (1) **LOADING REQUIREMENTS.** In all business and industrial districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(2) **PARKING REQUIREMENTS.** In all districts and in connection with every use, except in the C-1 General Commercial District, there shall be provided at the time any use or

building is erected, enlarged, extended or increased off-street parking stalls for all vehicles in accordance with the following:

(a) *Access.* Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one- and 2-family dwellings and a minimum of 24 feet for all other uses.

(b) *Size.* The size of each parking space shall be not less than 10 feet by 20 feet, exclusive of the space required for ingress and egress.

(c) *Location.* The location is to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.

(d) *Surfacing.* All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked.

(e) *Curbs or Barriers.* Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot line.

(f) *Number of Parking Stalls Required.*

1.	Single- and 2-family dwellings and mobile homes	2 stalls/dwelling unit
2.	Multi-family dwellings	2 stalls/dwelling unit
3.	Hotels and motels	1 stall/guest room plus 1 stall/3 employes
4.	Hospitals, clubs, lodges, sororities, dmmitories, lodging and boarding houses	1 stall/2 beds plus 1 stall/3 employes
5.	Sanitariums, institutions, rest and nursing homes	1 stall/S beds plus 1 stall/3 employes
6.	Medical and dental clinics	3 stalls/doctor plus 1 stall/employe
7.	Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall/5 seats
8.	Colleges, secondary and elementary schools	1 stall/2 employes plus 1 stall/student auto permitted

- |     |   |  |
|-----|---|--|
| 9.  | Restaurants, bars, places of entertainment, repair shops, retail and service stores | 1 stall/150 square feet of floor area                            |
| 10. | Manufacturing and processing plants, laboratories and warehouses                    | 1 stall/2 employes   |
| 11. | Financial institutions and businesses, governmental and professional offices        | 1 stall/200 square feet of floor area plus<br>1 stall/2 employes |
| 12. | Funeral homes   | 1 stall/4 seats plus<br>1 stall/vehicle used in the business     |
| 13. | Bowling alleys  | 5 stalls/alley   |

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

Parking stalls are not required to be provided in the C-1 District, but when they are provided, they shall conform to requirements of size, access, surfacing and baniers, but not number of stalls or location as specified above.

(3) DRNEWAYS. All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements:

(a) Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway. This requirement shall not apply in the following zoning districts:

1. B-1 General Commercial District.
2. B-2 Highway Commercial District.
3. I-1 Limited Industrial District.

(b) Vehicular entrances and exits to drive-in banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 100 feet from any pedestrian entrance or exit to a school, church, hospital, park, playground, library or public emergency shelter.

(4) HIGHWAY ACCESS. No direct private access shall be permitted to the existing or proposed rights of way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

**17.24 PERFORMANCE STANDARDS, COMPLIANCE.** This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

(1) **AIR POLLUTION.** No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718 in the industrial districts.

(2) **FIRE AND EXPLOSIVE HAZARDS.** All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

(3) **GLARE AND HEAT.** No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial districts which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(4) **LIQUID OR SOLID WASTES.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

(5) **NOISE AND VIBRATION.** There shall be no noise or vibration over 70 decibels emanating from any unsanctioned activities beyond the boundaries of the immediate site determined to be a nuisance by the Zoning Administrator. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this section.

(6) **ODORS.** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises.

(7) **RADIOACTIVITY AND ELECTRICAL DISTURBANCES.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

**17.25 SITE PLAN APPROVAL REQUIREMENTS. (1) PURPOSE AND INTENT.** For purposes of promoting compatible development and ensuring adequate public facilities, no person shall obtain a building permit or commence a use of land without first obtaining site plan approval from the Plan Commission; however, no approval is required for construction in single- and 2-family districts or for any building remodeling that does not substantially change the character or use or add substantial floor area.

(2) **PRELIMINARY CONSULTATION.** Prior to the preparation and official submittal of the site plan and supporting data, the applicant shall meet with the Zoning Administrator for a preliminary consultation. The purpose of this preliminary consultation is to have an informal discussion of the proposed project, a review of the regulations and policies applicable to the project and a discussion of the land use implications of the project.

(3) REQUIRED SITE PLAN INFORMATION. The site plan shall be drawn to a scale not smaller than 30 feet to the inch, certified by a registered land surveyor, professional engineer, planner, architect or landscape architect and shall show the following:

(a) The dimensions of the land area and lot lines included in the project and the area of the site or lots included in the project.

(b) Existing and proposed grades based on Village datum (U.S.C.G.S.), drainage systems and structures, and topographic contours at intervals not to exceed 2 feet.

(c) The shape, size, location, height, floor area and the finished ground and basement floor grades of all proposed buildings and structures.

(d) Natural features such as wood lots, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.

(e) Adjacent properties and their building locations and their uses, and zoning classification shall be identified.

(f) Existing and proposed sidewalks, paths, streets, driveways, parking spaces and loading spaces showing direction of travel for one-way drives.

(g) The width of existing and proposed streets, driveways, parking spaces and loading spaces showing direction of travel for one-way drives.

(h) Architectural renderings and general floor plans shall be provided for all new buildings. These drawings and plans should show sufficient detail to indicate the architectural design of the proposed building, but all design details are not required at this stage.

(i) An exterior lighting plan describing fixtures and designating placement.

(j) The site and location of all existing and proposed public and private utilities.

(k) A vicinity sketch showing the location of the site in relation to the surrounding street system.

(l) The name, address and telephone number of the owner, developer and designer.

(m) The anticipated resident population contained within the project or the number of employees anticipated to determine the impact on public utilities, including estimates of average daily quantities of waste consumption and wastewater discharge and strengths and cooling water volumes, if any.

(n) Any other information necessary to establish compliance with this chapter and chapter 14 of this Code.

(o) The Zoning Administrator may waive any of the requirements of this subsection deemed to be not applicable.

(4) OFFICIAL SUBMITTALS REQUIRED. Five copies of the site plan, accompanied by a dated letter of submittal requesting action, shall be submitted to the Plan Commission for its review and action. The site plans shall be submitted to the Plan Commission at least 10 days prior to the Plan Commission meeting at which the site plan will be considered for approval unless an extension of time is mutually agreed upon.

(5) LANDSCAPING REQUIREMENTS. All developments subject to this section shall be required to comply with minimum landscaping standards as follows:

(a) *Residential Development.* 1. All yards sodded or seeded on black dirt.

2. Two trees and/or shrubs per dwelling unit. Trees shall be a minimum of 1-1/2 inch in diameter and shrubs shall be a minimum of 3 years old.

(b) *Non-residential Development.* 1. All yards sodded or seeded on black dirt.

2. Trees and shrubbery appropriate for the development.

(6) DEVELOPER'S AGREEMENT. The Plan Commission may require a bond, letter of credit or a consent and waiver for special assessments, together with a signed developer's agreement, in order to assure completion of the improvements provided for in the proposed site plan.

(7) REVIEW PROCEDURE. Upon receipt of the site plan, the Plan Commission shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this and other ordinances and plans of the Village, and demonstrates the adequacy of utility services. Upon demand by the applicant of the site plan, The Commission shall, within 30 days of its initial submittal, approve it, conditionally approve it or deny approval. Denial of approval shall be limited to any defect in form or required information, or any violation of any provision of this chapter or any ordinance, or the inadequacy of any utility. The Commission's action shall be issued in writing by the Commission Secretary stating, in detail, the reasons for the Commission's actions.

(8) APPEAL. The applicant may appeal any denial to the Board of Zoning Appeals.

(9) SITE PLAN REVISIONS. Any major revisions to the site plan after initial approval must be approved by the Plan Commission prior to the issuance of a building permit.

(10) FEES. Prior to site plan approval, the applicant for a site plan shall pay all professional fees incurred by the Village for review of a site plan by the Village Planner, the Village Attorney or the Engineering Department staff.

(11) LAPSE OF SITE PLAN APPROVAL. In the event the project for which the site plan approval was granted is not completed within 3 years of such approval, the site plan approval shall lapse and there shall be no further development or construction. Upon application, the Plan Commission may renew the site plan as originally granted or require changes as deemed appropriate.

(12) CERTIFICATE OF OCCUPANCY. (a) *Required.* No certificate of occupancy shall be granted until all improvements shown on an approved site plan have been completed in accordance therewith.

(b) *Exceptions.* Upon a finding by the Zoning Administrator that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer and that temporary occupancy prior to completion will involve no health or safety hazard, the Zoning Administrator may issue a temporary certificate of occupancy bearing an expiration date, which date shall allow reasonable time for completion of the temporary certificate of occupancy. No temporary certificate of occupancy shall be granted for a period longer than one year. No permanent certificate of occupancy shall be issued by the Zoning Administrator until all required improvements are completed.

**17.26 WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS.**

(1) **DEFINITIONS.** (a) *Alternative Tower Structure.* light poles and similar mounting structures.

(b) *Antenna.* Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies excluding radar signals), wireless telecommunications signals or other communications signals.

(c) *Backhaul Network.* The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices and/or long-distance providers or the public switch telephone network.

(d) *Collocation.* The provision of multiple antennas or more than one commercial wireless communications service provider or government entity on a single tower or structure.

(e) *FAA.* Federal Aviation Administration.

(f) *FCC.* Federal Communications Commission.

(g) *Height.* When referring to a tower or other structure, the distance measured from the grade to the highest point on the tower or other structure, including the base pad.

(h) *Personal Communications Service (PSC).* The provider of personal wireless service as defined in Sec. 704 of the Telecommunications Act of 1996, 47 U.S.C. par. 332 and as the same may be amended from time to time.

(i) *Personal Wireless Facilities.* Transmitters, antenna structures and other types of installations used to provide personal wireless services.

(j) *Pre-existing Towers/Antennas.* Any tower or antenna for which a building permit or conditions use permit has been properly issued prior to the effective date of this section.

(k) *Tower.* Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

(2) STANDARDS AND EXCEPTIONS. (a) *Applicability*. 1. New Towers and Antennas. All towers or antennas constructed after passage of this section shall be subject to all applicable standards of this section.

2. Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this section shall not be required to meet the requirements of this section other than the requirements of par. (b) below. Any such towers or antennas shall be referred to hereinafter as "pre-existing towers" or "pre-existing antennas."

3. Amateur Radio and Receive-Only Antennas. This section shall not apply to any tower or the installation of any antenna that is under 70 feet in height and is owned by a Federally licensed amateur radio station operator or is used exclusively for a receive-only antenna.

(b) *General Requirements*. 1. Building Codes, Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Zoning Administrator concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, upon notice being provided to the owner of a tower, the owner shall immediately bring such tower into compliance with such standards. Failure to bring such tower into compliance shall constitute grounds for the removal of the tower or antenna at the owner's expense.

2. State or Federal Requirements. All towers shall meet or exceed standards and regulations of the FCC, the FAA and any other agency of the State or Federal government with the authority to regulate towers and antennas.

3. Collocation, a Any proposed telecommunication tower and tower site shall be designed in all respects so as to accommodate collocation of the applicant's antennas and at least 2 additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

b. The holder of a permit for a tower shall permit collocation for at least 2 additional users and shall not make access to the tower and tower site for an additional user economically unfeasible. If an additional user demonstrates, through an independent arbitrator or other permitted means, that the holder of a tower permit has made access to such tower and tower site economically unfeasible, the permit shall become null and void.

4. Antenna Height. Antenna height shall not be restricted provided such device is installed and maintained in accordance with applicable State and local building codes and in compliance with current standards of the FAA, FCC and any other agency of the State or Federal governments with the authority to regulate antennas.

5. Tower Height. 180 feet maximum.

6. Separation Between Towers. Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

NEW TOWER TYPE	EXISTING TOWER TYPE			
	Lattice	Guyed	Monopole 75 ft. in Height or Greater	Monopole Less Than 75 ft. in Height
Lattice	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Guyed	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Monopole Less Than 75 ft. in Height	1,500 ft.	1,500 ft.	1,500 ft.	750 ft.
Monopole Greater Than 75 ft. in Height	750 ft.	750 ft.	750 ft.	750 ft.

7. Availability of Suitable Existing Towers, Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

d. The proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the proposed antenna.

e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

8. Aesthetics, a. Towers shall maintain either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light gray so as to reduce visual obtrusiveness and blend into the natural setting and built environment.

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

9. Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen shall cause the least disturbance to the surrounding views.

10. Fencing. A tower shall be enclosed by security fencing not less than 8 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

11. Landscaping. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscape strip of at least 5 feet in width outside the perimeter of the tower compound. Existing mature tree growth and natural landforms shall be preserved to the maximum extent possible. In some cases, such as towers placed on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

(e) *Removal of Abandoned Antennas and Towers.* An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Village notifying the owner of such abandonment. Failure to remove the antenna or tower within 90 days shall be grounds to remove the antenna or tower at the owner's expense. If there are 2 or more users of a single tower, this provision shall not become effective until all users cease using the tower.

**17.27 SIGNS.** (1) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a permit, except those signs excepted below, and without being in conformity with the provisions of this section. The sign shall also meet all the structural requirements of the Building Code.

(2) All signs are prohibited in the C Districts, except the following:

(a) 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 2 feet in height and 10 feet in length.

(b) Real estate signs not to exceed 8 square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(c) Name, occupation and warning signs not to exceed 2 square feet located on the premises.

(d) Bulletin boards for public, charitable or religious institutions not to exceed 8 square feet in area, located on the premises.

Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs erected by National, State, County or Municipal Governmental Agencies, including traffic and informational signs.

Political candidate signs may be posted on private property with the permission of the owner in accordance with the Wisconsin Statutes.

### Sec. 13-1-103 Residential Signs.

All signs are prohibited in all Residential Districts except the following:

**Signs Over Show Windows or Doors.** 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 (2) feet in height and ten (10) feet in length.

**Real Estate Signs.** Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

**Name, Occupation and Warning Signs.** Name, occupation and warning signs not to exceed two (2) square feet located on the premises.

**Bulletin Boards.** Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises. Present signs under this Section or the replacing of or removing of signs in excess of eight (8) square feet shall be at the discretion of the Village Board. New signs in excess of eight (8) square feet may be constructed under a permit from the Village Board.

**Memorial Signs.** 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.

**Temporary Signs.** Temporary signs when authorized by the Zoning Administrator for a period not to exceed thirty (30) days pursuant to Section 13-1-101(g).

### Sec. 13-1-104 Commercial and Industrial Signs.

Signs are permitted in all Commercial and Industrial Districts subject to the following restrictions:

**Wall Signs.** Wall signs placed against the exterior walls of buildings shall not exceed more than six (6) inches outside of a building's wall surface, shall not exceed five hundred (500) square feet in area for any one (1) premise and shall not exceed twenty (20) feet in height above the mean centerline street grade.

**Projected Signs.** Projected signs, fastened to, suspended from or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premise; shall not extend more than six (6) feet into any required yard, shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet above a driveway or an alley.

**Ground Signs.** Ground signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which they are located, and shall not exceed one hundred (100) square feet on all sides for any one (1) premise.

**Roof Signs.** Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed three hundred (300) square feet on all sides for any one (1) premise.

(e) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(f) Official signs such as traffic control, parking restrictions, information and notices.

(g) Temporary signs or banners when authorized by the Plan Commission.

(3) Signs are permitted in the B-1, B-2 and I-1 Districts, subject to the following restrictions:

(a) Wall signs placed against the exterior walls of buildings shall not extend more than 15 inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height above the mean center line street grade.

(b) Projecting signs fastened to, suspended from or supported by structures shall not:

1. Exceed 100 square feet in area for any one premises.
2. Extend more than 6 feet into any required yard.
3. Extend into any public right of way.
4. Be less than 10 feet from all side lot lines.
5. Exceed a height of 20 feet above the mean center line street grade
6. Be less than 9 feet above the sidewalk nor 15 feet above a driveway

or an alley.

(c) Ground signs shall not exceed 40 feet in height above the mean center line street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.

(d) Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 square feet on all sides for any one premises.

(e) Window signs shall be placed only on the inside of business buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.

(f) Combinations of any of the above signs shall meet all the requirements for the individual sign.

(4) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness 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 fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(5) Signs lawfully existing at the time of the adoption or amendment of this section may be continued although the use, size or location does not conform with the provisions of this section. However, it shall be deemed a nonconforming use or structure and the provisions of sec. 17.06 of this chapter shall apply.

**17.28 ZONING PERMIT REQUIRED.** No building or structure, or any part thereof, shall hereafter be built within the Village unless a permit therefor shall first be obtained by the owner or his agent from the Zoning Administrator. No construction shall be commenced prior to the issuance of such permit. Commencement of construction shall include such acts as beginning excavation or constructing forms for cement work.

**17.29 PLAN COMMISSION.** See ch. 1 of this Code.

**17.30 BOARD OF ZONING APPEALS. (1) MEMBERSHIP.** See ch. 1 of this Code.

(2) **APPEALS TO BOARD.** (a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officers. Such appeal shall be taken within 30 days from either the date of actual notice of said decision to the person aggrieved or from the date of the mailing of a copy of said decision to him, whichever is earlier, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. Filing with the Board shall be accomplished by filing with the Clerk-Treasurer.

(b) The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(c) The Board shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof by publication once in the Village's official newspaper, said publication to be not less than 5 days before said hearing nor more than 15 days before said hearing and shall give notice to the parties in interest and shall decide the same within a reasonable time.

(d) A filing fee shall accompany each such appeal and no such appeal shall be deemed properly filed unless said fee is paid. See the Village Fee Schedule on file in the office of the Clerk-Treasurer.

(3) **POWERS OF BOARD.** The Board shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official.

(b) To hear and decide special exceptions to the terms of this chapter upon which the Board is required to consider.

(c) 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 difficulty or unnecessary hardship so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

(d) 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 public utility purposes which are reasonably necessary for public convenience and welfare.

(e) The Board 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 in the premises and to that end shall have all the powers of the administrative official. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement 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.

(4) OTHER POWERS. In addition to the foregoing, the Board shall have the following specific powers:

(a) To grant a permit for a temporary building for commerce or industry in a residential district which is incidental to the residential development, such permit to be issued for a period of not more than 6 months.

(b) To grant a permit for the extension of a district boundary for a distance of not more than 25 feet where the boundary of a district divides a lot in single ownership at the time of the adoption of this chapter.

(c) To permit the temporary storage, as defined herein, of an item otherwise prohibited under sec. 17.03 of this chapter.

(d) To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan as shown on the Official Map accompanying and made a part of this chapter where the street layout actually on the ground varies from the street layout on the aforesaid map.

(e) The Board 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 Department to render such assistance as may be reasonably required.

(5) POWERS LIMITED. Except as specifically provided, no action of the Board shall have the effect of permitting in any district uses prohibited in such district; nor shall such Board be permitted to take any action which would, in effect, create a buildable lot smaller than the minimum lot size or area otherwise required by the Village.

**17.31 CHANGES AND AMENDMENTS.** (1) AUTHORITY. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

(2) INITIATION. A change or amendment may be initiated by the Village Board, the Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

(3) PETITIONS. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Clerk-Treasurer and shall describe the premises to be

rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

(a) A plot plan showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

(b) The owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.

(c) Additional information required by the Plan Commission.

(d) A fee as designated on the Village Fee Schedule on file in the office of the Clerk-Treasurer.

(4) **RECOMMENDATIONS.** The Plan Commission shall hold a public hearing as provided for in §62.23(7)(d), Wis. Stats., and review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board.

(5) **VILLAGE BOARD ACTION.** After careful consideration of the Plan Commission recommendations, the Village Board shall vote on the passage of the proposed change or amendment. If the Village Board denies the proposed change or amendment, a similar petition for such change or amendment may not be submitted for a period of one year.

(6) **PROTEST.** In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the members of the Village Board voting on the proposed change.

**17.32 ENFORCEMENT.** It shall be the duty of the Zoning Administrator, with the aid of the Police Department, to enforce the provisions of this chapter.

**17.33 VIOLATION AND PENALTIES.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall forfeit a sum of not less than \$10 nor more than \$200, together with the costs of prosecution, and, in case of nonpayment of such forfeiture, shall be imprisoned in the County Jail for a term of not more than 30 days or until such judgment is paid, and each day of violation shall constitute a separate offense.