

## **Chapter 310**

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**[HISTORY: Adopted by the Village Board of the Village of Genoa City 12-14-1995 (Title 10, Ch. 5 of the 1984 Code). Amendments noted where applicable.]**

GENERAL REFERENCES

Building construction -- See Ch. 114.  
Mobile homes -- See Ch. 180.  
Floodplain zoning -- See Ch. 280.

Shoreland-wetland zoning -- See Ch. 290.  
Subdivision of land -- See Ch. 295.  
Wellhead protection -- See Ch. 305.

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ARTICLE I  
Introduction

§ 310-1. Authority.

This chapter is adopted under the authority granted by §§ 62.23(7) and 87.30, Wis. Stats.

§ 310-2. Title.

This chapter shall be known as, referred to, or cited as the "Zoning Ordinance, Village of Genoa City, Wisconsin."

§ 310-3. Purpose.

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Village and its residents.

§ 310-4. Intent.

It is the general intent of this chapter to regulate the use of all structures, lands and waters so as to:

- A. Assure the wise use, conservation, protection and proper development of the Village's resources.
- B. Regulate and restrict the use of all structures, land and waters.
- C. Regulate and restrict lot coverage.
- D. Lessen congestion in streets and highways.
- E. Further the orderly development of lands.
- F. Secure safety from fire, panic and other dangers.

- G.** Provide adequate light and air.
- H.** Prevent overcrowding.
- I.** Avoid undue concentrations of population.
- J.** Facilitate adequate provisions for housing, transportation, water, solid and liquid waste disposal, schools, parks, playgrounds and other public requirements.
- K.** Secure safety from flooding, water pollution, diseases and other hazards.
- L.** Prevent flood damage to persons and properties and minimize expenditure for flood relief and flood-control projects.
- M.** Prevent and control erosion of soil and sedimentation and other pollution of surface and subsurface waters.
- N.** Preserve the natural cover and promote the natural beauty of the Village.
- O.** Restrict building sites on floodlands, on lands with excessive slopes and other areas poorly suited for development
- P.** Facilitate adequate provision of public facilities and utilities.
- Q.** Stabilize and protect the property values of the Village.
- R.** Implement the Village's Comprehensive Plan or plan components, Official Maps and other Village plans.
- S.** Provide for the administration of this chapter.
- T.** Provide penalties for violations of this chapter.

**§ 310-5. 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, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

**§ 310-6. 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.

**§ 310-7. Severability and nonliability.**

If any section, clause, provision or portion of this chapter is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. The degree of flood protection provided by this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. Therefore, this chapter does not imply that areas outside of the delineated floodplain or land uses permitted within the floodplain will be totally free from flooding and associated flood damages, nor shall this chapter create a liability on the part of or a cause of action against the Village or any officer or employee thereof for any flood damages that may result from reliance on this chapter.

**§ 310-8. Word usage and definitions. [Amended 6/9/16]**

**A. General rules.** In the construction of this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- (1) Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular.
- (2) "Shall" is mandatory and not discretionary.
- (3) "May" is permissive.
- (4) "Lot" shall include "piece," "parcel" and "tract"; "building" includes all other structures of every kind regardless of similarity to buildings; and "used for" shall include arranged for, designed for, intended for, maintained for and occupied for.
- (5) All measured distances shall be to the nearest integral foot. (If a fraction is 1/2 foot or less, the integral foot next below shall be taken.)
- (6) Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary.

**B. Definitions.** The following words and terms, whenever they occur in this chapter, shall be interpreted as herein defined:

**ACCESSORY USE OR STRUCTURE** -- A use or detached structure subordinate to the principal use of a parcel serving a purpose customarily incidental to the principal use of the principal structure. Where a structure is altered to be made part of the principal structure, such accessory structure shall comply in all respects with the requirements of this chapter applicable to the principal structure. Accessory structures do not include pole buildings or prefabricated metal buildings in excess of 100 square feet with an eave height not to exceed eight feet. Accessory uses and detached accessory structures shall be subject to the limitations of § 310-68F.

**AGRICULTURE** -- The use for the pursuit of agriculture of a parcel of land 20 acres or more in an area under unified ownership or control and when within the perimeter of such a parcel

there is no intervening street or land in other ownership or control. The term "agriculture" includes apiculture, horticulture, floriculture, viticulture and normal agricultural activities.

**ALLEY** -- A public right-of-way which affords a secondary means of access to abutting property.

**ALTERATION** -- A change in size, shape, character, occupancy or use of a building or structure.

**ANIMAL HOSPITAL** -- Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

**AREA, NET DEVELOPABLE** -- Those lands within a development parcel remaining after the deletion of floodlands, wetlands, land densely covered with trees and shrub growth on slopes of 12% or greater, and all lands having slopes of 20% or greater. Residential planned unit developments also exclude all lands proposed for commercial or business land uses.

**ARTERIAL STREET** -- A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways and parkways.

**AUTOMOBILE SERVICE STATION** -- A building, or portion thereof, or premises used for dispensing or offering for sale, at retail, gasoline when stored only in underground tanks, kerosene, lubricating oil or grease for operation of motor vehicles and where tires, batteries and similar automobile accessories may be offered for sale on the premises at retail, including minor services and installations customarily incidental thereto, and facilities, other than automobile laundry, for washing cars, only if enclosed in a building. Automobile service stations do not include open sales lots or a public garage as defined herein.

**AUTOMOBILE WRECKING YARD** -- An area of land where three or more motor vehicles or vehicles, machinery or equipment drawn or operated by attaching to motor vehicles or mechanical unit, not in or being restored to running or operable condition, or parts thereof are stored in the open and any land, building or structure used for wrecking or storing prior to wrecking of such motor vehicles, vehicles, machinery or equipment or parts thereof.

**AWNING** -- A roof-like mechanism retractable in operation and covered with flexible, textured material, which projects from the wall of a building. Such devices shall not interfere with public rights-of-way and walks.

**BALCONY** -- A balustraded or raised and railed platform without a roof which projects from the wall of a building and is supported solely by the wall of the building.

**BASEMENT** -- That portion of a building, all or in part, which is more than three feet zero inches below the average grade of the lot.

**BED-AND-BREAKFAST ESTABLISHMENT** -- An establishment licensed by the Wisconsin Department of Health and Family Services as a bed-and-breakfast establishment and is any place of lodging that provides four or fewer rooms for rent to tourists or other transients, is

the owner's principal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

**BLOCK** -- A tract of land bounded by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad rights-of-way, rivers and lakes and other lines of demarcation. A block may be located in part within the adjoining unincorporated area.

**BOARDING, ROOMING OR LODGING HOUSE** -- A residential building or portion thereof, other than a motel, apartment hotel or hotel, containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family and where lodging, meals or both are provided by prearrangement and for definite periods.

**BOARD OF APPEALS** -- The Village Board of Appeals.

**BORROW PIT** -- A place or premises where soil, peat, sand, gravel or other material is removed by excavation or otherwise, for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

**BUILDABLE AREA** -- Portion of a lot remaining after the required yards have been provided.

**BUILDABLE WIDTH** -- The width of that part of a lot between side yard lines measured at the buildable area.

**BUILDING** -- Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by party walls, each divided part shall be deemed a separate unit.

**BUILDING ACTIVITY AREA** -- The area of a lot needed for construction of a house, outbuildings, driveway, utilities, or permitted additions to each.

**BUILDING AREA** -- The area bounded by the exterior dimensions of the outer walls at the ground line.

**BUILDING, COMPLETELY ENCLOSED** -- A building separated on all sides from the adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls pierced only by windows and normal entrance or exit doors or party walls.

**BUILDING, DETACHED** -- A building surrounded by open space on the same lot.

**BUILDING HEIGHT** -- The vertical distance from the curb level to the highest point of the building, excluding the height modifications of § 310-67 of this chapter.

**BUILDING INSPECTOR** -- The Building Inspector of the Village and such deputies and assistants as have been or shall be appointed by the Village Board.

**BUILDING, PRINCIPAL** -- A non-accessory building where the principal use of the lot on which it is located is conducted.

**BUILDING, RESIDENTIAL** -- A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:

- (1) Single-family detached dwellings.
- (2) Two-family dwellings.
- (3) Single-family attached and semi-attached dwellings developed initially under single ownership or unified control.
- (4) Multiple-family dwellings.
- (5) Condominiums.

**BUILDING, TEMPORARY** -- Any portable structure which can be readily moved.

**BULK** -- The term used to indicate the size and setbacks of buildings or structures and the location of the same with respect to one another and includes the following:

- (1) Size and height of buildings.
- (2) Location of exterior walls at all levels in relation to lot lines, streets or other buildings.
- (3) Gross floor area of buildings in relation to lot area (floor area ratio).
- (4) All open spaces allocated to buildings.
- (5) Amount of lot area and lot width provided per dwelling unit.

**BULKHEAD LINE** -- A boundary line established by Village ordinance along any section of the shore of any navigable waters.

**BUSINESS** -- Any occupation, employment or enterprise which occupies time, attention, labor and materials or wherein merchandise is exhibited or sold, or where services are offered for compensation, other than home occupations.

**CANOPY** -- A roof-like structure of a permanent nature which projects from the wall of a building and may overhang into a required yard not to exceed six feet. Such structure shall not interfere with public rights-of-way or walks.

**CARPORT** -- A structure having a roof, with or without supporting walls, posts or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purpose of this chapter, a carport shall be considered to be the equivalent of a garage.

**CAR WASH** -- A building or portion thereof containing facilities for washing vehicles.



**CHANNEL** -- Those floodlands normally occupied by a stream of water under average annual high-water flow conditions confined within generally well-established banks.

**CHANNELING** -- The act or action which results in an interconnection of two bodies of water.

**CLEAR-CUTTING** -- To remove or cause to be removed all trees of greater than six-inch diameter from a lot within a two-year period.

**CLINIC** -- An establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises. For the purposes of this chapter, a doctor's or dentist's office in his own home when it complies with the requirements of this chapter relating to such offices shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his own home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

**CLOSED-CUP FLASH POINT** -- The lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.

**CLUB OR LODGE, PRIVATE** -- A nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises, provided that adequate dining room space and kitchen facilities are available. The sale of alcohol beverages to members and their guests shall be allowed provided it is secondary and incidental to the principal use and further provided that such sale of alcohol beverages is in compliance with the applicable federal, state and county laws and Village ordinances.

**CONFORMING BUILDING OR STRUCTURE** -- Any building or structure which complies with all the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located and is designed or intended for a conforming use, such as a store building in a business district or a factory building in an industrial district<sup>1</sup>.

**CONSERVATION STANDARDS** -- Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the United States Department of Agriculture, Soil Conservation Service, for Walworth County, adopted by the County Soil Conservation District Supervisors and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

**CURB LEVEL** -- The level of the established curb in front of such building measured at the center of such front and, where no curb level has been established, the pavement elevation at the street center line similarly measured. The Building Inspector may designate the curb level as the average elevation of the finished ground grades immediately adjacent to the building walls in locations of unusual topographic conditions.

**CURBLINE** -- Established curb alignment or, where not so established, the edge of the vehicular way pavement.

**DAY-CARE CENTER** -- A state-licensed person or facility organized under § 48.65, Wis. Stats., and applicable Wisconsin Administrative Code sections. No restriction or allowance applicable by this chapter to day-care centers shall be so interpreted or imposed on state-licensed family day-care homes, as defined in § 66.1017(1), Wis. Stats., so as to be violative of § 66.1017(2), Wis. Stats.

**DECIBEL** -- A unit of measurement of the intensity (loudness) of sound. Sound-level meters which are employed to measure the intensity of sound are calibrated in decibels.

**DENSITY, GROSS** -- The number of dwelling units permitted by the zoning district per unit of area.

**DENSITY, NET DEVELOPABLE** -- The number of dwelling units located on a lot or parcel divided by the total net developable area.

**DISTRICT** -- A section or a part of the unincorporated portion of the Village within which certain uniform regulations or requirements or various combinations thereof apply under the provisions of this chapter.

**DITCHING** -- The process of excavation, for purposes of surface water drainage and removal, of a shallow channel, not navigable, used for conducting waters.

**DRAIN** -- A surface ditch or underground tile line constructed for the purpose of conducting water or lowering the water table.

**DRAINAGE BASIN** --

- (1) A geographic area, the general configuration of which causes surface waters to flow in a specified direction.
- (2) The area contained by a naturally defined watershed, draining all surface waters thereof

**DRAINAGEWAY** -- Any natural or artificial watercourse, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines or washes, in which waters flow in a definite direction or course, either continuously or intermittently, and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

**DREDGING** -- The process by which bottom materials are removed from bodies of water for the purpose of deepening the body of water.

**DRIVE-IN ESTABLISHMENT** -- A business activity which accommodates on the lot its patrons' automobiles from which the occupants may watch, purchase or be served.

**DWELLING** -- A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, tourist homes, motels, hotels, tents, cabins or mobile homes and trailers.

**DWELLING, ATTACHED** -- A dwelling which is joined to another dwelling at any one or more sides by party walls.

**DWELLING, DETACHED** -- A residential dwelling which is entirely surrounded by open space on the same lot.

**DWELLING, DUPLEX OR TWO-FAMILY** -- A residential building containing only two dwelling units.

**DWELLING, MULTIPLE-FAMILY** -- A building or portion thereof containing three or more dwelling units.

**DWELLING, SINGLE-FAMILY** -- A residential building containing one dwelling unit.

**DWELLING UNIT** -- A group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters for one family and shall always include a complete single kitchen permanently installed which serves the entire family.

**DWELLING UNIT, EFFICIENCY** -- A dwelling unit consisting of one principal room with no separate sleeping rooms.

**EARTHMOVING** -- Any process which physically alters the existing topography by means of mechanical or hydraulic equipment and removes all vegetative cover from the soils so as to make the same soil susceptible to erosion<sup>2</sup>.

**ELECTRIC DISTRIBUTION CENTER** -- A terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.

**ELECTRIC SUBSTATION** -- A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

**ELEEMOSYNARY INSTITUTION** -- A building or group of buildings devoted to and supported by charity.

**EMERGENCY SHELTER** -- Public or private enclosures designed to protect people from aerial bombardment, radiological, biological or chemical warfare, fire, windstorm, riots and invasions.

**EQUAL DEGREE OF ENCROACHMENT** -- For the purpose of determining a new elevation of a flood stage due to filling or placing an obstruction in the floodplain, an equal fill obstacle is assumed on the opposite side of the floodplain to derive this new elevation.

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

**ERECT** -- The act of placing or affixing a component of a structure upon the ground or upon another component.

**EROSION** -- The process by which the ground surface is worn away by action of wind or water.

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

**ESTABLISHMENT, BUSINESS** -- A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same or other lot.

**EXCAVATION** -- The act by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting there-from.

**EXPRESSWAY** -- A divided arterial street or highway with full or partial control of access and with or without grade-separated intersections.

**FAMILY** -- One or more persons related by blood, marriage or adoption, living and cooking together, exclusive of household servants. A number of persons living together as a single housekeeping unit, although not related by blood, adoption or marriage, shall be deemed to constitute a family. A boardinghouse shall not be considered a family<sup>3</sup>.

**FENCE, OPEN** -- A fence, including entrance and exit gates, where each one-foot-wide segment for the full length and height of the fence contains at least 40% open spaces which afford a direct view through the fence.

**FENCE, RECREATIONAL** -- An open fence located in any district utilized for the enclosure of a recreational sport or activity area.

**FENCE, RESIDENTIAL** -- An open or solid fence located in a residential district which does not exceed two feet in the street yard or four feet in any other yard. The fence may be decorative or restrictive in nature.

**FENCE, SECURITY** -- An open fence designed to restrict access to an area or facility. It shall be of an open type similar to woven wire or wrought iron fencing.

**FENCE, SOLID** -- A fence, including solid entrance and exit gates, which effectively conceals from view of the adjoining properties and streets materials that are stored and operations conducted behind it.

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

**FILL** -- Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed, pulled or transported, and shall include the conditions resulting therefrom.

**FINISHED LIVING AREA** -- That area of all dwellings used or intended as living quarters in which the walls have been finished with paneling, drywall and paint or wallpaper, heat and electrical service is provided and the floors have been covered with wood, paint, carpet or vinyl. [Added 11-11-1999]

**FLOOD** -- A temporary rise in stream flow or stage in lake level that results in water overtopping the banks and inundating areas adjacent to the stream channel or lake bed.

**FLOOD CREST ELEVATION** -- The elevation of the highest flood level as designated by the Village Engineer.

**FLOODLANDS** -- All lands contained in the regional flood or a one-hundred-year recurrence interval flood.

**FLOODPLAIN** -- Those floodlands, excluding the floodway, subject to inundation by the one-hundred-year recurrence interval flood or, where such data is not available, the maximum flood of record.

**FLOODPLAIN AREA** -- That continuous area adjacent to a stream or stream bed or any stormwater retention area and its tributaries whose elevation is equal to or lower than the flood crest elevation, including also land having an elevation higher than flood crest elevation but less than 10 acres in area and surrounded by land in a floodplain area or an area less than 10 acres in area having an elevation equal to or above flood crest elevation secured by landfill projecting into a floodplain area.

**FLOODPLAIN FRINGE** -- Those floodlands, outside the floodway, subject to inundation by the one-hundred-year recurrence interval flood.

**FLOOD PROFILE** -- A graph showing the relationship of the floodwater surface elevation for a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.

**FLOODPROOFING** -- Measures designed to prevent and reduce flood damage for those uses which cannot be removed from or which of necessity must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials to operation and management safeguards, such as reinforcing of basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; anchoring of buoyant tanks; sealing of basement walls; installation of sump pumps; placement of automatic swingcheck valves; installation of seal-tight windows and doors; installation of wire-reinforced glass; location and elevation or removal of all electrical equipment; avoidance of the use of flood-vulnerable areas; temporary removal or waterproofing of merchandise; postponement of orders or rescheduling of freight shipments; operation of emergency pump equipment; closing of backwater sewer valves; placement of plugs in floor drainpipes; placement of movable watertight bulkheads; counterflooding; erection of sandbag levees; and the shoring of weak walls or other structures. Floodproofing of structures shall be extended at least to a point of two feet above the elevation of the regional flood as further defined herein. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

**FLOOD PROTECTION ELEVATION** -- A point two feet above the water surface elevation of the one-hundred-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action and obstructions of bridge openings.

**FLOOD STAGE** -- The elevation of the floodwater surface above an officially established datum plane. In Southeastern Wisconsin it is recommended that the datum plane used be mean sea level, 1929 adjustment.

**FLOODWAY** -- A designated portion of the one-hundred-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.1 foot unless special legal measures are provided. The floodway, which includes the stream channel, is that portion of the floodplain not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

**FLOOR AREA, BUSINESS, COMMERCIAL AND INDUSTRIAL BUILDINGS** -- For the purpose of determining requirements for off-street parking and loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, but not including floor area used for off-street parking facilities and such basement floor areas that are used exclusively for maintenance and operation of the building. All horizontal dimensions shall be taken from the exterior faces of the walls.

**FLOOR AREA, GROSS** -- The gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings and shall also include the floor area of the following<sup>4</sup>:

- (1) Basement space if at least 1/2 of the basement story height is above the established curb level.
- (2) Elevator shafts and stairwells at each floor.
- (3) Floor space used for mechanical equipment where the structural headroom exceeds 7 1/2 feet, except equipment, open or enclosed, located on the roof, i.e., bulkhead, water tanks and cooling towers.
- (4) Attic floor space where the structural headroom exceeds 7 1/2 feet.
- (5) Interior balconies and mezzanines.
- (6) Enclosed porches, but not terraces and breezeways.  
4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)
- (7) Structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks. Floor area for such structures shall be determined on the basis of the height of such structures in feet; 10 feet in height shall be equal to one floor. If a structure measures more than five feet over such floor equivalent, it shall be construed to have an additional floor.
- (8) Floor area devoted to off-street or loading shall not be included.

**FLOOR AREA, NET** -- For the purpose of determining net floor area requirements per dwelling, the sum of the areas of all rooms, including bathrooms and closets, shall be used but areas of the building used for public hallways, shafts, walls and partitions, parking, lobbies, maintenance and similar uses shall not be included. One-half the area of open balconies may be included

**FLOOR AREA RATIO** -- The numerical value obtained through dividing the gross floor area of the building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

**FREE BURNING** -- Implies a rate of combustion described by a material which burns actively and easily supports combustion.

**FREEWAY** -- An expressway with full control of access and with fully grade-separated intersections.

**FREQUENCY** -- The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

**FRONTAGE, BLOCK** -- All of the property fronting on one side of a street within a block. If the street is dead-ended, frontage is measured to the dead end of the street.

**FRONTAGE, LOT** -- All of the property of such lot fronting on a street and as measured between side lot lines.

**GARAGE, PRIVATE** -- An accessory building or an accessory portion of the principal building which is intended and used to store not more than four private motor vehicles owned by members of the family or families residing upon the premises and in which no business, service or industry is carried on. Not more than 1/2 of the space may be rented for the storage of private motor vehicles of persons not residing on the premises, except that all the space in a garage of one- or two-car capacity may be so rented. Such garage may be used for the storage of not more than one commercial truck having a load capacity of 3/4 of a ton or less.

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

**GARAGE, STORAGE** -- Any building or premises used for the storage only of motor vehicles, pursuant to previous arrangements and not to transients and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two tons' capacity shall be stored in any storage garage.

**GOLF COURSE** -- Public, semipublic or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto.

**GRADE** -- The average level of the furnished surface of the ground adjacent to the exterior walls of the building or structure.

**GRADING** -- Any stripping, excavating, filling, stockpiling or any combination thereof, including the land in its excavated or filled condition.

**GROUND FLOOR AREA** -- The area of the lot covered by a building measured from the exterior faces of the exterior walls of the building but excluding open porches, terraces, patios, garages or carports.

**GUEST HOUSE** -- A detached accessory building located on the same lot as the principal building and containing living quarters for temporary, nonpaying guests.

**GUEST, PERMANENT** -- A person who occupies or has the right to occupy accommodations in a lodging house, motel, hotel or apartment hotel as his domicile and place of permanent residence.

**HIGH-WATER ELEVATION** -- The average annual high-water level of a pond, stream, lake, flowage or wetland referenced to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so continuous as to leave a distinct mark by erosion, change in or destruction of vegetation or other easily recognized topographic, geologic or vegetative characteristics.

**HOME OCCUPATION OR OFFICE** --

(1) Any activity engaged in by a resident of a building within the dwelling or an accessory structure thereto which is incidental and secondary to the use of such building for



dwelling purposes and which does not change the essential residential character of such building.

- (2) Any activities described in paragraph (1) which present any of the following conditions shall be subject to a conditional use permit:
- (a) The activity involves outdoor display or storage of equipment or material that indicates from the exterior the building is being used for purposes other than a dwelling. This condition shall not apply to persons who operate child care services.
  - (b) The activity generates or emits noise, vibration, smoke, dust, or other particulate matter, odorous matter, humidity, glare, refuse, radiation, or other objectionable emission that may be detrimental to the residential character of the neighborhood.
  - (c) The activity generates vehicular traffic, parking of vehicles or pedestrian traffic that may be disruptive to the residential neighborhood.
  - (d) Garage sales that are conducted for more than four (4) consecutive days or more than three (3) garage sales in any twelve (12) month period require a conditional use permit.
  - (e) Any other consequence of the activity which proves to be disruptive to the residential neighborhood.

**HOTEL** -- An establishment containing lodging rooms for occupancy by transient guests for compensation, but not including a boarding, rooming or lodging house, providing customary hotel services, such as maid and bellboy services, furnishing and laundry of linens used in the lodging rooms and central desk with telephone and secretarial services. A hotel contains more than five lodging rooms.

**HOTEL, APARTMENT** -- A hotel in which at least 80% of the accommodations are occupied by permanent guests.

**INCOMPATIBLE** -- A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

**INDUSTRIAL PARK** -- A unified development designed to accommodate a community of compatible and non-nuisance types of industry. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations.

**INTENSE BURNING** -- Implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

**INTERCHANGE** -- A grade-separated intersection with one or more turning lanes for travel between intersection legs.

**JUNKYARD** -- An open area with or without accessory buildings where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an automobile wrecking yard but does not include such activities conducted entirely within enclosed buildings, nor does it include an establishment engaged only in the processing of scrap iron or other metals to be sold specifically for the manufacture of steel or metal alloys.

**KENNEL** -- Any premises or portion thereof on which three or more dogs, cats or other household domestic animals over four months of age are maintained, boarded, bred or cared for in return for remuneration or are kept for the purpose of sale.

**LAGOON** -- A water body in a depression back of an offshore bar, a beach ridge or shore dune, with these geomorphic features, either natural or man-made, acting as barriers or dams. Also, a shallow pond, channel or impoundment connected to a larger body of water.

**LAGOONING** -- The act of creating a lagoon.

**LANDING STRIP, PRIVATE** -- A strip of land used or intended for use for the landing and takeoff of private aircraft of the owner or lessee of the landing strip and his guests and such accessory structures customarily incidental to the operation, including one building for the storage and maintenance of not more than two such private aircraft.

**LIGHT INDUSTRIAL** -- Light industrial land uses are industrial facilities at which all operations (with the exception of loading operation): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) do not pose a significant safety hazard (such as danger of explosion).

**LOADING AREA** -- A completely off-street space or berth on the same lot for loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**LODGING ROOM** -- A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

**LOT** -- A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

**LOT AREA** -- The area of a horizontal plane bounded by vertical planes through front, side and rear lot lines.

**LOT AREA COVERAGE** -- The area of a lot covered by permanent structures and impervious surfaces such as driveways.

**LOT, CORNER** -- A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135° or less.

**LOT DEPTH** -- The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

**LOT LINE** -- A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

**LOT LINE, FRONT** -- The boundary line of a lot which is along an existing or dedicated street or public way. The front lot line of a corner lot shall be the street lot line parallel to the face of the structure containing the main entrance.

**LOT LINE, REAR** -- That boundary line of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the lot line.

**LOT LINE, SIDE** -- Any boundary of a lot which is not a front or rear lot line.

**LOT LINE, STREET** -- A boundary line of a lot which is along an existing or dedicated street or public way.

**LOT, SUBSTANDARD** -- A parcel of record at the time of adoption of this chapter having frontage on a public street, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking area or other open space provisions of this chapter.

**LOT, THROUGH** -- A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

**LOT WIDTH** -- The minimum horizontal distance between the side lot lines measured at the buildable setback line.

**MACHINE SHOP** -- A shop where laths, presses, grinders, shapers and other wood- and metal-working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops, plumbing, heating and electrical repair and overhaul shops.

**MARINA** -- A facility providing seasonal dockage or storage for pleasure boats either in the water or on land. Normally off-season storage is not provided. The sale of boating supplies and limited emergency repair services are acceptable accessory uses. Routine and major repairs and sale of boats, motors or trailers are not acceptable accessory uses.

**MARQUEE** -- A roof-like structure of a permanent nature which projects from the wall of a building and may overhang into a required yard<sup>5</sup>.

**MINOR STRUCTURE** -- Any small, movable accessory erection or construction, such as birdhouses, pet houses, play equipment, arbors having an area of less than 10 square feet, trellis-like structures 10 square feet, and walls under four feet in height.

**MOBILE HOME** -- A readily transportable trailer, intended for human habitation, which by its inherent design may be moved from site to site and which may have its undercarriage removed. This includes double-wide units.

**MOBILE HOME PARK** -- A parcel of land which is intended for the placement of one or more mobile homes.

**MODULAR HOME** -- A structure which is partially preassembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units, also called "prefabricated" or "precut" homes. For the purpose of this chapter modular homes shall meet the requirements of all applicable state and local building codes.

**MOTEL** -- A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

**MOTOR FREIGHT TERMINAL** -- A building or area of land in which freight brought by truck is assembled and/or sorted for routing in intrastate or interstate shipment.

**MOTOR HOME** -- A self-propelled vehicle designed and constructed for travel and temporary lodging purposes and which is intended for use only for camping, recreational travel or vacation use.

**NAMEPLATE** -- A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

**NONCONFORMING STRUCTURE** -- Any structure which by virtue of the use to which it is put does not comply with the use provisions of this chapter for the district in which it is located.

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

**NONCONFORMING USE** -- Any land or water lawfully used or occupied at the time of the effective date of this chapter that does not conform to the regulations of this chapter or amendments thereto pertaining to uses.

**NURSING HOME or REST HOME** -- A building or institution for the care of the aged, infirm or sick, provided the same shall comply with the further definitions and the regulations contained in the rules of the Wisconsin Department of Health and Family Services.

**OFF-STREET LOADING** -- A space, accessible from a street, alley or way, in a building or on a lot, for loading or unloading merchandise or materials.

**OPEN SALES LOT** -- Land used or occupied for the purpose of buying or selling merchandise stored or displayed out of doors prior to sale. Such merchandise includes but is not limited to

passenger cars, trucks, motor bikes, motorcycles, boats, monuments, trailers, flea markets and produce stands.

**OUTDOOR SPECIAL EVENT** -- A sale, promotion or other activity conducted outdoors. These events are not normally conducted as part of the everyday uses on the property but are intended to be used as promotional tools or fund-raising activities. In residential districts, these activities shall include rummage sales, craft sales, etc., and shall include all sales, whether indoors or outdoors.

**PARK, AMUSEMENT** -- An area, publicly or privately owned, containing amusement and recreation facilities or devices, whether operated for profit or not.

**PARKING LOT** -- A structure or premises containing four or more parking spaces open to the public.

**PARKING SPACE** -- A suitably surfaced and permanently maintained area of land on privately or publicly owned property, either within or outside of a building, of sufficient size to store a standard passenger motor vehicle, but in no instance less than 180 square feet in area, exclusive of passageways, driveways or other means of circulation or access. The space must have adequate ingress and egress to a public street or alley.

**PARK, PUBLIC** -- An area owned by a government unit operated for the convenience and recreation of the public and containing such facilities as the owning government shall see fit.

**PARTIES IN INTEREST** -- The owners of lands abutting or lands being influenced by a rezone, Board of Appeals action, conditional use or development activities. For the purposes of this chapter, this shall include all lands within 500 feet of a subject site.

**PARTY WALL** -- A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above and which separates contiguous buildings but is in joint use for each building.

**PERSON** -- Except when otherwise indicated by the context, includes the plural or a company, firm, trust, corporation, partnership or other legal entity.

**PETS, HOUSEHOLD** -- Animals commonly found in residences as pets, such as dogs, cats, song birds and other small animals, provided that they are not raised or reared for commercial resale or as a source of staple supplement. "Household pets" shall not include domesticated farm animals, such as, but not limited to, horses, chickens, cows, goats, sheep and hogs.

**PLAN COMMISSION** -- The Village Plan Commission.

**PLANNED DEVELOPMENT** -- A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings and one or more principal uses, planned and constructed as a unified development, and where certain regulations of this chapter may be modified for the district where it is located.

**PRINCIPAL RESIDENCE** -- The place where a person resides seven months or more in a twelve-month period.

**PROPERTY LINES** -- Those lines bounding a lot or parcel.

**PUBLIC OPEN SPACE** -- Any publicly owned open area, including but not limited to the following: parks, playgrounds, forest preserves, waterways and parkways.

**RACE TRACK** -- Any area designed for racing of animals, motorized vehicles, bicycles or snow vehicles.

**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.

**RECREATIONAL CAMP** -- An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational or religious purposes.

**REFUSE** -- All waste products resulting from human habitation except sewage.

**REGIONAL FLOOD** -- A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that the regional flood may occur or be exceeded (commonly called a "one-hundred-year occurrence interval flood"). During a typical thirty-year mortgage period, the regional flood has a twenty-six-percent chance of occurrence.

**REPLACEMENT TREE** -- A tree of at least 1 1/2 inches in diameter that survives one year after planting. It should be similar in type to the tree it is intended to replace.

**RESORT** -- A commercial complex providing services such as lodging, entertainment and recreational facilities to its patrons.

**RETIREMENT HOME** -- A building or institution for the accommodation of elderly persons, with or without nursing or medical care, provided that if such nursing or medical care is to be provided on a continuing basis for at least three persons during not less than 72 hours in each week, such building or institution shall be classified as a nursing home.

**RIGHT-OF-WAY** -- Land covered by a public road, to include terraces, parkways and sidewalks as appropriate.

**SEDIMENT** -- Soils or other surface material transported by wind or surface water as a product of erosion.

**SETBACK** -- The minimum horizontal distance between a structure and the lot line abutting a street or the center line of a thoroughfare.

**SHORELANDS** -- Those lands lying within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages, 300 feet from the high-water elevation of navigable streams, or to the landward side of the floodplain, whichever is greater.

**SHORELINES** -- The intersection of the land surfaces abutting lakes, ponds, streams, flowages and wetlands with the average annual high-water elevation<sup>6</sup>.

**SILT** -- Soil particles, intermediate in size between sand and clay, which are readily transported by inflowing streams or surface waters into a body of water.

**SOIL** -- Any earth, sand, gravel, rock or any similar material.

**SOIL AND WATER CONSERVATION DISTRICT** -- A county whose board of supervisors has by resolution declared the county to be a soil and water conservation district.

**SOLID WASTE** -- Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from domestic use and public service activities, but not including solids or dissolved material in wastewater effluents or other common water pollutants.

**STEEP SLOPE** -- A slope over twelve-percent grade which is characterized by increased runoff, erosion and sediment hazards.

**STORAGE CAPACITY** -- The volume of space available above a given cross section of a floodplain for the temporary storage of floodwater. The storage capacity will vary with stage.

6..Editor's Note: The definitions of "sign" through "sign window" which immediately followed this definition have been moved to Art. III, Signs, § 310-21, Definitions, with the exception of the following definitions, which were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II): "sign, bulletin," "sign, ground," "sign marquee," sign, off-premises," "sign, roof," "sign, wall," and "sign, window,"

**STORY** -- That portion of a building included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and ceiling next above it. In the case of a split-level building, the surface of the floors at different elevations and the ceilings next above such floors, provided that floor elevations of adjoining levels do not exceed three feet, shall be considered a story. A basement shall be counted as a story for the purpose of this chapter when more than 1/2 of the clear floor-to-ceiling height of such basement is above the established curb level.

**STORY, HALF** -- A story which is situated in a sloping roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it and which does not contain an independent dwelling unit.

**STREET** -- A public or private thoroughfare, usually paved.

**STREET LINE** -- The dividing line between a lot, parcel or tract of land and a contiguous street.

**STRIPPING** -- Any activity which removes the vegetative surface cover, including tree removal, clearing, grubbing and storage or removal of topsoil.

**STRUCTURAL ALTERATION** -- Any change, other than incidental repairs, which would prolong the life of the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.

**STRUCTURE**-- Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment, excepting utility lines and appurtenances.

- (1) **Pole or post frame buildings.** Pole or post frame buildings shall be permitted in all districts, except as a conditional use in the P-1 Park District and Industrial District. In the R-1 District, a Post frame building is permitted only if it complies with the Wisconsin Uniform Dwelling Codes and is finished with high quality finish materials complimentary to other residential structures in the area. In no circumstance is exposed fastener corrugated metal roofing or siding considered high quality finish material, except for the M-1 Industrial District. Pole buildings are defined as having the primary structural members of wood or other combustible material, with or without chemical treatment for fungus, rot or decay, with or without fire- or flame-proofing or fire-retardant treatment, and having such primary structural members embedded in earth or where such members are embedded within concrete footings, the composite of which is buried in the earth to resist axial and/or lateral loads. Pole or post frame buildings that are pre-engineered and designed primarily for agricultural use shall not be permitted in any district, unless plans of such buildings bear evidence of compliance with Chs. COMM 50 to 64, Wis. Adm. Code. Wall and roof coverings of metal shall be factory painted, prime and finish coats.
- (2) **Pre-engineered steel buildings.** Pre-engineered steel buildings have the primary structural members made of steel and may be clad in a variety of materials. Pre-engineered metal structures may be permitted as conditional uses in the P-1, B-2, and M-1 Zoning Districts after due consideration under § 310-53C of this chapter. All pre-engineered steel buildings must meet Wisconsin Administrative Code specifications.

**STRUCTURE, PRINCIPAL** -- A structure in which the use is listed in the district use regulations as either a permitted or conditional use.

**STRUCTURE, TEMPORARY** --

- (1) A structure or enclosure that can be easily and readily assembled or relocated or deflated.
- (2) A structure that is constructed with or without footings, foundations or supporting anchors or slabs that are not of a permanent nature and are readily and easily disassembled or removed.



**SUBSTANDARD STRUCTURE** -- Any structure conforming in respect to use but not in respect to the frontage, width, height, lot area, yard, parking, loading or distance requirements of this chapter.

**SWIMMING POOL, PRIVATE** -- A swimming pool, the principal users of which consist of patrons, tenants or guests of motels, hotels, apartment hotels and other income-producing property and located on the same premises, meeting recognized safety standards. Pools used by two or more families are considered public pools.

**TENT** -- A structure or enclosure of which the roof and 1/2 or more the sides are constructed of silk, cotton, canvas fabric or similar light materials.

**TOURIST PARK** -- A parcel or tract of land containing facilities for locating three or more travel trailers or mobile homes and for use only by transients remaining less than one month, whether or not a charge is made. An open sales lot in which motor vehicles or unoccupied trailers are parked for the purpose of inspection or sale is not included in a tourist park.

**TOXIC MATTER OR MATERIALS** -- Those which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

**TRAVEL TRAILER** -- A trailer designed and constructed for travel and temporary lodging purposes and which is intended for use for camping, recreational travel or vacation use.

**TREE DIAMETER** -- The diameter of a tree measured at a point on the tree four feet above grade level.

**TREE PRESERVATION AREA** -- The area of a lot not designated as the building activity area where all trees six inches or larger shall be preserved.

**TURNING LANE** -- An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street.

**USE** -- The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained<sup>7</sup>.

**USE, CONDITIONAL** -- Uses of a special nature so as to make impractical their predetermination as a principal use in a district. Such uses require permits as specified in §§ 310-53 through 310-60 of this chapter.

7. Editor's Note: The original definition of "use, accessory," which immediately followed this definition, was deleted at time of adoption of Code (see Ch.1, General Provisions, Art. II). See the definition of "accessory use or structure" in this section.

**USE, PRINCIPAL, ON A LOT OR PARCEL** -- The main use of land or building as distinguished from a subordinate or accessory use. It may be either a principal or conditional use for the zoning district.

**USE, PRINCIPAL, ZONING DISTRICT** -- A use which may be lawfully established in a particular district or districts, provided that it conforms to all requirements, regulations and performance standards, if any, of such district.

**UTILITIES** -- Public or private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including electric power generation plants, sewage disposal plants, municipal incinerators, warehouses, shops, storage yards, waterlines, sewer lines and storm sewer lines.

**VILLAGE** -- The Village of Genoa City, Wisconsin.

**VILLAGE BOARD** -- The Village Board of the Village of Genoa City.

**VISION CLEARANCE**-- An unoccupied triangular space at the intersection of streets or highways with other highways or streets or at the intersection of streets or highways with railroads. Such vision clearance triangle shall be bounded by the intersection highway, street or railroad right-of-way lines and setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this chapter.

**WAREHOUSE** -- A structure or enclosure, or a subdivided unit of a structure or enclosure, in which goods are stored until further use or resale. A structure or enclosure shall be considered a warehouse for purposes of this chapter if more than 50% of the total floor space of the structure or enclosure is so used, irrespective of the fact that the remainder of the space is used for another purpose. Goods displayed for sale are not considered warehoused.

**WINE** -- Products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain 0.5% or more of alcohol by volume.

**WINERY, RETAIL** -- An establishment or business which produces wine under federal and state winery permits and which also sells such wine in the same structure in a designated retail space operated under a "Class A" liquor license. Fifty percent of the total floor space of the business shall be accessible to the public during regular business hours for retail purchases, sampling and touring the manufacturing facilities. The space designated on the "Class A" liquor license shall not be used for sampling.

**YARD** -- An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street, rear and shore yards extend the full width of the lot.

**YARD, INTERIOR** -- An open space surrounding buildings in developments where more than one structure occupies a lot or parcel. This shall not relieve the obligation by the development to meet perimeter yard requirements as set forth by this chapter. An interior yard may be shared by two adjacent structures.

**YARD, REAR** -- A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard. For a

residential corner lot, the rear yard shall be opposite one of the street yards. In those locations where an alley is platted in the rear of the lots but not improved, 1/2 of the width of the platted alley may be included in the rear yard requirement. For parcels having a shore yard, the rear yard shall be the yard opposite the shore yard. In these cases, the building setback lines shall be the same as for a street yard.

**YARD, SHORE** -- A yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the high-water elevation of a pond, stream, lake or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line.

**YARD, SIDE** -- A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. Commercial/Industrial corner lots shall have two side yards

**YARD, STREET** -- A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two street yards. Also called "front yard."

**ZONING PERMIT** -- A permit issued by the **Zoning Administrator** to certify that lands, structures, air and waters subject to this chapter are used in accordance with the provisions of this chapter.

## ARTICLE II General Provisions

### **§ 310-9. Findings.**

The proper regulation of the use of structures, lands and waters only through the use of the zoning districts contained within this chapter is neither feasible nor adequate. Therefore, the following regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this chapter.

### **§ 310-10. Jurisdiction.**

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village<sup>8</sup>.

8. Editor's Note: Original § 10-5-12, Rules, which immediately followed this section, was deleted at time of adoption of Code (see Ch.1, General Provisions, Art. II) See now § 310-8A, General rules.

### **§ 310-11. Compliance required; enforcement.**

- A. No structure, land, water or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except a minor structure, and without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.
- B. Nothing herein contained shall require any changes in plans, construction, size or designated use of any building or part thereof for which a zoning or building permit has been issued before the effective date of this chapter and the construction of which shall have been started within six months from the date of such permit.
- C. The **Zoning Administrator** shall accept all applications, issue or deny all zoning permits, investigate all complaints, give notice of violations and enforce the provisions of this chapter. All violations of this chapter shall be reported to the Village Attorney, who shall bring action to enforce the provisions of this chapter.
- D. The **Zoning Administrator** and his deputies shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by them to ensure compliance with this chapter. If, however, they are refused entry after presentation of proper identification, they may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats.

#### **§ 310-12. Use regulations.**

Only the following uses and their essential services shall be allowed in any district:

- A. **Principal uses.** Principal uses specified for a district.
- B. **Accessory uses and structures.** Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business, trade or industry except for home occupations and professional home offices as defined herein. An accessory structure cannot be occupied as a separate dwelling unit. No detached accessory building shall be nearer than 10 feet to the nearest wall of a principal structure, except that an accessory building constructed of fire-resistive materials as approved by the Building Inspector may be located nearer than 10 feet to a principal building<sup>9</sup>.
- C. **Conditional uses.** Conditional uses and their accessory uses may be permitted in specified districts after review, public hearing and recommendation by the Plan Commission and approval by the Village Board in accordance with procedures and standards established in §§ 310-53 through 310-60 of this chapter.

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

- D. Unspecified uses.** Uses not specified in this chapter may be permitted by the Village Board after the Village Plan Commission has made a review and written recommendation and provided that such uses are similar in character to the permitted uses in the district.
- E. 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 Plan Commission as provided under §§ 310-76 through 310-86 of this chapter; provided, however, such use shall not continue for more than two years.
- F. Performance standards.** Performance standards listed in § 310-75 shall be complied with by all uses in all districts, except where specifically exempted.
- G. Outdoor uses.** Outdoor uses shall be permitted as specified in this subsection:
- (1) In R-1, R-2, P-1 and C-1 Districts, outdoor sales, service or displays shall be prohibited, except as provided in Subsection H. Outdoor storage may be permitted as an accessory use, subject to the provisions of this chapter and other chapters of this Code as they may apply.
  - (2) In the B-1 District, all outdoor use is prohibited, except as permitted by Subsection H or those uses necessary for property maintenance or essential services (i.e., garbage cans, dumpsters, loading facilities, parking, etc.).
  - (3) In the B-2 and Industrial Districts outdoor uses may be permitted as specified as a principal or conditional use in the district or as permitted by Subsection H.
- H. Outdoor special events.**
- (1) In all residential districts, outdoor special events, such as rummage sales, craft sales, etc., shall be permitted twice per calendar year. Each event shall not exceed four days. A permit shall be required from the **Zoning Administrator** and a fee as set by the Village Board shall be charged. This subsection shall apply to all sales in residential districts, whether inside or out.
  - (2) In B-1 and B-2 Districts, outdoor special events may be permitted upon issuance of a special event permit by the **Zoning Administrator** after review and approval by the Village Board. No single event shall exceed 10 days, nor shall the total number of days for all events in a calendar year exceed 10. Residential uses in business districts shall be subject to Subsection H(1) above. A permit fee as set by the Village Board shall be required<sup>10</sup>.
  - (3) In a P-1 District, special events may be permitted upon issuance of a special event permit by the **Zoning Administrator** after review and approval by the Village Board. No permit fee will be charged.

- (4) Any Village police officer shall be authorized to enforce this Subsection H by citation.

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

**§ 310-13. Site plans and regulations; architectural review. [Amended 6/9/16]**

**A. General.** For the purpose of promoting compatible development and stability of property values and to prevent impairment or depreciation of property values, no person shall be issued a building permit, conditional use permit, or occupancy permit for any use or shall erect any structure without first obtaining the approval of detailed site and architectural plans as set forth in this section. The Zoning Administrator and The Plan Commission shall review the site plans, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, utilization of landscaping and open space, and the proposed operation as deemed appropriate for all development in all districts. Both the Zoning Administrator and Plan Commission shall review residential subdivisions (large tracts), but only the Zoning Administrator shall review the development of residential lots (single lots).

**(1) Principles.** To implement and define criteria for the purposes set forth above, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses:

- (a) No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- (b) No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- (c) No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties. All new industrial buildings shall have a 48" minimum high stone or brick wainscot on the front side. All new commercial (business) buildings shall have a 48" minimum high stone or brick wainscot on all four sides.
- (d) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area, or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

- (e) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village.
  - (f) Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.
  - (g) Changes in topography at the property line shall be consistent with the requirements of Subsection F of this section.
  - (h) Appropriate erosion control measures shall be utilized in all new development.
  - (i) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
  - (j) Buildings and uses shall provide adequate parking and loading areas.
  - (k) Buildings and uses shall be provided with adequate public services as approved by the appropriate utility.
  - (l) No outside storage shall be permitted without Plan Commission approval.
  - (m) Buildings and uses shall make appropriate use of open spaces, and the Plan Commission may require appropriate landscaping and planting screens.
- (2) **Sureties.** The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.
- (3) **Appeals.** Any person or persons aggrieved by any decisions of the Plan Commission or **Zoning Administrator** related to plan review may appeal the decision to the Board of Appeals. Such appeal shall be filed with the Village Clerk-Treasurer within 30 days after filing of the decision by the Plan Commission or **Zoning Administrator**.

**B. Unsuitable land.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The standards of the Wisconsin Construction Site Best Management Practice Handbook are adopted and made part of this chapter as conservation standards for the Village. The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an

opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

- C. **Minimum frontage.** All lots shall abut upon a public street, and each lot shall have a minimum frontage of 40 feet.
- D. **Location of principal structures.** In the R-1, R-2 and B-1 Zoning Districts, all principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot in these districts.
- E. **Dedication not secured.** No zoning permits shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- F. **Tree cutting, shrubbery clearing and earth movements.** Tree cutting, shrubbery clearing and earth movements shall be conducted in accordance with the Wisconsin Construction Site Best Management Practice Handbook conservation standards and, except as provided below, shall require a zoning permit and conservation plan. In addition, the **Zoning Administrator** may, where appropriate, require an applicant to furnish a surety to enable the Village to carry out land restoration work in the event of default by the applicant in carrying out an approved conservation plan. The amount, form and type of sureties shall be determined by the Plan Commission. The Zoning Administrator may, as appropriate, request a review of the proposed cutting, clearing or earth movement activity by the Department of Natural Resources, the United States Department of Agriculture Soil Conservation Service or other appropriate agency and await its comments and recommendations before issuing a zoning permit, but not to exceed 30 days. Cutting, clearing and earth movement activities shall be so conducted as to prevent erosion and sedimentation and preserve the natural beauty of the Village. Paths and trails shall not exceed 10 feet in width and shall be designed and constructed as to result in the least removal and disruption of natural ground cover and the minimum impairment of natural beauty. The following activities shall be conducted in accordance with the Wisconsin Construction Site Best Management Practice Handbook conservation standards but shall not require a zoning permit:
  - (1) Normal excavation for utility installations for single-family and two-family dwellings on lots which do not abut a lake or on lots which do not contain slopes exceeding 12%, when the **Zoning Administrator** determines that such earthmoving shall not cause erosion or sedimentation.
  - (2) Excavations or fill not exceeding 400 square feet in area or 10 cubic yards in volume.
  - (3) Normal plowing and working of land for a garden.
  - (4) Normal trimming, pruning and shearing of trees and shrubs for culture and maintenance.
  - (5) Removal of dead, diseased or insect-infested trees or shrubs.



- (6) Removal of trees and shrubs for clearing a site not over 400 square feet in area in preparation for construction of a single-family dwelling or a two-family dwelling on property not abutting a lake or on slopes not exceeding 12% when the **Zoning Administrator** determines that such cutting will not cause erosion or sedimentation and will not impair the scenic quality of the shoreline.

**G. Earthmoving and tree cutting permit.** For earthmoving and tree cutting permit see § 310- 95 of this chapter.

**H. Waste materials.** No waste materials, such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity or temperature so as to contaminate or pollute or which would be likely to run off, seep or wash into surface or ground waters, are permitted. See § 310-75 for standards<sup>11</sup>.

**I. Public sewerage and water systems.** Public sewerage and water systems shall serve all buildings and uses in accordance with the requirements of Chapter 270, Water and Sewers, of this Code.

**J. Rivers and streams.** No river or stream shall be altered or relocated until the appropriate zoning change has been applied for and granted in accordance with the requirements of §§ 310-87 through 310-93 of this chapter.

**K. Tree removal.**

(1) **Purpose.** The intent and purpose of this Subsection K is to preserve the Village's character as a natural wooded community, maintain property values by improving and preserving the aesthetic appeal of the Village through tree regulations, preserve the natural resources of the Village and state, reduce the amount of erosion in the Village due to tree removal, protect the quality of the waters of the state and the Village and protect and promote the health, safety and welfare of the people, minimizing the amount of sediment and other pollutants carried by runoff to surface waters due to the erosion of land not protected by a naturally wooded environment.

(2) **Scope.** The provisions of this Subsection K shall not apply to R-1 and R-2 Zoning Districts, except planned developments in those districts.

(3) **Clear-cutting prohibition.**

(a) **Shore-land areas.** In a strip of land 35 feet wide inland from the bulkhead line, no more than 30 feet in any 100 feet shall be clear-cut. Where the lot is less than 100 feet, no more than 30% of this strip shall be clear-cut. Natural shrubbery shall be preserved as far as practicable, and, where removed, it shall be replaced with other vegetation that is equally

effective in retarding runoff, preventing erosion and preserving natural beauty.

- (b) **Tree preservation area.** Except for circumstances identified under Subsection K(4)(b), it is prohibited to remove any trees or cause any trees to be removed from the tree preservation area of each lot. During construction, no equipment movement, construction or placement of equipment or material storage shall be permitted in the tree preservation area.

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

**(4) Cutting exceptions.**

- (a) Trees may be removed from the building activities area. This area shall be as small as possible, including the entire area affected by building, grading and temporary material storage areas. In no case shall the amount of trees with a six-inch tree diameter removed within the building activities area exceed the following:
  - [1] Eighty percent of the total such trees on lots of 1/4 acre or less.
  - [2] Sixty percent of the total such trees on lots of 1/4 acre to one acre, except in the C-1 District<sup>12</sup>.
  - [3] Forty percent of the total such trees on lots of one acre, except in the C-1 District<sup>13</sup>.
  - [4] Twenty percent of the total such trees on lots of 2.5 acres or more, except in the C-1 District<sup>14</sup>.
  - [5] Ten percent of the total such trees on all lots in the C-1 District.
- (b) Trees removed in excess of the above reasons will require a tree removal permit. Conditions under which a permit may be issued include, but will not be limited to, the following:
  - [1] The tree is dead, dying or diseased.
  - [2] The tree is damaged or injured to the extent that it is likely to die or become diseased.
  - [3] The removal of the tree will enhance the tree preservation area and the health of the remaining trees.
  - [4] The removal of the tree will avoid or alleviate an economic hardship or a hardship of another nature to the property or residences.

[5] The removal of the tree is consistent with good arboriculture practices..

- (5) **Replacement trees.**When in keeping with good arboriculture practices, replacement trees shall be planted for all removed trees. They may be planted in the preservation area or in the building activities area after the initial construction activities are completed. All replacement trees shall be planted within 30 days of final grading. The determination of good arboriculture shall be based on tree density and spacing in the following table:

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

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

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

### **Tree Sizes and Density**

Small trees: trees which have an ultimate height of 20 to 30 feet and 15- to 25-foot spread. They should be planted 15 feet to 20 feet on center or roughly at a density of 115 trees per acre.

Apricot  
Crabapple, Flowering (sp)  
Hawthorne (sp)  
Lilac, Japanese Tree  
Peach, Flowering  
Plum, Purpleleaf

Redbud  
Golden Train Tree  
Soapberry  
Pear, Bradford  
Serviceberry

### **Tree Sizes and Density**

Medium trees: trees which have an ultimate height of 30 to 50 feet and 30- to 40-foot spread. They should be planted 25 feet to 30 feet on center or approximately 30 trees per acre.

Ash, Green  
Hackberry  
Honeylocust (Thornless)  
Linden or Basswood (sp)  
Mulberry, Red (fruitless, male)  
Persimmon  
Poplar

Sassafras  
Pagodatree, Japanese  
Pecan  
Birch  
Osageorange (Thornless)  
Oak, English  
Oak, Red

Large trees: trees which have an ultimate height greater than 50 feet and over 40-foot spread. They should be planted 35 to 40 feet on center or approximately 25 trees per acre.

American Elm  
Walnut  
Kentucky Coffeetree  
Silver Maple

Sugar Maple  
Oaks  
Sycamore  
Cottonwood

- (6) **Penalties.** Any person violating any provisions of this Subsection K shall be subject to a penalty per tree illegally cut or removed which shall be determined by the assessed value of the trees removed. The assessed value shall be determined in accordance with the Manual for Plant Appraisers published by the Council of Tree and Landscape Appraisers, most recent edition. In addition, a replacement tree shall be planted to replace all trees cut illegally.

#### **§ 310-14. Flood-land regulations<sup>15</sup>.**

In addition to any other applicable use, site or sanitary regulation, the following regulations shall apply to flood-lands:

15. Editor's Note: See also Ch. 280, Floodplain Zoning.

- A. **Within the floodplains.** Dumping, filling, residential uses, basements, permanent public assembly structures and the permanent sheltering and restricted confining of animals are prohibited.
- B. **Within the floodways.** In addition to the above-stated regulations within the floodplains, all structures are prohibited except navigational structures, public water measuring and control facilities, bridges and utilities.
- C. **Within the channel.** In addition to the above-stated regulations within floodplains and floodways, the erection of all structures in the channel shall require a permit from the state agency having jurisdiction pursuant to § 30.12(2), Wis. Stats. All bulkheads, wharves and piers shall comply with bulkhead or pierhead lines established by the Village pursuant to §§ 30.11 and 30.13, Wis. Stats.
- D. **Conditional uses.**
- (1) Dam construction, operation, maintenance and abandonment are conditional uses requiring review by the Plan Commission in accordance with §§ 310-53 through 310-60 of this chapter. The Commission shall then advise the state agency having jurisdiction under §§ 31.05, 31.07, 31.13 and 31.185, Wis. Stats., of its finding prior to the issuance of the required state permits.
- (2) All structures and improvements not prohibited above are conditional uses requiring review and approval by the Village Board under §§ 310-53 through 310-60 of this chapter.
- E. **Boundaries.** Boundaries of all floodways and floodplains shall be determined through the use of flood profiles. The floodwater surface elevations shown on the one-hundred-year recurrence interval flood profile and the ten-year recurrence interval flood profile shall determine the limits of the floodplain and floodway, respectively. All floodland uses permitted under this chapter shall use as a flood protection elevation a height corresponding to two feet above the flood profile for the particular area. All flood profiles now existing or to be prepared for lakes, rivers and streams within the Village and

approved by the Wisconsin Department of Natural Resources are hereby attached to and made a part of the Official Zoning Map.

- B. Removal from flood-lands.** Compliance with the provisions of this chapter shall not be grounds for the removal of lands from the flood-land regulatory areas unless such lands are filled to a height of at least two feet above the elevation of the one-hundred-year recurrence interval flood and are contiguous to other lands outside the flood-land regulatory areas. Such filling, however, shall only take place in accordance with a conditional use permit obtained in compliance with §§ 310-53 through 310-60 of this chapter.

**§ 310-15. Shore-land regulations.**

The Village has adopted a Shoreland-Wetland Zoning Ordinance. Refer to the regulations contained therein<sup>16</sup>.

**§ 310-16. Reduction or joint use.**

- A.** No lot, yard, parking area, building area or other space shall be reduced in area or dimensions so as not to meet the provisions of this chapter.
- B.** No part of any lot, yard, parking area or other space required for a structure or use shall be used to meet the requirements for any other structure or use.

**§ 310-17. Violations and penalties.**

- A.** No person shall construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.
- B.** Any person who fails to comply with the provisions of this chapter shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code.

**§ 310-18. Trailers, mobile homes and tents.**

- A.** Trailers and mobile homes shall not be permitted in any district as principal or accessory buildings.
- B.** Trailers or mobile homes shall not be occupied for dwelling or lodging purposes except in an approved mobile home park or tourist park.
- C.** Trailers or mobile homes may be used as temporary offices or storage space incidental to construction of a building development while such construction is actively undertaken, provided that the trailer or mobile home is located on the same or adjacent lot as the building development.

- D.** Tents shall not be erected, used or maintained for dwelling, lodging or other purposes, except as may be used for incidental recreation purposes when erected on the same lot as a dwelling and used only by the residents of the dwelling.

16. Editor's Note: See Ch. 290, Shoreland-Wetland Zoning

### ARTICLE III Signs

#### § 310-19. Title.

This article shall be known and cited as the "Sign Ordinance of the Village."

#### § 310-20. Intent and policy.

It is the intent of the Village through this article to protect and enhance the Village's historic and residential character and its economic base through the provision of appropriate and aesthetic signing. In addition, it is the intent of the Village to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety. As identification devices, signs must not subject the citizens of the Village to excessive competition for their visual attention. As appropriate identification devices, signs must harmonize with the building, the neighborhood and other signs in the area. In view of these facts, the Village adopts the policy that the sign should serve primarily to identify an establishment, organization or enterprise.

#### § 310-21. Definitions<sup>17</sup>.

As used in this article, the following terms and phrases shall have the indicated meanings:

**ABANDONED SIGN** -- A sign which no longer correctly directs any person to or advertises a bona fide business, lessor, owner, product or activity conducted.

**ACCESSORY SIGN** -- A separate unit displaying information related to the principal business conducted on the premises which is not attached to or supported from any other sign and not made a part thereof.

**ADVERTISING SIGN (BILLBOARD)** -- A sign which directs attention to a business, commodity, service or entertainment not necessarily conducted, sold or offered for sale on the premises on which the sign is affixed.

**ARCHITECTURAL FEATURE** -- Any reveal, window frame, recessed area, door detail, surround or other feature that is part of any building or is a specific element of a recognized historical style of architecture.

**AWNING SIGN** -- Any sign or graphic attached to, painted on or applied to an awning or awning canopy.

**BANNER** -- A bunting or other flexible sign characteristically supported at two or more points and hung on a building or otherwise suspended down or along its face or across any public streets of the Village. The banner may or may not include copy or other graphic symbols.

17. Editor's Note: The following definitions were deleted from this section at time of adoption of Code (se Ch. 1, General Provisions, Art. II): "billboard," "frontage, lot," "marquee," "marquee sign," "projecting sign" and "sign".

**BENCH SIGN** -- Any sign painted on or otherwise attached to a bench or other seat placed in an exterior area owned or operated by a public agency.

**BULLETIN BOARD** -- A designated area where bulletins and informational notices may be posted.

**BUSINESS SIGN** -- A sign which directs attention to a business or profession or to a commodity, service or entertainment, whether or not conducted, sold or offered for sale on the premises where such sign is located or to which it is affixed.

**BUSINESS DIRECTION SIGN** -- An off-premises sign directing the public to a business located within the Village corporate limits.

**CANOPY OR MARQUEE SIGN** -- See "projecting sign."

**CHANGEABLE MESSAGE SIGN** -- A sign such as a manual, electronic or electric-controlled time and temperature sign, message center or reader board where copy changes<sup>18</sup>.

**CIVIC EVENT SIGN** -- A sign, other than a commercial sign, posted to advertise or provide direction to a civic event sponsored by a public agency, the Village, or a school, church, civic-fraternal organization, or similar noncommercial organization.

**COMMERCIAL OFFICE OR INDUSTRIAL COMPLEX** -- A group of contiguous businesses which employs a homogeneous design theme as a common perimeter treatment.

**COMMERCIAL SIGN** -- Any physical form of visual communication, including any object with or without lettering, a symbol, logo or banner, other than a mural, which is intended to attract attention to a commercial activity, business, commodity, service, entertainment or attraction sold or offered and which is to be viewed from public streets or public parking areas. It shall include all parts, portions, units and materials composing the same, together with illumination, frame, background, structure and support and anchorage thereof.

**EAVE** -- That portion of the roofline extending beyond the building wall, a canopy attachment on the wall having the simulated appearance of an eave or the lowest horizontal line on any roof.

**ELECTION SIGN** -- A noncommercial sign pertaining to an election for public office or to a ballot measure to be placed before the voters in a federal, state or local election.

**ERECT** -- To build, construct, attach, hang, place, suspend, affix or fabricate, which shall also include painting or wall signs and window signs or other graphics.

**FLAG** -- A piece of fabric of distinctive design (customarily rectangular) that is used as a symbol of a nation, state, city, agency, corporation or person or as a signaling device and is usually displayed hanging free from a staff or halyard to which it is attached by one edge.

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

**FLASHING SIGN** -- An illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. A revolving sign or any moving part of an advertising device that is illuminated shall be considered a flashing sign.

**FREEWAY-ORIENTED OFF-PREMISES SIGN** -- Any off-premises sign located with the sign positioned for primary reading from the freeway.

**FREEWAY-ORIENTED ON-PREMISES SIGN** -- Any on-premises sign identifying premises where food, lodging or places of business are located that engage in supplying goods and services essential to the normal operation of motor vehicles and where such businesses are directly dependent upon the adjacent freeway for business.

**FRONTAGE, BUILDING** -- The width of any face of a building.

**A. DOMINANT BUILDING FRONTAGE** -- The principal frontage of the building where its main entrance is located or which faces the street upon which its address is located.

**B. SUBORDINATE BUILDING FRONTAGE** -- Any frontage other than the dominant frontage.

**GROSS AREA OF SIGN** -- The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single-face sign. It does not include any structural elements lying outside the limits of such sign. All sign faces shall be included when computing the gross area of the sign.

**GROUND SIGN** -- Any sign advertising goods manufactured, produced or sold or services rendered on the premises upon which the sign is placed or identifying in any fashion the premises or any owner or occupant and which is supported by one or more uprights or braces on the ground, the overall total height of which does not exceed six feet above grade measured at the base of the sign structure. In no case shall an artificial grade be established for the sole purpose of placing a sign at more than six feet above the grade at the edge of the public right-of-way.

**HANGING SIGN** -- A sign attached to and located below any eave, roof, canopy or awning.

**HEIGHT OF SIGN** -- The vertical distance measured from the nearest curb level where the sign is located to the highest point of such sign.



**KIOSK** -- A small, freestanding structure permanently affixed to the ground, requiring a building permit, which may have one or more surfaces used to display temporary advertising signs.

**LETTER HEIGHT** -- The height of a letter from its bottom to its top, including any fixed shadow line.

**LIGHTING STANDARD** -- A device for providing artificial light on the sign surface.

**LOGO SIGN WITH COURTESY PANELS** -- Prefabricated signs bearing a brand name, registered trademark or logo with space for the name of a local business or occupant or other items of information to be applied thereto or erectable thereon.

**MOBILE SIGN** -- A sign on a vehicle advertising a good, service or entity other than that for which the vehicle is principally used.

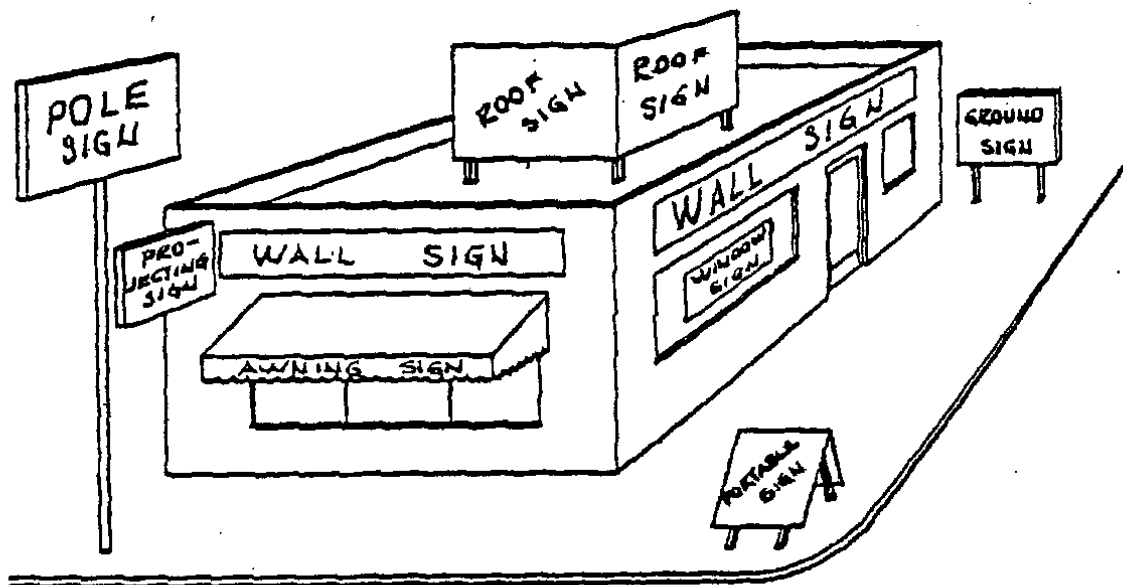
**MOVABLE SIGN** -- Any sign not permanently attached to the ground or a building.

**MURAL** -- A painting or picture applied to and made part of a wall, door or window which may be pictorial or abstract and is characteristically visually set off or separated from the background color or architectural environment. A mural which relates directly to the goods or services offered on the premises shall be considered a commercial sign.

## ILLUSTRATION OF SOME SIGN TYPES

### GENOA CITY CODE

#### ILLUSTRATION OF SOME SIGN TYPES



**NAMEPLATE SIGN** -- A sign directly affixed to a building which lists names of occupants. Advertising is restricted to business or professional occupation only.

**NONCOMMERCIAL SIGN** -- Any physical form of visual communication, including any object with or without lettering, a symbol, logo or banner, which is intended to convey a noncommercial message of social, political, educational, religious or charitable commentary.

**OFF-PREMISES SIGN** -- A commercial sign not located on the premises of the business or entity indicated or advertised by the sign or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

**ON-PREMISES SIGN** -- Any sign identifying or advertising a business, person, activity, goods, products or services located on the same premises where the sign is located and maintained.

**OPERATIONAL SIGN** -- A directory sign on a commercial premises which will aid in the traffic flow and the location of parking facilities.

**PARAPET** -- A low wall or railing used to protect the edge of a roof, also called a parapet wall.

**PARAPET OR PERGOLA SIGN** -- Any sign or other graphic attached to a parapet, ramada, pergola or other similar structure.

**PENNANT** -- A small triangular or rectangular flag or multiples thereof, individually supported or attached to each other by means of a string, rope or other material, and meant to be stretched across or fastened to buildings or between poles and/or structures.

**PERGOLA** -- A structure usually consisting of parallel colonnades supporting an open roof of girders and cross-rafters, also known as an arbor, trellis or ramada.

**POLE SIGN** -- Any sign, other than a ground sign, erected on one or more uprights supported from the ground, the height of which is greater than six feet above grade and which is not part of any building or structure other than a structure erected solely for the purpose of supporting a sign.

**PORTABLE SIGN** -- Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

**PROJECTING SIGN** -- A sign which is attached to and projects from a structure or building facade. The area of projecting signs is calculated on all faces.

**ROOF** -- The cover of any building, including the eaves and similar projections. Eyebrows, false roofs on storefronts, coverings on or over oriels, bay windows, canopies and horizontally projected surfaces other than marquees shall be considered roofs.

**ROOF SIGN** -- Any sign any part of which is on or over any portion of any roof, eave or parapet of a building or structure.

**SANDWICH SIGN** -- A hinged or unhinged A-frame movable sign which is generally temporary in nature and placed near the roadway.

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

**SIGN STRUCTURE** -- Any material which supports, has supported or is capable of supporting or helping maintain a sign in a stationary position, including decorative covers.

**SWINGING SIGN** -- A non-motorized sign that may swing about a horizontal plane.

**TEMPORARY** -- A period of time not exceeding 15 consecutive days and not more than once in a six-month period, unless otherwise specified.

**WALL SIGN** -- Any sign affixed directly to or painted on or otherwise inscribed on an exterior wall or solid fence, the principal face of which is parallel to the wall or fence and which projects from that surface no more than 12 inches at all points.

**WINDOW SIGN** -- Any sign printed, attached, glued or otherwise affixed to or behind a window, within the display area or within four feet, whichever is greater, and designed to be viewed from adjoining streets, walkways, malls or parking lots available for public use.

**§ 310-22. Conformance required.**

No person shall construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered a sign within the Village, except in conformance with this chapter.

**§ 310-23. Permit required.**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or altered without a sign permit, except those signs specifically excepted in this article, and without being in conformity with the provisions of this article.

**§ 310-24. Application for permit.**

Any person desiring to construct, maintain or display a sign for which a permit is required shall submit an application to the Building Inspector. The application shall be made upon forms provided by the Building Inspector and shall be accompanied by the following materials:

**A.** Two copies of a plan showing:

- (1)** The position of each sign and its relation to adjacent buildings or structures.
- (2)** The proposed design, size, colors and location on the premises of each sign, including the type and intensity of any proposed lighting.
- (3)** Zoning district and abutting property zoning.

- B.** A statement showing the sizes and dimensions of all signs existing on the premises at the time of making such application.
- C.** Such other information as the Building Inspector may require to show full compliance with this article and all other ordinances of the Village.
- D.** A written authorization to submit the sign permit application signed by the property owner, lessee or authorized agent.

#### **§ 310-25. Fees.**

The sign permit application shall be accompanied by the appropriate fee established by the Village Board by resolution. If installation of a sign is commenced before an application for a permit is made or before the plans are approved by the Zoning Administrator, the applicant shall be charged an additional field inspection fee equal to the permit fee. The fee is nonrefundable.

#### **§ 310-26. Processing applications.**

- A.** Building Inspector staff shall review the application and accept it as complete or reject it as incomplete within three working days from the date of filing.
- B.** No sign permit application will be accepted if the applicant has installed or maintained a sign in violation of the provisions of this article and, at the time of the submission of the application, each illegal sign has not been brought into compliance.

#### **§ 310-27. Action by Zoning Administrator.**

The Zoning Administrator shall approve, conditionally approve or deny within 10 working days of acceptance of a sign permit application.

#### **§ 310-28. Sign review criteria.**

- A.** In reviewing a sign permit application, the Zoning Administrator shall apply the following criteria as the basis for action:
  - (1)** The sign shall be in proportion with and visually consistent with the architectural character of the building.
  - (2)** The sign shall not constitute needless repetition, redundancy or proliferation of signing.

- (3) The location of the proposed sign and the design of its visual elements (lettering, colors, decorative motif, spacing and proportion) shall result in a sign which is legible under normal viewing conditions existing at the sign's proposed location.
  - (4) The sign shall not obscure from view or unduly detract from existing signing.
  - (5) If the proposed sign will be adjacent to, in or near a residential area, it shall be harmonious and compatible with the residential character of the area.
  - (6) The size, shape, color and placement of the sign and any lighting shall be compatible with and harmonious with the building which it identifies and with the area in which it will be located.
- B. If a sign permit application satisfies the above criteria and complies with the other provisions of this chapter, it shall be approved.
- C. If a sign does not satisfy the above criteria, the applicant may apply to the Plan Commission for a conditional use permit.

**§ 310-29. Indemnification for sign installation and maintenance.**

All persons engaged in the business of installing or maintaining signs which involves in whole or in part the erection, alteration, relocation, or maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way or where public property is used or encroached upon by the sign contractor shall agree to hold harmless and indemnify the Village, its officers, agents and employees from any and all claims of negligence resulting from the erection, alteration, relocation, or maintenance of this sign or any other sign work insofar as this article has not specifically directed the placement of the sign.

**§ 310-30. Insurance.**

Every sign contractor shall file with the Zoning Administrator a certificate of insurance indicating the applicant holds public liability and property damage specifically to include and hold harmless with bodily injury limits of at least \$300,000 per occurrence and \$300,000 aggregate and property damage insurance of at least \$100,000 per occurrence and \$100,000 aggregate. Such insurance shall not be canceled or reduced without the insured first giving 30 days' notice in writing to the Village of such cancellation or reduction.

**§ 310-31. Signs permitted in all districts without permit.**

- A. The following signs are permitted in all zoning districts without a permit, subject to the following regulations:
- (1) A noncommercial sign not exceeding six square feet total for each lot in residential zones.

- (2) Any "no trespassing" sign prohibiting or restricting access to property, provided that it is no more than one square foot in size, placed at each corner and each entrance to the property and at intervals of not less than 50 feet or in compliance with the requirements of law.
- (3) Any parking lot and other private traffic directional sign not to exceed eight square feet per face in area and limited to guidance of pedestrian or vehicular traffic within the premises upon which it is located. There shall be erected no more than one per entrance.
- (4) Any civic event sign. Such a sign shall be removed within 24 hours after the time of the event, shall not exceed 32 square feet in size and may be erected for a period not to exceed 10 days per event. Only one such sign shall be erected per lot, except a corner lot which shall be allowed one per street frontage.
- (5) A sign, such as a menu or hours of operation, which shows prices of goods or services not on window display to the public and does not exceed 24 inches by 18 inches.
- (6) Name and warning signs not to exceed two square feet located on the premises.
- (7) Bulletin boards for public, charitable or religious institutions not exceeding 32 square feet in area located on the premises.
- (8) Official signs, such as traffic control, parking restrictions, information and notices.
- (9) Temporary signs.
  - (a) Temporary signs for a period of not more than 15 days or for such longer time as may be authorized by the Plan Commission.
  - (b) Any temporary sign warning of construction, excavation or similar hazards so long as the hazard exists.
  - (c) One temporary construction sign, provided that the sign:
    - [1] Does not exceed six square feet in one- and two-family residence zones and does not exceed 32 square feet in all other zones.
    - [2] Is used only to indicate the name of the construction project and the names and locations (city or community and state name only) of the contractors, architects, engineers, landscape designers, project or leasing agent and financing company.
    - [3] Is displayed during construction only.

[4] Does not exceed six feet in height at the edge of the public right-of-way when freestanding.

- (d) Any temporary Christmas decoration or display, except one requiring a building, electrical or other permit.
- (e) A temporary sign which indicates that the property is for sale, rent or lease. Only one such sign is allowed on each street frontage of the property. Such a sign may be single or double faced and limited to six square feet per face on property in the B-1 District and 32 square feet per face in all other nonresidential zones and shall not exceed six feet in height at the edge of the public right-of-way when freestanding.
- (f) Banners on Village-owned banner poles promoting public events of Village-wide interest, displayed over a public street.
- (g) Election campaign signs, provided that permission shall be obtained from the property owner, renter or lessee and provided that such sign shall not be erected more than 30 days prior to an election and shall be removed within seven days following the election. No more than one campaign sign per candidate shall be erected on a property and that sign shall not exceed six square feet per face in area in all sides. A property having frontage on more than one street may have one sign per candidate per street frontage. A primary election campaign and the general election shall be considered one election, except that those candidates not in the general election shall remove their primary election campaign signs as stated above.
- (h) Signs in conjunction with permitted special events or a real estate open house.

**B. Special events.**

- (1) In residential districts signs may be erected to advertise permitted special events, subject to the following restrictions:
  - (a) The signs shall be erected no sooner than 24 hours before the first date of the event and shall be removed within 24 hours of the last date of the event.
  - (b) Signs may be erected on the terrace area of the street right-of-way but shall not be erected on traffic control signs or signals or street trees or more than 30 inches above grade nor in any manner obstruct vision of traffic or obstruct fire hydrants.
  - (c) Signs advertising special events in residential districts may not be erected in business or park districts.
  - (d) Signs shall not exceed two square feet per face.

- (2) Signs for permitted special events in business and park districts shall be approved by the Village Board as part of the permit application.

**§ 310-32. Prohibited signs.**

In addition to any sign not conforming to the provisions of this chapter, the following signs are prohibited:

- A. Any sign which by color, shape, wording or location resembles or conflicts with any traffic control sign or device.
- B. Signs attached or placed adjacent to any utility pole, parking meter, traffic sign post, traffic signal, historical marker or any other official traffic control device.
- C. Any sign, except as may be required by other code or ordinance, placed or maintained so as to interfere with free ingress or egress from any door, window or fire escape.
- D. Signs erected without the permission of the owner or his agent of the property on which such sign is located.
- E. Signs visible from the public street or parking lot attached to or placed on merchandise or materials stored or displayed outdoors, except for permitted special events or as approved in conjunction with conditional uses.
- F. Signs that rotate, move, glare, flash, change, reflect, blink or appear to do any of the foregoing, except time and temperature devices and messenger centers. Such devices shall not change more than 30 times per minute.
- G. Any sign displaying obscene, indecent or immoral matter.
- H. Signs on awnings or canopies, except on the valance which is the vertical face of the awning or copy.
- I. Signs that create a hazard by obstructing clear views of pedestrian and vehicular traffic.
- J. Portable commercial signs.
- K. Mobile commercial signs, except those vehicles municipally licensed.
- L. Any small sign generally of a temporary nature tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or the exterior of buildings or other structures, where the information appearing thereon is not applicable to the present use of the premises upon which such sign is located, except as may be permitted by this chapter.
- M. Bench signs.
- N. Banners which extend across a public right-of-way.



- O.** Roof signs and any other graphics which extend wholly or in part above the eave line of the structure to which they are attached.
- P.** Any parapet or pergola sign placed above or partially above the parapet or pergola.
- Q.** Pennants.
- R.** Signs which cover or interrupt architectural features.
- S.** Roof signs.
- T.** Off-Premises signs advertising Businesses that are not within the Village of Genoa City Boundaries

**§ 310-33. Signs permitted in business and industrial districts with permit<sup>19</sup>.**

Signs are permitted in all business and industrial districts, subject to the following restrictions (see additional restrictions for B-1 Districts, § 310-34):

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

- A. Wall signs.** Wall signs placed against the exterior walls of a building shall not extend more than 12 inches from the building's wall surface, and the top of the sign shall not exceed 30 feet in height above the grade adjacent to the building.
  - (1)** Area of a wall sign shall not exceed three square feet per linear foot of the respective building frontage toward which the sign is displayed. Maximum area for any one sign shall be 500 square feet.
  - (2)** Total signage shall occupy no more than 30% of a building facade.
- B. Projecting signs.** Projecting signs fastened to, suspended from or supported by structures shall not exceed 50 square feet per side in area for any one premises; shall not extend into any public right-of-way more than four feet nor within four feet of a curbline or pavement or shoulder edge; shall not exceed a height of 20 feet above the center-line street grade; and shall be a minimum of seven feet in height above any sidewalk.
- C. Pole signs. [Amended 6/9/16]**
  - (1) Height.** They shall not exceed 30 feet in height above the center-line street grade at the right-of-way. Minimum height of the sign face shall not be lower than 12 feet.
  - (2) Area.** They shall not exceed 200 square feet on one side nor 400 square feet on all sides for any one sign.

- (3) **Location.** They shall not extend into any public right-of-way. Pole signs shall only be allowed on commercial (business) or industrial parcels facing Hwy 12, in the yard adjacent to the highway.

**D. Ground signs.**

- (1) **Height.** Height shall not exceed six feet above grade at the base of the sign.
- (2) **Area.** The area shall not exceed 50 square feet on one side or 100 square feet total.
- (3) **Location.** They shall not extend into any right-of-way nor be located so as to present any hazard to vehicular or pedestrian traffic.

**E. Window signs.** Permanent window signs shall not exceed 15% of the glass area of the pane upon which the sign is displayed.

**F. Signs on marquees, canopies and awnings.** Restrictions imposed on the projections of signs across property lines into the public way shall not apply to signs located on marquees, canopies or awnings, provided that any sign located on a marquee, canopy or awning shall be affixed flat to the surface thereof and provided further that no such sign shall extend vertically or horizontally beyond the limits of the marquee, canopy or awning.

**G. Combinations.** Combinations of any of the above signs shall meet all the requirements for the individual sign.

**H.** Allowing Off-Premises signs for Businesses within the Village of Genoa City Boundaries only.

**§ 310-34. Signs in B-1 District.**

Signs in the B-1 Business District shall be architecturally attractive and contribute to the retention or restoration of the historical character of the area. In addition to the other standards and restrictions in this chapter, signs in the B-1 District shall comply with the following:

- A.** Letter height shall be limited to a maximum height 16 inches.
- B.** The total signage permitted on any building shall be limited to three square feet per linear foot of the building frontage. Only one wall or awning sign is permitted per building entrance.
- C.** The choice of materials is left to the discretion of the applicant, subject to the approval of the Zoning Administrator; however, the following materials and/or methods are acceptable and desirable:
  - (1) Sign face, supports and standards made of rough sawn wood and/or wrought iron with painted or stained backgrounds and lettering.

- (2) Sign face, supports and standards made of smooth wood trimmed with moldings of historically based design and lettering.
- (3) Signs painted directly on the face of the building.
- (4) Projecting signs, five square feet per side, 10 square feet total, one permitted per entrance.
- (5) Use of wood cutouts, wrought iron or other metal silhouettes further identifying the business.
- (6) Glass.
- (7) Lighting standards and style typical of the building's architecture and period.

**D. The following materials and details are discouraged:**

- (1) Contemporary finish materials, such as plastics, aluminum and stainless steel.
- (2) Imitation wood or imitation marble.
- (3) Fluorescent paint.
- (4) Exposed spotlight bulbs and exposed light bulbs or electrical conduits.

**§ 310-35. Signs permitted in P-1 Park District with permit<sup>20</sup>.**

The following signs are permitted in the P-1 Park District and are subject to the following regulations: signs shall not exceed 50 square feet per side and 100 square feet total in area. One off-premises sign shall be permitted per institution.

**§ 310-36. Residential development identification signs.**

Residential development identification signs shall not exceed 32 square feet per side in sign area. A maximum of two such signs is permitted per development after review and approval by the Zoning Administrator.

**§ 310-37. Searchlights.**

The Village Board may permit the temporary use of a searchlight or laser light for advertising purposes in any district, except residential districts, provided that the searchlight or laser light will not be located in any public right-of-way, will not be closer than 10 feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight or laser light permits shall not be granted for a period of more than five days in any six-month period.

### **§ 310-38. Signs on public rights-of-way.**

Signs shall not be permitted on public rights-of-way, except for municipally erected traffic control, parking and directional signs and as otherwise specified in this Code.

### **§ 310-39. Style, construction and maintenance standards.**

#### **A. Prohibitions.**

- (1) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
- (2) Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices.
- (3) Signs and appurtenances shall not 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.
- (4) Signs shall not be placed so as to obstruct or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.
- (5) Signs may be illuminated but non-flashing.

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

**B. Wind pressure and dead load requirements.** All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area and shall be constructed to receive dead loads as required in this Code or other ordinance

**C. Protection of the public.** The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, provided that the space occupied is provided with barricades and appropriate notifications and warnings. A permit from the Superintendent of Public Works is required.

**D. Maintenance.** The owner of any sign shall keep it in good maintenance and repair, which includes restoring, repainting or replacement of a worn or damaged legally conforming existing sign to its original condition. Signs which are not repaired, painted or maintained pursuant to written notification and orders by the Zoning Administrator shall be deemed a public nuisance and subject to remedies provided in Chapter 186, Nuisances, of this Code.

**E. Construction of signs and supporting members or braces.** The method of construction and materials used shall be subject to the approval of the Building Inspector.

- F. Abandoned signs.** All signs or sign messages shall be removed by the owner or lessee of the premises upon which a sign is located when the business it advertises is no longer conducted or the product or service advertised is no longer available. If the owner or lessee fails to remove the sign within 60 days of receiving written notification by the Zoning Administrator, the Zoning Administrator may, at his option, cause the sign to be removed and all costs associated with the removal to be assessed as a special assessment against the property on which the sign is located or cause an action to be taken pursuant to the penalties specified.

**§ 310-40. General restrictions.**

- A.** Allowable square footage of all signs on a lot or parcel of land shall not exceed three square feet of sign face area for each foot of lot frontage.
- B.** No sign, other than a sign installed by a public agency, shall be allowed to be erected, installed, placed or maintained in or on any public property, including sidewalks and parkways, unless specifically allowed by this chapter.
- C.** Any sign which is supported by more than one means and therefore cannot be clearly defined as a ground, marquee, wall, roof, projecting or other sign shall be administratively assigned to the sign category most logically applicable and be subject to the corresponding standards.
- D.** Accessory signs will be considered only if they are designed in conjunction with or made an integral part of the signing existing on the subject building or project. The signs shall not exceed 25% of the total signage on the structure to which they are attached.
- E.** Only one face of a double-faced sign with parallel opposing faces and bearing identical copy shall be used in computing the area thereof. Signing and illumination shall be on two opposing faces only.
- F.** In order to calculate the size of a sign, the following provisions apply:
- (1)** If the sign is enclosed by a box or outline, the area of the sign includes that portion of the sign comprised of the box or outline.
  - (2)** If the sign consists of individual letters attached directly to the building or wall, the size is calculated by drawing a rectangle around each line of copy.
- G.** If a building consists of two or more aboveground stories, no sign shall be allowed above the second story.
- H.** Prior to issuance of a sign permit, a ground sign shall be approved by the Zoning Administrator to ensure that placement of the sign would not adversely affect traffic or pedestrian safety.

- I. A device displaying time or temperature is permitted in all zones, except residential zones, subject to the provisions herein regulating various types of signs.
- J. Kiosks shall be permitted in all nonresidential zones, subject to approval by the Village Board.
- B. No sign shall be permitted with exposed wiring, except conduit which is an integral part of the sign design. All pole and ground signs shall be supplied by underground electric service.

**§ 310-41. Nonconforming existing signs.**

- A. **Definition.** Every sign legally in existence on the effective date of this chapter or any ordinance amending this chapter which violates or does not conform to the provisions of this chapter or any such amendment shall be a nonconforming sign.
- B. **General provisions.** A nonconforming sign may not be:
  - (1) Changed to another nonconforming sign.
  - (2) Structurally altered or repaired so as to extend its useful life.
  - (3) Expanded.
- C. **Removal.**
  - (1) A sign which becomes nonconforming upon the effective date of this chapter or an ordinance amending this chapter shall be removed or made to conform within 60 days after written notice by the Zoning Administrator upon change of use of the premises.
  - (2) The following types of nonconforming signs shall be removed or made to conform within 60 days after written notice by the Zoning Administrator:
    - (a) Any temporary sign.
    - (b) Portable signs.
    - (c) Pennants, flags, and banners.
    - (d) Flashing signs or signs with moving parts, except as permitted.
  - (3) All areas annexed into the Village shall apply for permits for signs in the annexed area. All signs which would be nonconforming upon annexation shall be removed or made to conform within 90 days of annexation.

- (4) Legally nonconforming signs, although they shall be maintained, may not be replaced except by conforming signs.

**§ 310-42. Revocation of permit.**

Any other permit issued under this chapter may be revoked by order of the Village Board when it is shown by substantial evidence that:

- A. The permit was issued without or in excess of the authority provided in this chapter.
- B. The application for a permit contained any material misrepresentation of fact<sup>21</sup>.

**§ 310-43. Street banners.**

- A. Overhead street banners extending across any public right-of-way within the Village are prohibited.
- B. Permission may be granted by the Village Clerk-Treasurer to local nonprofit service or fraternal organizations for the placement of banners on Village-owned banner poles within the Village which have as their purpose the advertisement or promotion of a function or activity which is directed to the general public interest.
- C. Approval shall be sought a minimum of 15 days prior to the date that such banner is to be hung, and the Village Clerk-Treasurer shall designate the placement of any banners approved. A fee as set by the Village Board per banner shall accompany such request or application. The purpose of the fee is to defray the cost of hanging the banners by Village personnel.

21. Editor's Note: Original § 10-5-21(25), Noncurrent, abandoned or unsafe signs, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 310-39, Style, construction and maintenance standards.

- D. Such banners are to be of professional quality, aesthetically pleasing and limited to one per entrance to downtown Genoa City per function or activity to be promoted. They shall be allowed to be hung for a ten-day period only for each function or activity.
- E. Village public works personnel will be responsible for installation and removal of any banners permitted and approved under this section. However, the public works personnel or the Village will not be responsible for the storing of the banners after removal<sup>22</sup>.

**ARTICLE IV  
Zoning Districts**

**§ 310-44. Districts established; boundaries.**

- A. **Establishment.** For the purpose of this chapter, the Village is hereby divided into the following zoning districts:

- (1) R-1 Single-Family Residence
- (2) R-2 General Residence
- (3) SFR Single-Family Residence
- (4) RDU-1 Duplex Residence
- (5) MFR-1 Multiple Family Residence
- (6) PUD Planned Unit Development
- (7) P-1 Park
- C-1 Lowland Resource Conservation
- B-1 General Business Park
- B-2 Highway Business
- M-1 Industrial
- M-2 Light Industrial
- A-1 Agricultural
- BP Business Park

#### Well-Head Protection Overlay

22. Editor's Note: Original § 10-5-23, Post-construction stormwater management, which immediately followed this section and was adopted 11-14-2002, has been included in the Code as Ch. 231, Stormwater Management.

### **B. Boundaries.**

- (1) The boundaries of the zoning districts are hereby established as shown on the map titled "Zoning Map for the Village of Genoa City, Walworth County, Wisconsin," dated December 14, 1995, which map is adopted as part of this chapter. All notations and references shown on the Zoning Map are as much a part of this chapter as though specifically described herein<sup>25</sup>.
- (2) The district boundaries are either streets, alleys, lot lines, streams or floodland boundaries, unless otherwise shown, and where the designation on the district map indicates that the various districts are approximately bounded by a street, alley, lot line, stream or flood-land boundary, such lot line or the center line of such street or alley, or center line of the main channel of such stream or flood-land boundaries as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data prepared by the



Southeastern Regional Planning Commission under the Fox River Watershed Study, shall be construed to be the district boundary line.

- (3) In un-subdivided property, the location of the district boundary lines shown on the map shall be determined by use of the scale on such map or, in the case of floodland boundaries, shall be determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data prepared by the Southeastern Wisconsin Regional Planning Commission under the Fox River Watershed Study.

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

**D. Annexations.** Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the SFR Single-Family Residence District, unless the annexation ordinance temporarily places the land in another district. Within one year of such annexation or consolidation, the Plan Commission shall evaluate and recommend a permanent classification to the Village Board.

**Subsection Amended 05-13-2010**

#### **§ 310-45. Residential districts.**

Residential districts are designed to encourage a suitable environment for family life by permitting certain conditions compatible to enhancing this purpose and by protecting this residential character against non-compatible uses. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces, and site area while making available a variety of dwelling types to serve a wide range of individual requirements.

Editor's Note: The Zoning Map is of file at the office of the Village Clerk – Treasurer.

#### **1. R-1 SINGLE –FAMILY RESIDENCEDISTRICT (EXISTING)**

**(a) Principal uses.**

1. Single-family dwellings.
2. Family day care home.
3. Foster family home.
4. Community Living Arrangements which have a capacity for 8 or fewer persons served by the program.

5. Essential Services.

**(b) Conditional Uses.**

1. Telephone, natural gas, and electric power substations
2. Public Utility Buildings and above-ground structures.
3. Home Occupation or Office (See Definitions)

**(c) Permitted Accessory Uses(Also see Sec. 310-68).**

1. Private garages and carports
2. Gardening, tool and storage sheds incidental to the residential use.
3. Home Occupation or Office (See Definitions)
4. Ground-mounted and building-mounted earth station dish antennas
5. Residential fences
6. Private outdoor swimming pools.

**(d) Dimensional Requirements for Existing Buildings and Structures on Lots Platted prior to (07/14/05)**

Dimensional requirements for existing buildings and structures on R-1 lots platted prior to 07/14/05 shall be as follows to minimize possible non-conforming circumstances:

1. Minimum lot area: None
2. Minimum lot width: As platted.
3. Minimum setbacks: Setbacks, side yards, rear yards, and shore yards for existing buildings and structures on R-1 District lots existing prior to 07/14/05 may be continued to avoid non-conforming circumstances. However, any additions to buildings or structures on such lots shall meet minimum dimensional requirements listed below in Section (e)
4. Accessory Uses: See Section 310-68
5. **RECONSTRUCTION OF CERTAIN BUILDINGS AND STRUCTURES.**

This district was amended on 07/14/05 to allow lesser dimensional requirements for buildings or structures existing prior to the date of

amendment to protect the values of existing homes, encourage their renovation, and allow their reconstruction. Therefore, buildings and structures existing prior to 07/14/05 may be replaced and/or reconstructed in their exact same size, placement, and configuration related to their locations, floor area, yard setbacks, and height. Additions to existing buildings or structures are allowable and shall meet the minimum dimensional requirements listed below in Section (e), however they shall not be allowed to be made more non-conforming than they were previously.

**(e) Dimensional Requirements for development after 07/14/05.**

**1. Lot:**

**[a]** Width: 80 feet minimum.

**[b]** Area: 10,000 square feet minimum.

**2. Building Area (principal structure):** 1,200 square feet minimum of finished living area, excluding garage; if two stories, 800 square feet minimum finished living area on grade level, excluding garage; and if tri-level, 400 square feet minimum of finished living area on grade level, excluding garage.

**3. Building Height:** 35 feet maximum.

**4. Yard Requirements.**

**[a]** Street:

**1)** State, Federal, and County: 40 feet minimum.

**2)** Other public and private roads: 25 feet minimum.

**[b]** Rear: 30 feet minimum.

**[c]** Side: 15 feet total with a minimum 6 feet on one side.

**[d]** Shore: 100 feet.

**[e]** Accessory Uses: See Section 310-68.

**(f) Maximum lot coverage.** Structures and impervious surfaces shall not cover more than 50% of the lot area.

**2. R-2 General Residence District (Existing)**

**(a) Principal Uses.**

1. Single-family dwelling.
2. Duplex dwellings.
3. Multiple dwellings not to exceed 4 units per structure.
4. Essential Services.

**(b) Conditional Uses.**

1. Multiple dwellings, in excess of 4 units per structure.
2. Multiple principle residential structures on one lot.
3. Home Occupation or Office (See Definitions)
3. Bed and breakfast establishment.
4. Telephone, natural gas, and electric power substations.
5. Public Utility Buildings and above-ground structures.

**(c) Permitted Accessory Uses (Also see Sec. 310-68)**

1. Private garages and carports.
2. Gardening, tool, and storage sheds incidental to the residential use.
3. Home Occupation or Office (See Definitions)
4. Ground-mounted and building-mounted earth station dish antennas.
5. Residential fences.
6. Private outdoor swimming pools.

**(d) Dimensional Requirements for existing Buildings and Structures on Lots Platted prior to 07/14/05.**

Dimensional requirements for existing buildings and structures on R-2 lots platted prior to 07/14/05 shall be as follows to minimize possible non-conforming circumstances:

1. Minimum lot area: None.

2. Minimum lot width: As platted.
3. Minimum setbacks: Setbacks, side yards, rear yards and shore yards for existing buildings and structures on R-2 District lots existing prior to 07/14/05 may be continued to avoid non-conforming circumstances. However, any additions or new structures on such lots shall meet the minimum dimensional requirements listed below in Section (e).
4. Accessory Uses
5. Reconstruction of Certain Buildings and Structures. This district was amended on 07/14/05 to allow lesser dimensional requirements for buildings or structures existing prior to the date of amendment to protect the values of existing homes, encourage their renovation, and allow their reconstruction. Therefore, buildings and structures existing prior to 07/14/05 may be replaced and/or reconstructed in their exact same size, placement, and configuration related to their locations, floor area, yard setbacks, and height. Additions to existing buildings or structures are allowable and shall meet the minimum dimensional requirements listed below in, Section (e), however they shall not be allowed to be made more non-conforming than they were previously.

**(e) Dimensional Requirements for Development after 07/14/05.**

**1. Single-Family Dwellings:**

- [a] Lot:  
Width: 80 feet minimum.  
Area: 10,000 square feet minimum.
- [b] Building Area: Same as R-1
- [c] Building Height: 35 feet maximum

**2. Duplex Dwelling Units:**

- [a] Lot:  
Width: 75 feet minimum.  
Area: 10,000 square feet minimum.
- [b] Building Height: 35 feet maximum.
- [c] Building Area (principal structure excluding garage):  
1,600 square feet minimum.

**3. Multiple Family Units:**

- [a] Lot:  
Width: 75 feet minimum.  
Area: The largest of 10,000 square feet or the applicable combination of unit minimums.

Bedrooms	Min., Lot Area per Unit	Min., Floor Area per Unit
3	4,400 sq. ft.	900 sq. ft.
2	3,200 sq. ft.	800 sq. ft.
1	2,800 sq. ft.	700 sq. ft.
efficiency units	2,800 sq. ft.	500 sq. ft.

- [b] Building Height: 40 feet maximum

- [c] Building Area (principal structure excluding garage): As noted in Table above.

**4. Yard Requirements (perimeter)**

- [a] Street:

- 1) State, Federal, and County: 40 feet minimum.
- 2) Other public and private roads: 25 feet minimum.

- [b] Rear: 30 feet minimum.

- [c] Side: 18 feet, with 9 feet minimum one side.

- [d] Shore: 100 feet minimum.

**5. Yard Requirements (interior).**

- [a] Street: 25 feet minimum.

- [b] Side: 30 feet minimum.

- [c] Rear: 50 feet minimum.

**6. Accessory Uses: See Section 310-68.**

- (f) **Maximum Lot Coverage.** Structures and impervious surfaces shall not cover more than 50% of the lot area.

**3. SFR- Single-Family Residence District (Proposed)**

- (a) **Principal Uses.**

1. Single-family dwellings.
2. Family day care home.
3. Foster family home.
4. Community Living Arrangements which have a capacity for 8 or fewer persons served by the program.
5. Essential Services

**(b) Conditional Uses**

1. Telephone, natural gas, and electric power substations.
2. Public Utility Buildings and above-ground structures.
3. Home Occupation or Office (See Definitions)

**(c) Permitted Accessory Uses (Also see Sec. 310-68).**

1. Private garages and carports.
2. Gardening, tool, and storage sheds incidental to the residential use.
3. Home Occupation or Office (See Definitions)
4. Ground-mounted and building-mounted earth station dish antennas.
5. Residential fences.
6. Private outdoor swimming pools.

**(d) Dimensional Requirements.**

1. Lot:
  - [a] Width: 90 feet minimum
  - [b] Area: 15,000 square feet minimum.
2. Building Area (principal structure): 1,600 square feet minimum of finished living area on grade level, excluding garage; if two stories, 800 square feet minimum finished living area of grade level, excluding garage; and if tri-level, 400 square feet minimum of finished living area of grade level, excluding garage.

3. Building Height: 35 feet maximum.

4. Yard requirements:

[a] Street:

1) State, Federal, and County: 40 feet minimum.

2) Other public or private roads: 25 feet minimum

[b] Rear: 30 feet minimum.

[c] Side: 8 feet minimum.

[d] Shore: 100 feet.

[e] Accessory Uses: See Section 310-68.

(e) **Maximum Lot Coverage.** Structures and impervious surfaces shall not cover more than 50% of the lot area.

**4. RDU-1 Duplex Residence District (Proposed).**

**(a) Principal Uses.**

1. Single-family detached dwellings.

2. Two-family dwellings.

3. Family day care home in either or both units of a two-family dwelling.

4. Foster family home in either or both units of a two-family dwelling.

5. Community Living Arrangements which have a capacity for 8 or fewer persons served by the program in either or both units of a two-family dwelling structure.

6. Essential Services.

**(b) Conditional Uses.**

1. Telephone, natural gas, and electric power substations.

2. Public Utility Buildings and above-ground structures.

3. Home Occupation or Office (See Definitions)

**(c) Permitted Accessory Uses.(Also see Sec. 310-68).**



1. Private garages and carports
2. Gardening, tool, and sheds incidental to the residential use.
3. Home Occupation or Office (See Definitions)
4. Ground-mounted and building-mounted earth station dish antennas.
5. Residential fences.
6. Private outdoor swimming pools.

**(d) Dimensional Requirements.**

1. Lot:
  - [a] Width: 100 feet minimum
  - [b] Area: 15,000 square feet minimum
2. Building Height: 35 feet.
3. Building Area (principal structure excluding garages):
  - [a] Single-Family Dwellings, 1,600 square feet minimum.
  - [b] Two-Family Dwellings, 800 square feet minimum for each dwelling unit.
4. Yard Requirements:
  - [a] Street:
    - (1) State, Federal, and County: 40 feet minimum.
    - (2) Other public and private roads: 30 feet minimum.
  - [b] Rear: 30 feet minimum.
  - [c] Side: 10 feet minimum.
  - [d] Shore: 100 feet.
  - [e] Accessory Uses: See Section 310-68.

- (e) Maximum Lot Coverage.** Structures and impervious surfaces shall not cover more than 50% of the lot area.

**5. MFR-1 Multiple-Family Residence District (Proposed).**

**(a) Principal uses.**

1. Multiple dwellings with a maximum of 4 dwelling units per structure.
2. Foster family home.
3. Community Living Arrangements which have a capacity for 15 persons or fewer.
4. Essential Services.

**(b) Conditional uses.**

1. More than one principal residential structure on one lot.
2. Multiple-family dwellings, with 5 to a maximum of 8 units per structure.
3. Home Occupation or Office (See Definitions)
4. Housing for the elderly, at a maximum density of 24 dwelling units per acre, with a maximum of 48 dwelling units per structure. Such structures may be a maximum of 48 feet in height when indoor parking is provided, and shall not contain more than 3 residential stories.
5. Telephone, natural gas, and electric power substations.
6. Public Utility Buildings and above-ground structures.

**(c) Permitted Accessory Uses**

1. Private garages and carports.
2. Gardening, tool, and storage sheds incidental to the residential use.
3. Home Occupation or Office (See Definitions)
4. Ground-mounted and building-mounted earth station dish antennas.
5. Residential fences.
6. Private outdoor swimming pools.

**(d) Dimensional Requirements.**

1. Lots.

[a] Width: 100 feet minimum

[b] Area: 15,000 square feet minimum or the applicable combination of unit minimums.

Bedrooms	Min., Lot Area per Unit	Min., Floor Area per Unit
3	4,400 sq. ft.	900 sq. ft.
2	3,200 sq. ft.	800 sq. ft.
1	2,800 sq. ft.	700 sq. ft.
efficiency units	2,800 sq. ft.	500 sq.ft.

2. Building Height: 35 feet maximum.

3. Building Area (principal structure excluding garage): As noted in Table above.

4. Yard requirements.

[a] Street:

1) State, Federal, and County: 40 feet minimum.

2) Other public and private roads: 30 feet minimum.

[b] Rear: 30 feet minimum

[c] Side: 15 feet minimum.

[d] Shore: 100 feet.

[e] Accessory Uses: See Section 310-68.

(e) **Maximum Lot Coverage.** Structures and impervious surfaces shall not cover more than 50% of the lot area.

**§310-45A. Conservation Subdivision Overlay (CSO) District**

A. **Purpose.** The Conservation Subdivision Overlay District is established for the following purposes:

(1) To provide an Overlay District that may be used in conjunction with an underlying Residential Zoning District to promote development of Conservation

Subdivisions. At the sole discretion of the Village, the use of this overlay district is optional.

- (2) To preserve environmentally sensitive lands through permanent preservation of open space and natural resources with housing concentrated on portions of the site that have lower quality natural features.
- (3) To provide open space areas that are commonly owned for passive and/or active recreational use by residents of the development, and where specifically established, for use by the general public
- (4) To minimize disturbance to environmentally sensitive areas, protect biological diversity, and maintain environmental corridors in their natural state to the extent practical.
- (5) To preserve scenic views by minimizing views of new development from existing roads.
- (6) To provide buffering between residential development and non-residential uses.

**B. Definition of Conservation Subdivision.** A Conservation Subdivision is a housing development characterized by extensive open space where existing natural features of the land are maintained in their natural state to the extent practical. Residential dwellings in such subdivisions are located on portions of the site with lower quality natural features and shall be adjacent to or overlook open space to the maximum extent practical.

**C. Platting Methods and Applicability of other Regulations.** Conservation Subdivisions may be created by platting methods including Certified Survey Maps (CSM's), subdivision plats, or condominium plats. All of the Village's Land Development regulations applying to each of the platting methods shall be applicable to a Conservation Subdivision, except as may be permitted in this Section.

**D. Uses.** In a Conservation Subdivision, the underlying Zoning District shall determine allowable uses.

**E. Density and Lot Size Standards.** The maximum density of a Conservation Subdivision shall be determined by applying the minimum lot area in the underlying Zoning District to the entire parcel proposed for development. The minimum lot area in a Conservation Subdivision may be less than that required in the underlying District, but shall not be less than 10,000 square feet.

**F. Setback and Yards.** The minimum setback and yard requirements in the underlying Zoning District may be modified in a Conservation Subdivision to provide flexibility in the siting of homes relative to the attributes of the individual lots or sites in the development. These requirements shall be established on an individual development basis and shall be determined prior to final plat approval. The minimum setback and yard requirements shall be shown on the final plat or CSM.

- G. Minimum Building Area and Maximum Building Height.** Shall be as established in the underlying Zoning District.
- H. Common Open Space.** A Conservation Subdivision shall provide Common Open Space as follows:
- (1) A minimum of 40% of the subject parcel shall be Common Open Space which shall be platted as one or more Outlots. A maximum of 50% of the required common open space area may consist of wetlands, floodplains, floodways, natural ponds, or water bodies.
  - (2) Prior to any final approval action on a Conservation Subdivision, the Village Park, and Recreation Committee shall review the proposed Common Open Space to determine if any public parklands or any other public land dedication is necessary in conjunction with the Conservation Subdivision.
  - (3) All lots, to the greatest extent possible, shall abut on a portion of the Common Open Space. Under no circumstances shall the Common Open Space be isolated in one area of the development. Common Open Space shall be distributed throughout the development to properly serve and enhance all dwelling units.
  - (4) The ownership, maintenance, and stewardship of Common Open Space shall be accomplished by a Homeowners Association and/or Condominium Association in accord with Chapter 703 of Wisconsin Statutes. The subdivision applicant shall provide a description of the Bylaws of the proposed Association, and all documents governing the ownership, maintenance, and use restriction for common facilities. The Association shall be established by the owner of the subdivision developer prior to the sale of any lots or dwelling units in the development. All documents to establish such Association shall be approved by the Village Attorney prior to their use by the developer. Other ownership methods acceptable to the Village Board upon recommendation by the Village Attorney may be considered, such as fee simple dedication to a public agency, conservation easements, etc.
  - (5) No such Owner's Association shall be allowed to default and result in the Common Open Space being owned and maintained by the public.
  - (6) Each unit owner in a Conservation Subdivision shall have an undividable fractional ownership interest in the Common Open Space.
  - (7) A deed restriction shall be established and recorded with the County to prevent future subdividing or development of any Common Open Space which is part of a Conservation Subdivision.
  - (8) A Landscaping Plan and a Maintenance Plan for Common Open Space areas shall be approved by the Planning Commission prior to plat approval.

- (9) Any amendments to the Common Open Space documents after their initial approval shall be reviewed and approved by the Village Attorney prior to such amendments taking effect.
- (10) The following uses are permitted in Common Open Space areas:
- (a) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow.)
  - (b) Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
  - (c) Neighborhood open spaces uses such as common areas, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Commission.
  - (d) Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not encroach on environmentally sensitive areas. Playing fields, playgrounds, and courts shall not be located within 50 feet of abutting properties. Parking facilities for the same shall also be permitted.
  - (e) Golf courses may comprise the open space land. Their parking areas and any associated structures shall not be included within the minimum open space requirement; their parking and access ways may be paved and lighted.
  - (f) Water supply, water sources for fire protection, sewage disposal system, and stormwater detention areas designed, landscaped, and available for use as an integral part of the open space.
  - (g) Easements for drainage, access, or other public purposes.
  - (h) Underground utility rights-of-way and street rights-of-way may traverse Common Open Space areas but shall not count toward the minimum required open space land.
  - (i) Agricultural uses limited to the growing of crops outdoors including nurseries, sod farms, orchards, commercial vegetables, and crops for livestock consumption, but not including dairying or the raising and feeding of livestock and poultry.
  - (j) Public use of Common Open Space may be allowed if agreed to by the Developer and the Village.

- I. Required Improvements and Design Standards.** Required improvements and design standards related to Conservation Subdivisions may be modified to create a lower impact on the natural environment and provide a greater degree of environmental protection. Infrastructure requirements and modifications shall be reviewed on an individual development basis to determine the appropriate infrastructure based on each site's unique attributes. Modifications to infrastructure design standards may include, but are not limited to, the following.
- (1) Elimination of concrete sidewalks and substitution with a trail system.
  - (2) Utilizing existing or created open drainage ways in place of storm sewers.
  - (3) Installing lower intensity street lighting with greater spacing between fixtures and lower wattage fixtures.
  - (4) Different landscape treatments in lieu of planting conventional street trees.
- J. Financial Guarantees and Impact Fees.** Financial guarantees, including those required as part of a Conventional Subdivision Development Agreement, and impact fees, shall be applied to a Conservation Subdivision.

#### **§ 310-46. Planned Unit Development District.**

**A. Districts Established.**

- 1. Methods.** A planned development district may be established with the landowner's consent through either a one-step process or a two- or multi-step process. If actual development of the project is to proceed in stages over an extended period of time, the applicant shall first submit a general plan covering all of the land included within the proposed planned development boundaries. Separate detailed plans shall then be submitted for each stage of development and shall follow the development concept established by the general plan. If development of the project is not to be done in stages, a general plan is optional and a single, detailed plan may be submitted in lieu thereof.
- 2. Designation.**
  - (a) All General Planned Development districts shall be designated GPD.
  - (b) All Detailed Planned Development districts shall be designated DPD

- B. Purpose.** Planned development districts are intended to allow flexibility in land development (including, without limitation, the clustering of buildings) to promote creativity, variety and functionalism in the development of land and to such as entertainment and recreational complexes, which do not lend themselves to treatment in

conventional zoning districts having uniform regulations and to encourage development compatible with its surroundings and consistent with the Village's Comprehensive Plan.

**C. Uses.** Any use or combination of uses can be approved as a planned development.

**D. District Standards.** All applications for a General or Detailed Planned Development shall meet the following standards:

- (1) Size.** The area of land included within the planned development boundaries shall be at least 14,000 square feet.
- (2) Density.** Residential densities shall be consistent with those prescribed in the Comprehensive Plan's recommendation for the site, or shall not exceed the density permitted in a similar conventional zoning district which could be applied to the site.
- (3) Space between principal buildings.** Spaces between principal buildings shall not be less than 20 feet.
- (4) Setbacks.** A setback of at least 25 feet around the perimeter of a planned development shall be provided, which shall be landscaped and used only for recreation, direct access to the tract, utility rights-of-way, walks or drainage channels, except to the extent that there are existing buildings or structures within such twenty-five-foot setback area that will be incorporated into the planned development. Setbacks for principal buildings within a planned development shall be a minimum of 25 feet measured from either a public street right of-way line or a private street easement line.
- (5) Screening.** Residential uses shall be screened from existing or proposed business or industrial uses in or adjacent to the planned development which might cause disturbances to such residential uses. Screening shall consist of decorative walls, fences, berms, hedges, scrubs, trees or combinations thereof.
- (6) Open spaces.** All open spaces designated on a planned development plan shall be attractively landscaped with lawn and tree/scrub plantings and maintained so as not to create a nuisance or hazardous conditions. The location and development of appropriate recreation facilities shall be coordinated with the overall development of the project. Open space areas shall be platted as Outlots which shall have an undividable ownership interest in the open space Outlot(s). The Owner's Association shall be responsible for the maintenance and a public nuisance is thereby created, the Village may contract for corrective maintenance and charge the Owner's Association or the unit owners as necessary for reimbursement of such maintenance.
- (7) Circulation facilities.** Adequate circulation facilities shall be planned and installed. Adequate access for pedestrians and public and private vehicles shall be provided. Parking and loading facilities shall be adequate for the proposed use(s) and shall be located so as to functionally serve the uses they support. Parking and



loading facilities shall be adequately screened and landscaped. Private streets shall be constructed to comparable public street standards related to pavement type and thickness, sub-base, and curb requirements. A variation in width of pavement, type of curbing and location of sidewalks may be permitted where such variation will provide adequate vehicular traffic and parking capacity and pedestrian safety.

(8) **Lighting.** Lighting shall conform to the established standards used by the Village for comparable types of development, or, for unique developments, lighting standards shall be developed which serve the functional needs of the project while minimizing any adverse impact on neighboring properties.

(9) **Utilities.** All utility lines shall be installed underground. Transformers and substations shall be installed within buildings or otherwise screened from view. This requirement may be waived by the Village Plan Commission only upon finding that compliance would not be feasible.

(10) **Signs.**

(a) Signing, exclusive of public signs, is limited to:

[1] Non-illuminated signs of up to 4 square feet pertaining to the lease or sale of property.

[2] Non-illuminated signs of up to 36 square feet pertaining to the construction of nonresidential buildings. The sign must be mounted on a wall of the building to which it pertains and must be removed immediately upon completion of the building.

[3] An identification sign located at or near the entrance to the tract. Such a sign may be freestanding or attached to a structure.

[4] Signs identifying nonresidential establishments.

[5] Pedestrian or vehicular direction signs.

(b) Signs allowed under Subsection D(10)(a)[3] to [5] may be illuminated. If illuminated, the source of illumination shall not be visible or intermittent.

## **E. Applications.**

(1) **Filing.** An application for a planned development shall be submitted with the required processing fee and 10 copies of the plans and other required documents to the Village Plan Commission.

(2) **General Planned Developments.** Applications for General Planned Developments shall cover the entire contiguous ownership of the applicant

and contain sufficient information to fully describe the overall development concept. At a minimum, applications shall include:

- (a) A general plan project description and owner's statement of intent containing a written description of the overall development concept and a statement as to how the plan provides for or complies with each of the district standards enumerated under Subsection D where applicable. This statement shall also make reference to the plans or exhibits included in the plan and shall include a statistical sheet indicating the following in square feet acres, and percentage of the total tract, where applicable:

- [1] Gross land area.
- [2] Land covered by principal building.
- [3] Land devoted to parking drives and parking structures.
- [4] Land devoted to landscaped open space.
- [5] Proposed dwelling unit density, if applicable, and/or total square footage devoted to nonresidential uses.
- [6] Proposed number of buildings.
- [7] Dwellings units per building.
- [8] Bedrooms per unit.
- [9] Parking spaces provided, whether surface or in structures, and ratio per unit of residential, or per thousand square feet of building area if non-residential, or some other quantification showing that the parking provided is adequate for the proposed use(s).

- (b) A vicinity map showing the boundaries of the tract included in the general plan, the territory within 1,000 feet of the tract, its proposed access and significant community facilities in the surrounding area.

- (c) A plat of survey showing the exterior boundaries, a legal description, existing topography at two-foot contour intervals and the area of the proposed general plan tract. Existing buildings, trees of five inches in diameter at four feet in height, significant tree groupings and significant site features are also to be shown with an indication of whether they are to be retained, removed or altered.

- (d) A site plan showing the general location of proposed structures and a description of their intended use and approximate size and height, open spaces, community facilities, if any, setbacks and buffers adjacent to the boundaries of the tract and from existing or proposed public rights-of-way, pedestrian and vehicular circulation systems and parking and loading facilities.
- (e) A general description of sign standards, including number and size, exclusive of individual sale, lease or construction signs and general standards for all landscape buffers.

(3) **Detailed Planned Developments.** Applications for Detailed Planned Developments shall either cover the entire planned development area or, if a general plan has previously been approved, any portion thereof and shall contain information sufficiently specific enough to fully describe the proposed development. At a minimum, applications shall include:

- (a) A detailed plan project description and owner's statement of intent containing a written description of the development and a statement as to how the plan provides for or complies with each of the district standards enumerated under Subsection D where applicable. This statement shall also make reference to the plans or exhibits included in the plan and include a statistical sheet indicating the following in square feet, acres and percentage of the total tract where applicable:

- [1] Gross land area.
- [2] Land covered by principal building or structures.
- [3] Land devoted to parking, drives and parking structures.
- [4] Land devoted to landscaped open space.
- [5] Proposed dwelling unit density, if applicable, and/or total square footage devoted to non-residential uses.
- [6] Proposed number of buildings.
- [7] Dwelling units per building.
- [8] Bedrooms per unit.
- [9] Parking spaces provided, whether surface or in structures, and ratio unit of residential, or per thousand square feet of building area if nonresidential, or some other quantification

showing that the parking provided is adequate for the proposed use(s).

- (b) A vicinity map showing the boundaries of the tract included in the detailed plan, the territory within 1,000 feet of the tract, its proposed access and significant community facilities in the surrounding area. However, if the proposal is a development stage in an approved general planned development, only the general planned development boundary and the location of the detailed planned development within the general planned development must be shown.
  - (c) A plat of survey showing the exterior boundaries, legal description and the area of the proposed detailed plan tract. Existing buildings, trees of five inches in diameter at four feet in height, tree groupings and site features are also to be shown with an indication of whether they are to be retained, removed or altered.
  - (d) A site plan showing the dimensions and the detailed location of all proposed structures and a description of their intended use, size and height, open spaces, community facilities, if any, setbacks and buffers adjacent to the boundaries of the tract and from existing or proposed public rights-of-way, pedestrian and vehicular circulation systems, surface parking and garages, loading facilities, the location, type and size of all proposed signs, including sale, lease or construction signs, refuse collection facilities and tract lighting facilities.
  - (e) A site grading plan indicating existing and proposed topography at two-foot contour intervals and showing how positive runoff of surface waters will be achieved and the means by which ultimate disposal of the development's surface waters will be accomplished without creating adverse conditions on adjoining properties.
  - (f) A utility plan showing the proposed location of storm and sanitary sewers, water mains and laterals, parking and roadway storm inlets and elevations thereof.
  - (g) A landscape plan showing the location, number, size, and type of all landscape and screening elements. All plant material shall be of a quality consistent with the standards of the American Association of Nurserymen (ANSI 260.1). All planted material shall be maintained on a continuous basis, including seasonal tree and plant replacement.
- (4) **Minor modifications.** General and detailed plans may establish reasonable limits within which minor modifications may be allowed, provided that such minor modifications will not cause.

- (a) A change in the general character of the planned development.
- (b) Substantial relocation of principal and accessory structures.
- (c) Substantial relocation or reduction of parking, loading and recreation area.
- (d) Substantial relocation of traffic facilities.
- (e) An increase in land coverage by buildings and parking areas
- (f) An increase in the gross floor area of buildings.
- (g) A reduction in the amount of approved open spaces, landscaping or screening.

**F. Review and approval.**

- (1) **Plan Commission review.** Within 120 days after the first meeting of the Village Plan Commission following the filing of a planned development application, unless an extension is agreed to by the applicant, the application shall be reviewed by the Village Plan Commission and a recommendation made to the Village Board.
- (2) **Village Board action.** The Village Board shall consider a planned development application in the same manner it considers any amendment of this chapter. If the Village Board approves the planned development application, the approved provisions of the plan and a development agreement to be entered into by and between applicant and the Village shall constitute the zoning regulations for the district. In conjunction with such approval, the Village Board may impose on the applicant reasonable impact fees or other reasonable development exactions in accordance with the law. The Official Zoning Map of the Village shall be amended to show the district zoned GPD or DPD, as appropriate.
- (3) **Variations.** The Village Board may, by resolution, approve proposed variations to the detailed plans which are consistent with the spirit and intent of the plans.

**G. Issuance of Building Permits.** No building permits may be issued and no site work may commence until after an approved detailed plan has been approved and signed by the Village President and the Village Clerk. Existing buildings located in a general planned development may receive building permits if the permits are for building modifications which do not include the addition of more usable floor area or the establishment of uses not permitted by the development.

**§ 310-47. Park districts.**

The park districts are designed to provide area under the Village's zoning schemes which will enable the location of various governmental, institutional, religious and public utility uses. Because of the nature of these uses and their essential support of everyday community life, they are deemed as compatible with other surrounding uses. To this end these districts will promote the activities permitted and will minimize the impact on surrounding properties.

**A. P-1 Park District.**

**(1) Principal uses:**

- (a)** Parks.
- (b)** Playgrounds.
- (c)** Forest preserves.
- (d)** Village halls.
- (e)** Police stations.
- (f)** Fire stations.

**(2) Conditional uses:**

- (a)** Public swimming pools.
- (b)** Golf courses.
- (c)** Recreation camps.
- (d)** Private campgrounds for recreational vehicles only.
- (e)** Archery ranges.
- (f)** Pole buildings.
- (g)** Pre-engineered buildings.
- (h)** Telephone, natural gas and electric power substations.
- (i)** Cemeteries.
- (j)** Municipal garages and repair facilities.
- (k)** Sewerage disposal plants, water filtration plants and their appurtenances.

- (l) Community centers, recreation buildings, libraries and museums, public or private.
- (m) Hospitals.
- (n) Schools, nursery schools and day-care centers.
- (3) **Area, yard and height requirements.**
  - (a) Lot width and area: minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading required by §§ 310-61 through 310-66 and all required yards.
  - (b) Building height: 30 feet maximum.
  - (c) Yards:
    - [1] Street:
      - [a] State, federal and county: 40 feet minimum.
      - [b] Village roads: 25 feet minimum.
    - [2] Rear: 30 feet minimum.
    - [3] Shore: 100 feet minimum.
    - [4] Side:
      - [a] Principal uses: none except when abutting residence districts, then six feet.
      - [b] Conditional uses: as determined by the Plan Commission.
  - (d) Ground floor per structure: not more than 50% of the lot area to be occupied by structures, buildings or impervious surfaces.

**§ 310-48. Lowland Resource Conservation District.**

The primary purpose of this district is to preserve, protect and enhance the streams and wetland areas in the Village. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water-based recreational resources of the Village.

- A. Principal uses.** The following uses are permitted in this district, provided that such uses are conducted in accordance with the Soil and Water Conservation District

conservation standards and do not involve dumping, filling, or soil or peat removal or impair the natural fauna, flora, watercourses, water regimen or topography:

- (1) Boat landing sites.
- (2) Flood overflow and movement of water.
- (3) Forest and game management.
- (4) Fishing.
- (5) Impoundments of water.
- (6) Navigation and navigational structures.
- (7) Park and recreation area, not including the location or erection of buildings or structures.
- (8) Stream bank protection.
- (9) Swimming beaches.
- (10) Wilderness areas and wildlife preserves and refuges.
- (11) Hiking and natural trails.

**B. Area, height and yard requirements:** none. No buildings or structures are permitted.

#### **§ 310-49. Business districts.**

In order to provide for the varied daily consumer needs for the people, these several business-oriented districts are created. All activities are designed to support the welfare of the Village and its inhabitants as well as promote a stable commercial economy.

**A. B-1 General Business District.** The purpose of this zoning district is to further maintain and encourage the use and redevelopment of the principal business district in the Village. The promotion of retail sales and services will be the principal aim of this district.

**(1) Principal uses:**

- (a) **Creative arts:** art galleries, art studios, antique shops, museums, music studios, photography studios, dance studios and similar creative arts shops, with or without the incidental sale of related art, music or photo supply items.



- (b) **Food stores:** grocery stores, bakeries, confectioneries, meat markets, fruit and vegetable stands and similar food stores which sell food items primarily for off-premises consumption.
- (c) **Restaurants:** restaurants, lunch counters, ice cream parlors and other similar businesses which sell food items primarily for on-premises consumption, but specifically excluding the drive-in type of establishment where food is sold to and consumed by customers remaining in their vehicles.
- (d) **Recreational centers:** theaters, bowling alleys, billiard and pool rooms, physical culture and health studios, martial arts studios and other uses of similar nature and character.
- (e) **Wearing apparel:** clothing stores, including department and variety stores, dressmaking, millinery and tailoring shops, and shoe stores.
- (f) **Hardware:** hardware, paint and wallpaper stores; glass and mirror shops; tile and carpeting stores; toy, hobby and bicycle shops; sporting goods; automotive supplies; and house wares and home appliances.
- (g) **Offices:** business and professional offices of lawyers, doctors, dentists (including medical clinics), real estate agents, travel agencies, public utilities, civil engineers, insurance agents, etc.
- (h) **Personal care services:** barbershops, beauty parlors, laundry and dry-cleaning shops and shoe repair shops.
- (i) **Financial services:** banks, savings and loans associations, credit unions, loan offices, etc.
- (j) **Home furnishings:** furniture stores, radio, television and appliance stores, and interior decorating services.
- (k) **Drug and variety stores:** pharmacies and health care items, jewelry, gift and cosmetic items, newspapers, books, magazines, tobacco items, cameras, photo supplies, etc.
- (l) **Specialty services:** locksmiths, orthopedic and medical supply stores, office supplies, and music, dance, business or trade schools.
- (m) **Specialty sales:** coin and stamp shops, florists, secondhand shops, and catalog sales stores.
- (n) **Libraries:** [Added 4-11-2002]

(2) **Conditional uses:**

- (a) Automobile service stations.
- (b) Taverns: cocktail lounges, taverns, saloons or liquor stores operated in conjunction with or separate from restaurants, hotels, clubs, recreation centers, etc.
- (c) Undertaker and funeral homes.
- (d) Parking lots and facilities other than parking required by § 310-61 through 310-66.
- (e) Nightclubs and dance halls.
- (f) Public swimming pools.
- (g) Boarding, lodging and rooming houses.
- (h) Clubs, lodges, and fraternal or religious institutions.
- (i) Planned business development.
- (j) Any use which provides drive-up or drive-in service for its customers or which has vehicular access across a public sidewalk to off-street parking shall be considered a conditional use.
- (k) Residential dwelling units.
- (l) Fast processing minilab photo processing facility not to process more than 100 rolls per day on the average and dedicated primarily to retail traffic.
- (m) Winery, retail.
- (n) Bed-and-breakfast establishment.
- (o) Telephone and gas power substations.
- (p) Pet shops.
- (q) Self-service storage facility/mini storage. [**Added 10-29-1998**]
- (r) Day-care centers. [**Added 11-11-1999**]
- (s) Automobile and Truck Sales and Services.[**Added 02-14-2008**]
- (t) Light Industrial: May conduct retail activity as a conditional use provided that all requirements are complied with. [**Added 11-13-14**]

**(3) Area, yard and height requirements. [Added 10-29-1998]**

**(a) Lot:**

**[1]** Width: 20 feet minimum.

**[2]** Area: 1,750 square feet minimum plus requirements of § 310-62.

**(b) Building height: 45 feet maximum.**

**(c) Yard:**

**[1]** Street. A street yard shall be provided equal to the average of the yards of the two abutting structures. If residential zoning is present on such block on the same street a twenty-five-foot yard shall be provided.

**[2]** Side:

**[a]** Principal uses: none; except when provided, a minimum five feet. When abutting on a residential zone, a minimum of 10 feet.

**[b]** Conditional uses: as determined by the Plan Commission after public hearing and review of premises.

**[3]** Rear: 10 feet.

**[4]** Shore: 100 feet minimum.

**(d) Floor area ratio:**

**[1]** One-story: 1.0:1.

**[2]** Two-story: 2.0:1.

**[3]** Three-story: 2.4:1.

**[4]** Four-story: 2.8:1.

**[5]** Over four-story: 3.0:1.

**(e) Off-street parking: not required.**

**B. B-2 Highway Business District.** The purpose of this business district is to provide a zone where certain commercial activities may be conducted outside of the downtown business area.

**(1) Principal uses:**

- (a) Creative arts:** art galleries, art studios, antique shops, museums, music studios, photography studios, dance studios and similar creative arts shops, with or without the incidental sale of related art, music or photo supply items.
- (b) Food stores:** grocery stores, bakeries, confectioneries, meat markets, fruit and vegetable stands and similar food stores which sell food items primarily for off-premises consumption.
- (c) Restaurants:** restaurants, lunch counters, ice cream parlors and other similar businesses which sell food items primarily for on-premises consumption, but specifically excluding the drive-in type of establishment where food is sold to and consumed by customers remaining in their vehicles.
- (d) Recreational centers:** theaters, bowling alleys, billiard and pool rooms, physical culture and health studios, martial arts studios and other uses of similar nature and character.
- (e) Wearing apparel:** clothing stores, including department and variety stores, dressmaking, millinery and tailoring shops, and shoe stores.
- (f) Hardware:** hardware, paint and wallpaper stores; glass and mirror shops; sporting goods; automotive supplies; housewares and home appliances; and building materials.
- (g) Offices:** business and professional offices of lawyers, doctors, dentists (including medical clinics), real estate agents, travel agencies, public utilities, civil engineers, insurance agents, etc.
- (h) Personal care services:** barbershops, beauty parlors, laundry and dry-cleaning shops and shoe repair shops.
- (i) Communication services:** newspaper offices, radio and television broadcasting stations, bookstores, telegraph offices, and print shops.
- (j) Financial services:** banks, savings and loan associations, credit unions, loan offices, etc.
- (k) Home furnishings:** furniture, radio, television and appliance stores, interior decorating services, and upholstery shops.

(l) **Drug and variety stores:** pharmacies and health care items, jewelry, gift and cosmetic items, newspapers, magazines, tobacco items, camera and photo supplies, etc.

(m) **Undertaker and funeral homes.**

(n) **Specialty services:** locksmiths, frozen food lockers, orthopedic and medical supply stores, office supplies, and music, dance, business or trade schools.

(o) **Specialty sales:** coin and stamp shops, florists, secondhand shops, pet shops and catalog sales stores.

(2) **Conditional uses:**

(a) Automobile service stations and car washes.

(b) Auditorium, stadium, gymnasium and other similar places of public events.

(c) Boarding, lodging and rooming houses.

(d) Clubs, fraternal or religious institutions and lodges.

(e) Auction facilities.

(f) Automobile sales and services.

(g) Taverns, cocktail lounges, saloons or liquor stores operated in conjunction with or separate from restaurants, hotels, clubs, recreation centers, etc.

(h) Boat and recreational vehicle sales, service or repair.

(i) Animal hospitals, shelters, and kennels.

(j) Parking lots and facilities other than parking required by §§ 310-61 through 310-66 of this chapter.

(k) Bus and rail depots.

(l) Hotels and motels.

(m) Machinery and equipment sales and service.

- (n) Nightclubs and dance halls.
- (o) Public swimming pools.
- (p) Residential dwelling units.
- (q) Any use which provides drive-up or drive-in service for its customers or which has vehicular access across a public sidewalk to off-street parking shall be considered a conditional use.
- (r) Any use in conjunction with a permitted or conditional use which requires outdoor service, storage, display or sales shall be considered a conditional use.
- (s) Pre-engineered buildings.
- (t) Winery, retail.
- (u) Bed-and-breakfast establishment.
- (v) Telephone and gas power substations.
- (w) Self-service storage facility/mini storage. **[Added 10-29-1998]**
- (x) Day-care centers. **[Added 11-11-1999]**
- (y) Permanent structures for the retail sales of fireworks, as they are defined in subsection 167.10(1) (e), (f), (i), (j), (k), (l), (m), (n) and (p), Wis. Stats. **[Added 05-09-2019]**

**(3) Area, yard and height requirements.**

- (a) Lot:
  - [1] Width: 75 feet minimum.
  - [2] Area: 10,000 square feet minimum; except hotels and motels: 30,000 square feet minimum plus an additional 800 square feet for each lodging room in excess of 35.
- (b) Building height: 45 feet maximum.
- (c) Yards:
  - [1] Street:
    - [a] State, federal or county: 40 feet minimum.

- [b] Village roads: 15 feet minimum.
- [2] Side:
  - [a] Principal uses: six feet. [Amended 6/9/16]
  - [b] Conditional uses: as determined by Plan Commission after hearing and review of proposal.
- [3] Rear: 20 feet minimum.
- [4] Shore: 100 feet minimum.
- (d) Floor area ratio:
  - [1] One-story: 0.75:1.
  - [2] Two-story: 1.5:1.
  - [3] Three-story: 2.0:1.
  - [4] Four-story: 2.2:1.
  - [5] Over four-story: 2.25:1.
- (e) Lot area coverage. Not more than 75% of the land area is to be occupied by buildings, structures and parking areas.
- (f) Off street parking. Off street parking shall be in accordance with §§ 310-61 through 310-66 of this chapter.

#### **§ 310-50. Industrial districts.**

The purpose of this district is to provide for location of certain industrial or warehousing activities in the Village where exclusive manufacturing, industrial and related warehousing activities are carried out. Because of the objectionable nature of certain of these activities, this district shall be so located as to provide the least amount of incompatibility with areas requiring a pleasant, hazard- and nuisance-free environment.

#### **A. M-1 Industrial District.**

- (1) **Principal uses:**
  - (a) Automotive upholstery.
  - (b) Commercial bakeries.

- (c) Commercial greenhouses.
- (d) Distributors.
- (e) Food locker plants.
- (f) Printing and publishing.
- (g) Trade and contractors' offices.
- (h) Warehousing and other inside storage.
- (i) Wholesaling.
- (j) Retail sales and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.
- (k) Accessory uses to the above-listed activities.
- (l) Self-service storage facility/mini storage. **[Added 10-29-1998]**

**(2) Conditional uses:**

- (a) Living quarters for watchman or caretaker, not to exceed one unit per lot.
- (b) Farm machinery plants.
- (c) Machine shops.
- (d) Painting.
- (e) Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles and wood.
- (f) Automotive body repairs.
- (g) Crematories.
- (h) Manufacture and processing and storage of building materials, dry ice, flammables, gasoline, grains, and plastics.
- (i) Manufacture and bottling of alcoholic beverages.



- (j)** Bag cleaning, bleacheries, canneries, cold storage warehouses, electric and steam generating plants, electroplating, enameling, lacquering, and lithographing.
- (k)** Outside storage and manufacturing uses.
- (l)** Commercial service facilities.
- (m)** Governmental and cultural uses, such as fire and police stations.
- (n)** Utilities.
- (o)** Aggregate or ready-mix plant.
- (p)** Crushed and broken stone quarry.
- (q)** Mixing of asphalt.
- (r)** Processing of topsoil.
- (s)** Sand and gravel quarry.
- (t)** Laboratories.
- (u)** Manufacturing and bottling nonalcoholic beverages.
- (v)** Storage and sale of machinery and equipment.
- (w)** Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food, except cabbage, fish and fish instruments, jewelry, pharmaceuticals, tobacco and toiletries.
- (x)** Sewage disposal plants.
- (y)** Building contractor's storage yard.
- (z)** Creameries.
- (aa)** Condenseries.
- (bb)** Manufacture and processing of abrasives, asphalt, batteries, bedding, bleach, carpeting, cement, cereals, dye, excelsior, felt, fish, fuel, furs, glucose, hair products, ice, ink, linoleum, matches, meat, oil cloth, peas, perfume, pickles, plastics, polish, potash, pyroxylin, rope, rubber, sausage, shoe and lampblackening, size, starch and textiles.

- (cc) Cleaning, pressing, and dying.
- (dd) Freight yards and terminals.
- (ee) Telephone and gas power substations.
- (ff) Day-care centers. **[Added 11-11-1999]**
- (gg) Parks, ball diamonds and playgrounds. **[Added 6-14-2001]**
- (hh) Medical, dental and clinical offices space. **[Added 2-5-2005]**
- (ii) Parking Lots and facilities other than parking required by sub-section 310-61 through 310-66**[Added 12-11-2014]**

**(3) Area, height and yard requirements.**

- (a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, off street parking and loading areas required by § 310-62 and all required yards.
- (b) Building height: 60 feet maximum.
- (c) Yards:
  - [1] Street:
    - [a] State, federal or county: 40 feet minimum.
    - [b] Village roads: 25 feet minimum.
  - [2] Rear: 30 feet; 50 feet when abutting a residential district.
  - [3] Side: 20 feet; 50 feet when abutting a residential district.
- (4) Ground floor per structure. Not more than 60% of the land area is to be occupied by buildings or structures.
- (5) Green space. Not less than 10% of the parcel shall be natural or pervious landscaping.
- (6) Off-street parking. Parking spaces shall be provided in accordance with §§ 310-61 through 310-66 of this chapter.
- (7) Performance standards. Performance standards shall be in accordance with § 310-75 of this chapter.

**B. M-2 Light Industrial District. [Added 9-11-1997]**

- (1) Principal uses:** any principal use permitted in the B-2 Highway Business District.
- (2) Conditional uses:**
  - (a)** Living quarters for watchman or caretaker, not to exceed one unit per lot.
  - (b)** Any use listed as a conditional use in the B-2 Highway Business District, except the following: residential dwelling unit.
  - (c)** Production, fabrication, processing, servicing, testing, repair or storage of materials, equipment and goods where the undertaking involves activities to be carried on inside or within enclosed buildings and excepting activities involving the processing of abrasives, asphalt, batteries, bedding, bleach, cabbage, carpeting, cement, dye, excelsior, felt, fish, fuel, furs, glucose, hair products, ice, ink, linoleum, matches, meat, oil cloth, peas, perfume, pickles, polish, potash, pyroxylin, rope, rubber, sausage, shoe and lampblackening, size, and starch.
  - (d)** Shopping centers and other planned business developments.
- (3) Area, height and yard requirements. [Added 6/9/16]**
  - (a)** Lot area: minimum sufficient area for the principal structure and its accessory buildings, off street parking and loading areas required by § 310-62 and all required yards.
  - (b)** Building height: 60 feet maximum.
  - (c)** Yards:
    - [1]** Street:
      - [a]** State, federal or county: 40 feet minimum.
      - [b]** Village roads: 25 feet minimum.
    - [2]** Rear: 30 feet; 50 feet when abutting a residential district.
    - [3]** Side: 20 feet; 50 feet when abutting a residential district.
- (4)** Ground floor per structure. Not more than 60% of the land area is to be occupied by buildings or structures.

- (5) Green space. Not less than 10% of the parcel shall be natural or pervious landscaping.
- (6) Off-street parking. Parking spaces shall be provided in accordance with §§ 310-61 through 310-66 of this chapter.
- (7) Performance standards. Performance standards shall be in accordance with § 310-75 of this chapter.

**§ 310-51. Agricultural districts.**

**A. A-1 Agricultural District.** The A-1 Agricultural District is intended to provide for, maintain, preserve and enhance agricultural lands historically utilized for crop production and which are generally suited for small farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related activities.

**(1) Permitted uses:**

- (a) Apiculture (beekeeping).
- (b) Contract sorting, grading and packaging of fruits and vegetables.
- (c) Corn shelling, hay baling and threshing services.
- (d) Floriculture (cultivation of ornamental flowering plants).
- (e) Grazing or pasturing.
- (f) Horticultural services.
- (g) Keeping and raising of domestic stock for agribusiness, breeding, recreation or show.

**[1] Keeping of animals shall be limited as follows:**

- [a]** No more than one horse, cow, sheep or similar animal over six months of age shall be kept for each two acres;
- [b]** No more than five chickens, ducks or similar poultry over two months of age shall be kept for each acre; or
- [c]** No more than eight rabbits or hare, over two months of age, shall be kept for each acre.

**[2] The keeping and raising of hogs or fur-bearing animals, except rabbits, is prohibited.**

[3] Combinations of the above shall be apportioned to the total acreage, and the Zoning Administrator shall determine the total number of animals allowed.

- (h) Orchards.
- (i) Plant nurseries.
- (j) Raising of grain, grass, mint and seed crops.
- (k) Raising of tree fruits, nuts, and berries.
- (l) Sod farming.
- (m) Vegetable raising.
- (n) Viticulture (grape growing).
- (o) General farm buildings, including barns, silos, sheds and storage bins.
- (p) Single-family detached dwelling with garage.

**(2) Permitted accessory uses:**

- (a) Garages and carports.
- (b) Home occupations as specified in § 310-8B.
- (c) One roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in area.

**(3) Conditional uses:**

- (a) Campgrounds.
- (b) Parking for Special Events.

**(4) Parcel area and width.** Parcels shall have a minimum area of five acres and shall be not less than 330 feet in width.

**(5) Building height and area.**

- (a) No farm building or farm-related building shall exceed 50 feet in height.
- (b) No farm dwelling or other residential dwelling shall exceed 35 feet in height.

- (c) The total minimum floor area of a farm dwelling or other residential dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multistoried dwelling. Multistoried dwellings shall have a minimum first floor area of 1,000 square feet.

**(6) Yards.**

- (a) A minimum street yard (setback) of 100 feet from the road center line or 42 feet from the road right-of-way, whichever is greater, shall be required.
- (b) A minimum shore yard of 75 feet from the high-water elevation of any navigable waters shall be required.
- (c) There shall be a side yard on each side of all structures of not less than 25 feet in width.
- (d) There shall be a rear yard of not less than 50 feet.

**§ 310-52. Business Park District. [Added 11-8-2001]**

**A. Purpose. This district is intended to:**

- (1) Provide a course of predictability in business park development, set a minimum level of standards by which a business park can be developed, and establish a regulatory framework within which time the community and the developer can work together to plan rationally for future business and industrial growth.
- (2) Provide for maintenance of open space areas, water detention areas, landscaping and other common areas to promote an attractive and aesthetically pleasing corporate environment.
- (3) Provide for adequate transportation mobility into and throughout the business park as to avoid traffic congestion problems.
- (4) Promote a planned business environment that stresses employee amenities, maintained in a high-quality fashion consistent with first class office/industrial developments within the metropolitan area.

**B. Permitted uses.**

- (1) The uses hereinafter permitted shall be restricted to those which require a pleasant, hazard- and nuisance-free environment (located in a mutually compatible environment within a large park and campus-type setting) and do not create either an appreciable nuisance or hazard to other property or the public in general:

- (a) Medium restrictive industrial, including manufacturing.
  - (b) Warehousing.
  - (c) Industrial.
  - (d) Hospitality.
  - (e) Limited retail.
  - (f) Service.
  - (g) Office.
- (2) Examples of permitted uses, which are not exhaustive, include the following: art supply stores, automated teller machines, automobile and truck rental, banks, blueprinting and photostating shops, business machine sales and rental, computer sales and rental, construction buildings or trailers, credit unions, currency exchanges, dental offices, dish antennas, donut shops, employment agencies, finance companies, golf courses and country clubs, graphics and drafting services, health clubs, hotels and motels, medium restrictive industry, insurance offices, laboratories, medical or scientific, mail order houses, medical offices, meeting and banquet halls, newspaper distribution agencies, offices, business and professional, offices, government and institutional, optometry offices, parks, playgrounds, forest preserves, permitted public uses, plazas and public spaces, post offices, radio and television studios, real estate offices, recording studios, research and development facilities, restaurants, savings and loans and savings banks, schools and educational institutions, commercial schools, stationery stores, tax preparation offices, transportation ticket offices, travel agencies, union halls, wholesaling, and manufacturing facilities.

**C. Conditional uses.** Except where specifically permitted as a principal use referred to above, those uses set forth as principal and conditional uses in the B-1 General Business District and B-2 Highway Business District shall be conditional uses in the Business Park District and may be permitted in the event after an appropriate public hearing the Plan Commission determines that permitting said use or uses would be consistent with the general purpose and intent of this chapter as set forth in §§ 310-3 and 310-4 and this section.

**D. Prohibited uses.** The following operations and uses shall not be permitted on any property within the Business Park District:

- (1) Junkyards.
- (2) Refining of petroleum or of its products.
- (3) Commercial excavation of building materials.

- (4) Dumping, disposal, incineration, or reduction of garbage, sewage, or other refuse.

**E. Development standards.**

- (1) **Parking requirements.** No parking shall be permitted on any street or at any other place other than on paved parking spaces to be constructed on each lot. Off-street parking shall be in accordance with the provisions of § 310-66.
- (2) **Landscaping.** In an attempt to unify the building sites and their architecture in the park, landscaping as a design element will play the key role in creating and conveying the park-like working environment.
  - (a) **Purpose.** The purpose of the requirements in this section is to provide for appropriate landscaping and screening of parking and other outdoor areas that will:
    - [1] Protect residential environments from effects of more intensive adjacent uses.
    - [2] Protect users of parking areas from excessive wind, glare, and temperature extremes.
    - [3] Reduce the adverse effects on public streets and adjacent properties of noise, blowing dust and debris and motor vehicle headlight glare.
    - [4] Discourage unsafe access to and circulation within off-street parking areas.
    - [5] Contribute to improved community appearance and maintenance of property values.
  - (b) The Architectural and Site Plan Review Committee (Committee) of the Business Park Association, if any, must approve the landscaping plans and specifications prior to construction of a building on a building site. If there is no such committee, then approval of the Zoning Administrator must be obtained prior to construction.
  - (c) Landscaping must be completed within 60 days of occupancy unless weather and ground conditions do not permit or unless the Committee or Zoning Administrator, if there is no committee, grants written permission for an extension of the completion date for reasonable cause.
  - (d) All landscaping must be maintained in a well-kept condition.



- (e) Types of landscaping materials permitted. Varieties of living landscape materials used shall be healthy, hardy, and drought-resistant; be suitable for climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt; and be compatible with the slope of the site, with existing vegetation to be preserved, and with utilities below ground level. When appropriate, materials used shall be protected from damage from pedestrian or vehicular traffic by tree grates, pavers, or other measures.
- (f) Ground cover in landscapes strips. Grass or other ground cover shall be planted over all landscaped strips, including berms, except in areas planted in flowers, shrubs, or trees, so as to present a finished appearance and reasonable complete coverage within three months after planting. Nonliving landscaping materials such as sand, stone, rocks, or barks may be substituted for living cover over a maximum of 30% of the landscaped area.
- (g) Installation procedures. All living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen.
- (h) Berming. For optimum screening effectiveness and improved landscape design, parking screening strips shall be bermed so as to partially conceal parked cars from view of the street except where, in the judgment of the Committee or, in the absence of a committee, Zoning Administrator, the size or configuration of existing or proposed topography of the lot makes this infeasible or unnecessary or where erosion, drainage, or maintenance problems might result. Berms, where installed, shall be a minimum of two feet with a desired average of four feet in height wherever professionally acceptable.
- (i) Maintenance of landscaping. The owner, occupant, tenant, and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscaping and screening so as to preserve at least the same quantity and quality as initially approved.
- (j) Curbing. All parking island strips and parking screening strips shall be separated on all sides from the parking surface by curbing.
- (k) Uses requiring landscaping or screening. A minimum of 5% of the parking area for industrial-type uses and 10% for all other uses shall consist of landscaping. Any landscaped strip required hereunder may be credited toward this requirement. A screen for off-street loading shall be a minimum of six feet high.
- (l) Sizes of minimum plant materials.

- [1] **Shade tree.** A deciduous tree with a minimum caliper of two inches.
- [2] **Conifer.** A coniferous tree with a minimum six-foot height.
- [3] **Ornamental.** A deciduous tree or large shrub with a minimum caliper of two inches or minimum height of six feet.
- [4] **Caliper average.** Three inches for all deciduous tree plantings.

(m) **Street plantings.** The standards are expressed in terms of shade trees required per linear foot of roadway, easement, or buffer strip and include the full width of each. For determining numbers of conifers and ornamentals applicable to the standard, a conifer at least 10 feet in height shall equal a shade tree and two ornamentals as specified above shall equal a shade tree.

[1] **Major entry.**

- [a] **Boulevards** (first 400 linear feet). One tree each side per 40 linear feet of roadway.
- [b] **Median.** Two trees per 40 linear feet of median length plus one tree for each 25 linear feet of median where median is wider than 30 feet.

[2] **Roads on the perimeter of business park.**

- [a] Primary screening by berm not less than two feet in height nor greater than eight feet in height, averaging four feet in height.
- [b] Provide one tree per 44 linear feet of frontage.

[3] **Preservation of trees.** All reasonable efforts shall be made to preserve the existing trees on each building site.

[4] **Building site plantings.** Each building shall include a minimum of one shade tree in frontage areas for each 50 linear feet of building site frontage. It is recommended that trees be grouped in clusters.

**F. Underground utilities.** All exterior on-site utilities, including drainage systems, sewers, gas lines, water and electrical, telephone, and communications wires, shall be installed and maintained underground.

**G. Water retention/detention areas.** To increase the maximum allowable building to gross land area ratio, water detention areas will be provided in one or more locations in a business park to handle storm-water drainage from all improved sites within a business

park. The water retention/detention areas shall be adequately landscaped so as to maintain aesthetic conformity with the entire business park landscape design. Such water retention/detention areas and any lot retention/detention areas shall be maintained to achieve a high-quality environment. The Village shall have the right, but not the obligation, to enforce the maintenance of said water retention/detention areas in proper proceedings, either in equity or at law.

**H. Maintenance of unimproved sites and condition of improved lots.** Sites that are not improved or built upon shall be maintained in a clean and neat appearance by the property owner. Weeds and brush should be removed bimonthly during the months from April through November. The owner or occupant of any lot should at all times keep it and the buildings, improvements, and appurtenances thereon in a safe and clean condition and comply with all applicable governmental, health, fire, and safety ordinances and regulations. (Trash shall be removed expeditiously.)

**I. Storage areas.** Storage, service, maintenance, and loading areas must be constructed, maintained, and used in accordance with the following conditions:

- (1) No materials, supplies, or equipment shall be stored upon a site except inside a closed building or behind a durable material wall not less than six feet in height, screening such material, supplies or equipment from adjacent sites so as not to be visible from neighboring properties and streets. No stored items shall protrude above the screen. The outdoor storage of uncontained bulk material is prohibited. Any outdoor storage areas shall be located in the side or rear yard adjacent to the main structure and not exceed 1,000 square feet in area. Any attempted variation to these standards would be allowed only if approved by the Village Board after a hearing before the Plan Commission.
- (2) All trash receptacles and storage areas, service yards, electrical cage enclosures, incineration and similar equipment for the disposal of materials and storage tanks shall be screened from view from access streets and front yards of adjacent properties by means of a fence, berm, wall or dense opaque landscaping materials. Deposited refuse shall not be visible from outside the refuse enclosure. Storage areas shall be kept in a neat and orderly manner. The contents of all storage and trash areas must be directly related to the primary use of the business. Refuse collection enclosures shall be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme. Silos and other tall containers shall not be placed on front yards or other conspicuous locations and shall not exceed the building height requirements listed below.

**J. Architecture.**

- (1) **Building exterior wall materials.**

- (a) For buildings of less than 20,000 square feet, the front exterior walls shall be defined as the closest walls to the most major streets the property adjoins and shall be of masonry, stone, glass or architectural precast concrete panels. The side exterior walls may be of metal, except that the lower third or lower seven feet, whichever is less, of the wall shall be of masonry, stone, glass or architectural precast concrete panels. In no event shall concrete blocks be allowed on any exterior surface of a building. Factory-colored split-faced block (or equal) is acceptable.
- (b) For buildings of more than 20,000 square feet, the same instructions as above shall apply, except that the lower four feet of the side exterior wall should be of masonry, stone, or architectural precast concrete panels.
- (c) Common brick and concrete block are specifically prohibited on any exterior surface of a building.
- (d) One dominant material should be selected and expressed with its own natural integrity. Materials which convey permanence, substance, timelessness, and restraint are required.
- (e) Low maintenance should be a major consideration.
- (f) Materials shall blend with those existing in the adjacent area of the property.

**(2) Color and texture.**

- (a) Simple and uniform texture patterns are encouraged to create shadow patterns which will reduce the high visibility of the building.
- (b) Variations in color shall be kept to a minimum.
- (c) Colors shall be subdued in tone.
- (d) Accent colors may be used to express corporate identity.

**(3) Building roofs.** Sloped roof treatments are acceptable with certain exceptions. Sloped roofs may be of any traditional roof material except wood, fiberglass, and asphalt, unless specifically approved by the Architectural and Site Plan Review Committee.

**(4) Height limitations.** No building erected shall exceed 45 feet in height. If a building exceeds 45 feet in height, the front yard setback should be increased by one foot for every one foot in excess of 35 feet. The maximum height shall be 60 feet

**K. Lighting guidelines.**

- (1) **Lighting shall be designed to achieve the following objectives:**
  - (a) To contribute to the safe and efficient use of a development site.
  - (b) To contribute to the site security.
  - (c) To complement and reinforce the architecture and site design character.
  - (d) To keep on-site parking lot lighting fixtures and illumination levels consistent throughout the park.
  - (e) To prevent casting glare onto adjacent lots and streets.
  - (f) To encourage conformity with energy savings guidelines.
  - (g) Architecturally, to articulate and animate the particular building design, as well as provide the required functional lighting for safety and clarity of pedestrian movement.
- (2) Committee approval and, in absence of a committee, **Zoning Administrator** approval of the lighting plans and specifications must be procured prior to construction of a building on a building site.

**L. Setbacks and bulk requirements.**

- (1) **Front yard setback:** fifty-foot building and twenty-five-foot parking (twenty-five-foot green space between space between front parking curb and right-of-way).
- (2) **Side yard setback:** fifteen-foot building and five-foot parking (five-foot green space from parking lot to property line).
- (3) **Rear yard setback:** twenty-foot building and five-foot parking (five-foot green space from parking lot to property line).
- (4) **The floor/land area ratio shall not exceed 85%.**
- (5) In the event that parking is placed in the front yard, then the building shall be set back a minimum from the back curb of the parking area to allow for a five-foot buffer between the parking area and the building. The front parking area shall be partially screened from view from the street by berming or landscaping.
- (6) **Minimum lot area and square footage:** 10,000 square feet; however, no building permit will be issued on any parcel of land in a Business Park District containing less than 40,000 square feet.

- (7) **Minimum lot width:** 50 feet; however, no building permit will be issued to any parcel of land in a Business Park District having a width less than 200 feet at the building line.
- M. **Loading.** Sufficient space for loading and unloading shall be provided on each lot to accommodate trucks not less than 70 feet in length. Improvements shall be designed and located on each building site so that vehicles may not be loaded or unloaded on or from any major street. Any exterior docks shall be designed as to not hamper pedestrian movement in and out of the building.
- N. **Architectural and Site Plan Review Committee.** Notwithstanding the provisions of § 310- 13 of this chapter, in the event a business park has developed covenants which are satisfactory to the Village Board relating to architectural and site plan review, which covenants establish an Architectural and Site Plan Review Committee, then in that event said Committee shall review site plans, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, and utilization of landscaping and open space to assure that a proposed improvement is consistent with the covenants approved by the Village Board. Once the Architectural and Site Plan Review Committee has approved a proposed improvement and certifies the same to the Zoning Administrator, said certification will satisfy the requirements of § 310-13 relating to site plan and regulations and architectural review. In the event a business park has not established covenants which are satisfactory to the Village Board, then in that event the **Zoning Administrator** shall review the site plans for business park development consistent with the provisions of § 310-13, and once the **Zoning Administrator** has been satisfied, a building permit, conditional use permit, or occupancy permit for any use which is otherwise in conformance with all other aspects of the ordinances of the Village may be issued without the necessity of a hearing before the Plan Commission. In the event a business park has developed covenants which are satisfactory to the Village Board relating to architectural and site plan review, each and every application for a building permit within a business park shall be accompanied by a letter from the Architectural and Site Plan Review Committee.

ARTICLE V  
**Conditional Uses**  
**[Amended 02-14-2019]**

**§ 310-53. Approval procedure.**

- A. **Application.** Application for a conditional use permit shall be made in duplicate to the Zoning Administrator on Village forms and shall include the following where pertinent and necessary for proper review by the Plan Commission:
- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
  - (2) 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; and the zoning district within which the subject site lies.

- (3) Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, property boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards; and area subject to inundation by floodwaters. In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines, types and slopes; ground surface elevations; mean and historic high-water lines on or within 40 feet of the subject premises; and existing and proposed landscaping.
- (4) Additional information as may be required by the Village Board and/or Plan Commission and Zoning Administrator.
- (5) Fee receipt from the Village Clerk-Treasurer in the amount as set by the Village Board, plus the cost of legal notice and publication.

**B. Costs.** Costs incurred by the Plan Commission and/or Village Board in retaining legal, planning, engineering and other technical and professional advice in connection with the review of conditional use applications and the preparation of conditions to be imposed on such uses shall be charged to the applicant. The applicant shall be notified if costs will be incurred.

**C. Hearing date.** The Zoning Administrator shall forward the completed application to the Village Clerk-Treasurer, who shall schedule a conditional use hearing date before the Plan Commission.

**D. Notice and publication.** A Class 2 notice shall be published a minimum of 14 days prior to the Plan Commission public hearing and shall state the reason for the conditional use application.

**E. Review and action.**

- (1) **Review.** The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply system and the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shore-land cover, natural beauty and wildlife habitat and shall hold a public hearing after giving due notice to the parties in interest.
- (2) **Standards.** The Plan Commission shall recommend approval, denial, or conditional approval of the conditional use application. When recommending approval of the conditional use permit, the Plan Commission shall find that:

- (a) Such use and/or structures are in accordance with the purpose and intent of the zoning district in which it is located.
  - (b) Such use and/or structures are found to be not hazardous, harmful, offensive, or adverse to the environment or value of the neighborhood and community. The establishment, maintenance or operation of the conditional use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (c) The conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish and impair property values within the neighborhood.
  - (d) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - (e) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided
  - (f) Adequate measures have been or are being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - (g) The conditional use in all other respects shall conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified pursuant to the recommendation of the Plan Commission.
- (3) **Conditions and guaranties.** Prior to the granting of any conditional use, the Plan Commission may recommend and the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section. Conditions such as, but not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, performance bonds, lighting, fencing, location, size, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, flood-proofing, ground cover, diversions, statements of financial responsibility and/or capacity, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or additional parking may be recommended by the Plan Commission and required by the



Village Board upon their finding that these are necessary to fulfill the purpose and intent of this chapter. In all cases in which conditional uses are granted, the Village Board shall require such evidence and guaranties as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- (4) **Compliance required.** Compliance with all other provisions of this chapter, such as, but not limited to, lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses.
- (5) **Issuance.** The Village Board, upon recommendation from the Plan Commission, may issue a the conditional use permit, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and the Comprehensive Plan and are not hazardous, harmful, offensive or otherwise adverse to the environmental quality, water quality, shore-land cover or property values within the Village. The Village Board may grant, vary or deny an application for a conditional use. However, a variance or denial of the Plan Commission's recommendation shall be approved by not less than a simple majority of the entire Village Board.

#### **§ 310-54. Denial, revocation and expiration of conditional use.**

**A. Effect of denial.** No application for a conditional use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one year from the date of such order of denial except on the grounds of new evidence or proof of change of conditions found to be acceptable by the Plan Commission.

**B. Revocation.** In any case where a conditional use has not been substantially completed within one year from the date of granting thereof, without further action by the Village Board, the conditional use or authorization thereof shall be null and void. A conditional use approval shall authorize only one particular conditional use and shall expire if the conditional use shall cease for more than 12 months for any reason. However, the owner of an established authorized conditional use may be changed if the use remains unchanged.

**C.** Should a permit applicant, his/her heirs or assigns fail to comply with the conditions of the permit issued by the Village Board, or should the use or characteristics of the use be changed without prior approval by the Village Board the permit shall be revoked. The process for revoking a permit shall generally follow the procedures for granting the permit.

#### **§ 310-55. Existing conditional uses.**

All uses existing at the effective date of this chapter which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this chapter are declared to be conditional uses to the extent of the existing operation and shall be subject to the conditional use procedures as if being established anew.

#### **§ 310-56. Residential and related uses.**

Except where specifically permitted as a principal use in § 310-45, all residential and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving such uses, the Plan Commission shall consider such evidence presented at the public hearing which bears upon the general purpose and intent of this chapter set forth in §§ 310-3 and 310-4 and upon the particular land use problems related to development of the site or sites as proposed.

#### **§ 310-57. Commercial and related uses.**

Except where specifically permitted as a principal use in a zoning district, all other commercial and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving these uses, the Plan Commission shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing which bears upon the general purpose and intent of this chapter as set forth in §§ 310-3 and 310-4 and upon the particular land use problems related to development of the site or sites as proposed.

#### **§ 310-58. Industrial and related uses.**

Except where specifically permitted as a principal use in a zoning district, all other industrial and related uses shall be conditional uses and may be permitted as specified. In approving and disapproving these uses, the Plan Commission shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing which bears upon the general purpose and intent of this chapter as set forth in §§ 310-3 and 310-4 and upon the particular land use problems related to development of the site or sites proposed.

#### **§ 310-59. RESERVED.**

#### **§ 310-60. Outside storage of boats and recreational vehicles.**

**A.** Single-family and duplex dwellings are limited to the outside storage of one boat or recreational vehicle per residential unit. Parking of such vehicles shall be in a side or back yard only. Parking of more than one such vehicle can be granted by Plan Commission as a conditional use.

**B.** Multifamily dwellings. Outside storage of such vehicles shall be considered a conditional use and be granted only under the provisions of this article.

### **ARTICLE VI Traffic, Parking and Access**

#### **§ 310-61. Traffic visibility.**

**A.** No obstructions, such as structures, parking or vegetation, shall be permitted in any district above the height of 2.5 1/2 feet above the plane through the mean center-line roadway grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 50 feet from their intersection.

**B.** In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 100 feet.

#### **§ 310-62. Loading requirements.**

**A.** Location. All loading berths shall be located on the same lot as the use served. All loading berths which abut a residence district shall be completely screened therefrom by walls or shrubbery not less than seven feet in height. No loading berth shall be located within 100 feet of a street right-of-way. No loading berth shall be located in a front yard.

**B.** Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

**C.** Utilization. Space used for any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

**D.** Surfacing. All open off-street loading berths shall be improved with a compacted base and a paved wearing surface as approved by the Zoning Administrator.

#### **§ § 310-63. Driveways.**

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

**A.** Distances.

- a. Distance between commercial/industrial driveway openings shall be a minimum of 20 feet between all driveways
- b. Distance between commercial/industrial driveway openings shall be a minimum 10 feet from all lot lines and measured from the flared ends at curb line.
- c. Residential driveways on private property should be a minimum of 3 feet from property line, with 0 setback permitted with a survey detailing lot line location and contours detailing storm water control to prevent a nuisance discharge on an adjacent neighbor.
- d. Residential driveway openings shall be a minimum of 8 feet between all driveways and 4 feet at from all lot lines where street yard lot line intersects. This shall be measured from the flared end at curb line.

**B.** Vehicular entrances and exits for high traffic businesses (banks, restaurants, motels, funeral homes; vehicle sales, service, washing and repair stations; public parking lots, etc.) shall

be greater than 200 feet from any pedestrian entrances or exits for a place of public assembly (school, church, medical center, park, playground, library, public emergency shelter, etc.).

**C.** Permit to cut the curb shall be obtained from the Public Works Director prior to such action.

**D.** Commercial driveway aprons shall be paved with seven (7) inches of reinforced concrete from curb of street to the right-of-way line with a minimum of seven (7) inches of crushed gravel. Residential (1 & 2 Family) driveway aprons shall be paved with six (6) inches of reinforced concrete from curb of street to the right-of-way line with a minimum of six in (6) inches of crushed gravel.

#### **§ 310-64. Highway access.**

**A.** No direct access shall be permitted to the existing or proposed right-of-way of State highways nor to any controlled access arterial street without permission of the State Department of Transportation.

**B.** Temporary access to the above rights-of-way may be granted by the Village Board after review and recommendation by the Wisconsin Department of Transportation. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.

#### **§ 310-65. Parking requirements.**

**A. Access.** Adequate access to a public street or other officially approved means of access shall be provided for each parking space.

**B. Size.** Size of each parking space shall be not less than 200 square feet with minimum width of 10 feet, exclusive of the space required for ingress and egress.

**C. Clearance.** Enclosed parking spaces shall have a vertical clearance of at least seven feet.

**D. Location.** Location shall be on the same lot as the principal use unless authorized as a conditional use by the Plan Commission.

**E. Surfacing.** Surfacing of all open off-street parking shall be improved with a compacted base and a paved surface as approved by the Zoning Administrator. Any parking area shall be so arranged and marked to provide for the orderly and safe parking and storage of vehicles.

**F. Landscaping.** All public and private off-street parking areas which serve five vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this chapter shall be provided with accessory landscape areas totaling not less than 5% of the surfaced area. The

minimum size of each landscape area shall not be less than 100 square feet. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance, shall be subject to approval by the Zoning Administrator. Those parking areas for five or more vehicles, if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six feet.

**G. Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance, and in a parking area containing four or more parking spaces such lighting shall be extinguished 1/2 hour after the close of business, except as may be otherwise permitted or required by the Village Board upon recommendation by the Plan Commission for maintaining illumination after the time specified. Also see section §310-75 Performance Standards.

**H. Paving.** Distance from all lot lines shall be a minimum of 4 feet for residential and 10 feet for commercial/industrial.

**I. Employee parking.** Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

**J. Off-street parking spaces.** For residential development 2 units or less, off-street parking is allowed in the driveway or garage only. One additional 10-foot-wide maximum parking space may be allowed in the front or side yard, located between the driveway and the nearest side lot line. For residential development 3 units or more, and commercial/industrial development, off-street parking spaces open to the sky may be located in the front or side yards. Employee parking spaces are allowed in the rear yard.

**K. Number of parking stalls.** Combinations of any of the uses listed below shall provide the total of the number of stalls required for each individual use. The following table indicates the parking spaces required for various possible land uses and which requirements are subject to the following modifications. If a property contains different seasonal uses which would use the same parking facilities, the use which requires the greatest number of spaces shall be the use upon which the parking requirement for the property shall be based. If a property contains various uses which would be operating simultaneously, the parking requirement for the property shall be cumulative to reflect all uses. Depending on lot layout, final approval is at the discretion of the Village Engineer.

Use	Number of Parking Stalls
Single-family dwellings and mobile homes	2 per dwelling (includes driveway area)
Multifamily dwellings	2 per dwelling
Hotels and motels	1 per bed and 1 per employee
Clubs, lodges, fraternities, sororities, dormitories, and lodging and boarding houses	1 per bed and 1 per employee

Sanitariums, hospitals, institutions, rest and nursing homes	1 per 2 beds and 1 per employee
Medical and dental clinics	5 per doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 per 3 seats and 1 per employee
Colleges and secondary schools	1 per 6 students and 1 per employee
Elementary and middle schools	1 per employee
Restaurants, bars and places of entertainment	1 per 3 seats and 1 per employee
Repair shops and retail services stores	1 per 300 square feet of floor area and 1 per employee
Manufacturing and processing plants, laboratories and warehouses	1 per employee
<b>Use</b>	<b>Number of Parking Stalls</b>
Parks	As determined by the Village Board
Financial institutions and business, governmental and professional offices	1 per 300 square feet of floor area and 1 per employee
Funeral homes	1 per 4 seats
Handicap stalls	Per State requirement
Housing for elderly	75 per dwelling with ½ built before occupancy and the balance reserved until ordered installed by the Village Board
Automobile repair garages and service garages	1 per employee plus 1 per 250 square feet of floor area used for repair work
Motor vehicle sales (new and used)	1 per 500 square feet of floor area used plus 1 per 8 vehicles displayed outdoor.

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

**M. Exemption.** When the application of off-street parking regulations specified above results in a requirement of not more than three spaces on a single lot in any business district, such parking spaces need not be provided. However, where two or more uses are located on a single lot, only one of these uses shall be eligible for the above exemption. This exemption shall not apply to dwelling units.

## **§ 310-66. Reserved**

## **ARTICLE VII Modifications**

## **§ 310-67. Height.**

The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modifications shall be in accord with the following:

- A. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.
- B. Special structures.
  - (1) Flagpoles, windmills, elevator penthouses, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks may be exempted from the height limitations of this chapter, upon application for and granting of a conditional use permit for a height increase over 100% but not, in any case, to exceed 140% of the maximum allowable height.
  - (2) Special structures as enumerated in Subsection B (1) above shall comply with all applicable State codes. Special structures in excess of 50 feet in height shall have plans and specifications prepared, signed, and sealed by a registered Wisconsin professional engineer.
- C. **Essential services.** Utilities, water towers, and electric or communication transmission lines are exempt from the height limitations of this chapter.
- D. **Communication structures.** Communication structures, - such as radio and television transmission and relay towers, mobile service support structures, aerials and observation towers, shall be located from the nearest residential lot line a distance greater than its height.
- E. **For commercial/industrial development,** private electrical generation towers or panels and gasoline and other permanently mounted volatile liquid storage tanks may be permitted as conditional uses subject to §§ 310-53 and 310-54 of this chapter.

For residential development, private electrical generation towers or panels may be permitted as conditional uses subject to §§ 310-53 and 310-54 of this chapter. Private gasoline and other permanently mounted volatile liquid storage tanks are prohibited.
- F. **Building height measurements.** Building height measurements on lots exceeding 6% of the natural grade may be modified to the mean elevation across the depth of building area only.
- G. **Siting and Construction of Mobile Service Support Structures and Facilities.** This section shall regulate (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial

modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities. The proposed tower, antenna, and equipment shall meet the requirements of Wis Stats. 66.0404, as amended, including the following.

**(1) Definitions.**

- (a) See Wis Stats. 66.0404, as amended, for definitions.

**(2) Application process.**

- (a) See Wis Stats. 66.0404, as amended, for the application process.

**(3) Setbacks and site development.** All setbacks shall be measured from the base of the tower or structure.

- (a) **Setbacks from property lines.** All new towers shall be setback a minimum of 50 feet from all property lines. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.)
- (b) **Setback from road right of way of all streets.** All new towers shall be setback from all streets a minimum as defined in the Village zoning ordinances.
- (c) **Setback from ordinary high-water mark (OHWM).** All new towers shall be setback a minimum of 75 feet from the OHWM of any navigable body of water.
- (d) **Guy wire anchor setback.** All guy wire anchors shall be at least 25 feet from all property lines.
- (e) An existing legal substandard mobile service support structure or facility existing at the time of the adoption or amendment of this ordinance may be continued although the structure's size and/or location does not conform to the required setback(s). Additions, enlargements, reconstruction or replacement, within the scope of this Chapter, shall conform with the legally established setback lines, as detailed in Village zoning ordinances.
- (f) Equipment shelters/buildings shall be limited to 350 square feet or less in size per mobile service provider and 15 feet in height measured from the lowest finished grade to the ridge of the highest roof line of the structure.



- (g) The leased area/equipment compound intended for the location of the mobile service support structure and mobile service facility shall maintain a minimum size of twenty-five hundred (2,500) square feet.
  - (h) All sites must be served by a minimum 30-foot-wide easement. All sites shall use existing access points and roads whenever possible. Any new access point to the site shall be approved by the applicable road jurisdiction.
  - (i) Any parcel created shall meet the minimum lot area, width and frontage requirements in accordance with Village zoning ordinances.
  - (j) The maximum total height of a mobile service support structure shall be 200 feet.
- (4) Screening shall be appropriate to the neighborhood in which it is located.
- (5) **Advertising.** No form of advertising shall be allowed on the antenna, antenna structure, base, or framework.
- (6) **Abandonment, removal and security for removal.**
  - (a) Any mobile service support structure and facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Time may be extended upon review and approval of the Village, if the tower owner demonstrates a good faith effort to secure new tenants. In such circumstances, the following shall apply:
    - [1] The owner of such mobile service support structure and facility shall remove such within 90 days of receipt of notice from the Village notifying the owner of such abandonment. If removal to the satisfaction of the Village does not occur within 90 days, the Village Board may order removal utilizing the established security for removal as provided below and salvage. If there are two or more users of a single tower, then this provision shall not become effective until all operation of the tower cease. The mobile service support structure shall notify the Village when the facility is no longer in operation.
  - (b) **Removal.** It is the express policy of the Village and this chapter that mobile service support structure be removed once they are no longer in use and not a functional part of providing service and that it is the mobile service support structure owners responsibility to remove such structure and restore the site to its original condition or a condition approved by the Village. This restoration shall include the removal of any subsurface

structure or foundation including concrete used to support the structure down to ten feet below the surface. After a mobile service support structure is no longer in operation, the tower owner shall have 90 days to effect removal and restoration unless weather prohibits such efforts.

- (c) **Security for removal.** The Mobile service support structure shall provide to the Village, prior to issuance of a zoning permit, a performance bond in the amount of \$20,000.00 or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the structure will be removed when no longer in operation. The Village will be named as the obligee in the bond and must approve the bonding company.
- (7) More than one service provider allowed to use antenna facilities. The applicant shall allow the sharing of antenna facilities with at least two other service providers through the use of a collocation agreement.
- (8) **Severability.** If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance. This ordinance shall take effect upon passage and posting.
- (9) **Fees.** As permitted by Wisconsin Statute.
  - (a) The Fee for a new structure or a Class 1 Collocation is \$3,000.
  - (b) The Fee for a Class 2 Collocation is \$500.

#### **§ 310-68. Yards and Street Yards.** Amended 01-09-20

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- A. **Uncovered stairs.** Uncovered stairs, landings and fire escapes may project six feet into any yard but not closer than three feet to any lot lines.
- B. **Architectural projections.** Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two feet.
- C. **Accessory uses.** Residential detached garages and detached accessory structures are permitted in the rear yard only. A maximum of 1 detached garage and 1 accessory structure is allowed per lot. They shall not be closer than 10 feet to the principal structure, shall not exceed 15 feet in height, shall not occupy more than the lesser of 30% of the rear yard area or 10% of the lot area and shall not be closer than five feet to any lot line or five feet to an alley line. Detached accessory structures shall not exceed the lot area coverage of the principal structure, except after application and approval of conditional use under the provisions of this chapter. Gazebos may be permitted in any yard after application and approval as a conditional use under the

provisions of this chapter. Detached accessory structures which do not comply with the standards herein may be permitted after application and approval as a conditional use under the provisions of this chapter. The Plan Commission and Village Board shall consider the character of the neighborhood and the architecture of surrounding buildings when approving such structures.

- D. Essential services, etc.** Essential services, utilities, and electric or communication transmission lines are exempt from the yard and distance requirements of this chapter.
- E. Landscaping.** Landscaping and vegetation are exempt from the yard requirements of this chapter.
- F. Special structures.** Section §310-67B (1) and (2) are subject to the following yard and setback requirements:
  - (1) Special structures are not permitted in a front yard.
  - (2) Special structures shall meet minimum side yard requirements for principal structures and rear yard setback requirements for accessory structures for the zoning district in which such special structure is to be erected.
- G.** Additions to existing buildings or structures. Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.
- H.** Average street yards. The required street yards may be decreased in any residential or business 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 any residential district and five feet in any business district, except in the business districts permitting zero street yard.

#### **§ 310-69. Fences.**Created 01-09-20

- A. Definitions.** The following words and terms, for purposes of this Ordinance, shall have the meanings herein provided:

**Administrator.** The administrator of the Department and designees thereof.

**Arbor.** A decorative solid or latticework structure or trellis which is used as an entrance focal point along a barrier which serves the purpose of a fence.

**Berm.** A mound of earth higher than the final elevation of a lot.

**Department.** The Village of Genoa City Department of Zoning Administration.

**Dog Enclosure.** Any outdoor structure or enclosure used to restrict dogs to a contained yard area.

**Fence(s).** “Fence” means a vertical screen device used to provide privacy, visual or otherwise, or for containment. “Fence” includes but is not limited to trellises, railings and walls.

**Fence, Agricultural/Farm.** A fence consisting of chicken wire, deer fence, hog wire, high tensile wire strands, used in the agricultural, farming and livestock business, specifically for livestock, animal and bird control.

**Fence, Patio.** A privacy fence which fully or partially encloses a patio.

**Fence, Privacy.** A **privacyfence** is any type of barrier that creates a border and defines an area and limits visibility.

**Fence, Stockade.** a solid **fence** of half-round boards pointed at the top.

**Fence, Good Neighbor.** A fence constructed of solid or spaced boards, where the face boards are installed at the center of the posts so that the fence looks the same from both sides.

**Install, Installation, Installed.** To construct, erect, install, place, or replace over 16 lineal feet (lf)

**Lot-Double Frontage.** An interior lot having street frontage on the front and rear of the lot.

**Person.** Any person, firm, corporation, association or other legal entity.

**Property Owner.** A Person that owns or controls real property situated in the village.

**Trellis.** A frame or structure of open latticework.

**Vision Clearance Area.** A triangular area on a lot at the intersection of two streets or a street and an alley, driveway, at the intersection of a driveway/alley and sidewalk, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the property lines to a minimum distance of fifteen (15') feet from their intersection.

## **B. Permit.**

(1) **Permit Required.** No Person shall install a Fence in the Village without first obtaining a Fence Permit and complying in all respects with the terms and conditions and this Ordinance. A Fence Permit shall be valid only for the term of issuance, unless sooner suspended or revoked. A Fence Permit is not required for painting, maintenance, or repair or replacement of less than sixteen (16) lineal feet (l.f.) of a Fence.

(2) **Permit Application.** A Zoning Permit application shall be filed with the Department, consisting of the following:

- (a) A fully completed Zoning Permit application form and payment of full permit fee.
  - (b) A drawing, site plan or plat map displaying property boundaries, the location of the buildings and structures on the property, the proposed location of the Fence and its distances from the existing structures on the property.
  - (c) A photo of the type of fence being installed.
  - (d) If the Fence is proposed to be installed on rented or leased property, the written consent of the owner(s) of the property.
  - (e) Other information as may be required by the Department to assist in the review of the application.
- (3) **Permit Fee.** A permit fee shall be remitted upon submittal of the Fence application, the amount of which shall be established, from time to time, by resolution of the Village Board.
- (4) **Application Review and Approval Required, Permit Issuance.** The Administrator shall review, approve and issue the Fence Permit application, provided that the application is in compliance with this Ordinance and the standards of this Ordinance for the Fence to be installed have been met. The Fence Permit may contain reasonable conditions stated in the permit.
- (5) **Completion of Installation.** A Fence authorized by a Fence Permit shall be fully installed in accordance with this Ordinance and permit conditions, within ninety(90) days of the date of permit issuance. A Fence Permit shall expire ninety (90) days after the date of issuance. After a Fence Permit expires, no work requiring such a permit shall be commenced, resumed or undertaken until a new permit is issued or the original permit is extended.

The permit applicant may file a written request for an extension of the Fence Permit, stating the reason for the request, for up to ninety (90) additional days to complete the Fence installation. The Administrator, in administering this Code, shall grant the request if good cause is shown.

- (6) **Responsibility of Department.** The Department, through the Administrator, shall:
- (a) Review and issue Fence Permits where the application is in compliance with this Ordinance.
  - (b) May issue reasonable site-specific conditions.
  - (c) May waive or reduce vision clearance requirements where:
    - [1] Traffic can safely approach and enter the intersection, alley, driveway or street given existing traffic control devices or other physical conditions of the area; or,
    - [2] Topographic conditions are so extreme or building structures exist such that it is not practical to provide required vision clearance.
  - (d) May inspect the Fence for compliance with this Ordinance and the Permit.

(e) Shall enforce this Ordinance with the assistance of the Village Attorney.

**(7) Responsibility of Applicant.** The applicant is solely responsible for installing the Fence:

- (a) Within the boundaries of their property determined by survey, in compliance with this Ordinance and the Permit, including, but not limited to, proper materials, height, setback and vision clearance.
- (b) In compliance with any subdivision covenants or restrictions, deed restrictions, utility easement restrictions, land use restrictions of record, including applicable plan review and approval, or waiver requirements.
- (c) In a manner as will not obstruct storm water drainage, violate a Village approved storm water plan, or unreasonably divert storm water onto the property of another.

**C. Fence Installation.**

**(1) General Requirements.** No Fence shall be installed, except in strict compliance with this Ordinance, site specific permit conditions, and the following requirements:

- (a) Structural and support components of a Fence shall face away from adjacent properties.
- (b) Fences shall be installed with the finished side facing the adjacent property or public right-of-way, and the Fence posts must be located on the inside of the Fence facing the property on which the Fence is located, except when the style of Fence commonly described as a “Good Neighbor Fence” is installed.
- (c) Fences shall be installed plumb and the top finish of the Fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the Fence.
- (d) The height of the Fence shall be controlled by the applicable provisions of the Village Zoning Ordinance for the district in which the Fence will be located. Fence height shall be measured from the surface of the ground immediately below the Fence. Berms, retaining walls or other methods to raise the elevation of the site shall require approval by the Department prior to installation.
- (e) The project site shall be marked by Diggers Hotline before digging holes for Fence installation.
- (f) No Fence in the Vision Clearance Area shall exceed three (3') feet in height above the mean street grade.
- (g) The height of walls and Fences shall be measured vertically from the finished grade on the exterior side of the Fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a Fence is prohibited. If a Fence is placed on a berm, the berm shall be included in the height of the fence and the height shall be measured vertically from the base of the berm,

unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review, or an exception is granted by the Village Board.

**(h)** All Fences shall be no closer than six (6") inches to the public sidewalk.

**(2) Obstruction of Ingress/Egress Area of a Dwelling.** No Fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of three (3') feet shall be maintained between any solid Fence and any such window or opening in a dwelling.

**(3) Modifications.** All modifications to an existing Fence shall comply with this Ordinance.

**(4) Fences in Front Yards.** Fences installed in a front yard shall comply with the following requirements:

**(a)** In residentially zoned areas on corner, interior, through and reverse frontage lots, Fences, not exceeding four (4') feet in height, shall be allowed within a residentially required front yard setback area. The front yard setback consists of any side lot line between the front property line and the front setback line or building line, whichever is closest to the front property line. No Fence over four (4') feet in height shall be permitted within residentially required front yard setback areas. Fences over three (3') feet in height shall not encroach within vision clearance areas.

**(b)** Fences on residentially zoned lots, including interior and corner double-frontage lots, fronting a street, shall be installed in accordance with front yard setback requirements.

**(c)** Notwithstanding Section 310-69 C.(4).a. and 310-69 C.(4).b., in residentially zoned areas on a corner lot, where the primary entrance faces a street side yard, fences not exceeding six feet (6') in height are allowed within the residentially required front yard setback area, provided the fence is not installed closer than fifteen (15') feet to the street side yard lot line.

**(d)** No Fence shall be installed in any B-1, B-2, BP, M-1 or M-2 zoned district, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review.

**(5) Fences in Rear/Side Yard.** Fences in rear and side yards shall meet the following requirements:

**(a)** No Fence or wall shall exceed six (6') feet in height in any side or rear yard. Fences not greater than six (6') feet in height are permitted in side or rear yards and shall not extend beyond the front of the principal structure or the required building setback, whichever is furthest from the road right-of-way.

**(b)** A wall or solid Fence not more than six (6') feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear

lot lines provided such a wall or solid Fence does not extend into a required front yard.

(c) Fences which exceed three (3') feet in height in side or rear yards shall not encroach within vision clearance areas.

(d) No Fence shall be installed in any B-1, B-2, BP, M-1 or M-2 zoned district, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review. A Fence shall not exceed the height established unless approved in conjunction with a Conditional Use Permit/Site Plan Review.

**(6) Fences on Corner Lots.** No Fence over three (3') feet in height shall be permitted within a vision clearance area of any portion of the lot.

**(7) Fences on a Lot-Double Frontage.** Fences shall be installed in accordance with the required front yard setback on both streets, except where otherwise approved in conjunction with a Conditional Use Permit, Site Plan Review, or variance from the Zoning Board of Appeals.

**(8) Approved Fence Materials.** All Fences shall meet the following material requirements:

(a) Fences to be situated in side and/or rear yards shall be constructed using materials suitable for residential-style fencing, including, but not limited to, brick, fieldstone, wrought iron, vinyl, chain-link (with a minimum thickness of nine (9) gauge and a required top rail support), privacy or board-on-board cedar or treated wood.

(b) No Fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing, such as railroad ties, wooden doors, landscape timbers or utility poles shall not be used for, or in the construction of a fence.

(c) Agricultural/Farm Fences shall only be permitted in agriculturally zoned districts and shall not exceed (6') feet in height.

(d) Residential front yard Fences shall be fifty (50%) percent open (see-through) and be of split rail, wrought iron or picket design with the exceptions of fences constructed in compliance with Section 310-69 C(4)(c).

#### **D. Maintenance of Fences.**

Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every Fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.



**E. Existing Fences.**

Any Fence existing upon the effective date of this Ordinance shall not be enlarged, extended or replaced, except in strict compliance with all of the requirements of this Ordinance.

**F. Prohibitions.**

**(1) Prohibited Fences.** No Person shall install:

- (a) An electric or razor wire Fence.
- (b) Any wire or chain-link-type Fence with the cut or salvage end of the Fence exposed at the top.
- (c) A Fence which creates a hazard to users of the street, sidewalk or to nearby property.
- (d) A Fence composed solely of Fence posts.
- (e) An incomplete Fence, consisting only of posts and supporting members.

**(2) Barbed Wire Fences Restricted.** No Person shall construct, use or maintain any barbed wire Fence on residential, business or institutionally zoned property.

Barbed wire Fences may be installed in M-1 or M-2 Zoning Districts under circumstances whereby no more than three (3) strands of barbed wire are horizontally situated above a Fence of boards or woven wire not less than seventy-two (72") inches in height, excluding the barbed wire. Barbed wire may be used on top of a six (6) foot Fence surrounding a public utility, public use, or on a site storage area as approved under a Conditional Use Permit or Site Plan Review. Notwithstanding the above, barbed wire shall not be used along a property line abutting a residentially zoned area.

**G. Fences Permitted Without A Permit.**

The following types of Fences are permitted, as specified, without a permit, subject to the following restrictions and providing that said Fence does not in any way interfere with traffic visibility, or block, redirect or cause a drainage problem for the adjacent or downstream properties:

- (1)** Snow fencing shall be permitted in all districts not exceeding four (4') feet in height provided it is removed from May 1 to November 1 of each year. No snow Fence shall extend into the street right-of-way line unless installed by the Village or a contractor having a permit from the Village.
- (2)** Agricultural/Farm Fences are limited to agriculturally zoned or used districts.
- (3)** Decorative Fences not exceeding two (2') feet in height shall be permitted in all districts. Such Fences shall not be placed in any manner which presents a hazard to pedestrians on any public or private sidewalk.
- (4)** Underground electrical Fences are permitted in all districts.

- (5) Arbors and/or trellises shall not be used as a Fence.

## **H. Non-Boundary Related Fence Standards**

Fences and/or enclosures for swimming pools shall be permitted as required in Section 310-97 (F) of the Code of General Ordinances.

Fences surrounding tennis courts, and baseball and/or softball field backstops may be erected in conformance with accepted industry standards. A Fence Permit shall be required for such installation.

## **I. Dog Enclosures**

Dog enclosures shall be permitted in residential districts subject to the following criteria:

- (1) No dog enclosure shall be installed on a lot unless approved by the Department and a permit is issued.
- (2) Dog enclosures shall be obscured from view from neighboring properties at grade and adjacent streets. Existing structures (i.e., sheds, garages) may be used to obscure view.
- (3) Dog enclosures must be located in the buildable area directly behind and adjacent to the principal building. In no event shall a dog enclosure encroach into a required setback or be located closer to a corner or interior side property line than the principal building.
- (4) No dog enclosure shall be in excess of two hundred fifty (250) square feet in area, nor more than six (6') feet in height above the surface of the ground, as measured from the ground level at the lowest grade level within five (5') feet of either side thereof.
- (5) Dog enclosures may be constructed of any material permitted for a residential Fence.
- (6) No dog enclosure shall be constructed contrary to required vision clearance area requirements.

## **J. Visual Clearance Violations**

- (1) **Administration of Visual Clearance Violations.** The Administrator shall have the duty of establishing, restoring and maintaining visual clearance. When the Administrator has determined that visual clearance has not been established, restored or maintained, as required within this Ordinance, the Administrator shall, in writing, notify the owner, operator or other party responsible for managing and/or maintaining the offending property that visual clearance must be established or restored within fifteen (15) days from the date of notice. The notice shall further provide that the notified party or agent shall have the opportunity to be personally heard by the Administrator within said period, and failure to request a hearing shall waive the opportunity to be heard. The fifteen (15) day compliance

period may be extended upon written request, for good and sufficient reason. The failure of the owner, operator or other responsible party to provide or restore visual clearance within the time prescribed shall authorize the Administrator to do or to have done such work as will establish or restore visual clearance, bill the owner, operator or other responsible party for the actual costs of the service rendered, and demand payment be made within thirty (30) days of the billing date. The failure of the owner, operator or other responsible party to promptly pay said bill shall authorize the Administrator to charge the cost against the property in noncompliance as a special assessment, pursuant to the authority of Section 66.60, Wisconsin Statutes. The special assessment shall be a lien upon the real estate until paid in full, with interest accruing on the unpaid balance at the rate of seven (7%) percent per annum. There shall also be a One Hundred (\$100.00) Dollar administrative charge added to the charge and special assessment to cover administrative costs of charging and specially assessing the property.

The order of the administrator may be appealed to the Board of Appeals upon written notice of said appeal being served upon or sent by registered mail to the Administrator within ten (10) days after the date of the order.

- (2) **Public Nuisance.** Obstruction to visual clearance, as regulated by this Section, shall be deemed to be a public nuisance and the Village Attorney is authorized to abate said nuisance.

## **K. Administration, and Appeals**

- (1) **Administration.** It shall be the duty of the Administrator to administer and enforce this Ordinance.
- (2) **Appeals.** An aggrieved person adversely affected by the denial of a permit or decision, determination or interpretation under this Section 310-69 of the Ordinance by the Administrator may appeal such denial, decision, determination or interpretation to the Zoning Board of Appeals.
- (3) **Application Procedure.**
  - (a) Any application for an Appeal shall be taken within 30 days from denial letter by application on forms provided by the Administrator. The application must be filed with the Village Clerk's office. In order to be accepted for filing, the application must be accompanied by a receipt from the Village Clerk/Treasurer indicating payment of the fee established therefore by the Village Board, from time to time, by resolution.
  - (b) Any application for an Appeal shall be taken pursuant to the procedure set forth in Section 310-80 of the Zoning Ordinance.

ARTICLE VIII  
**Nonconforming Uses and Structures**

**§ 310-70. Existing uses and structures.**

**A. Conditions.** 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 to the provisions of this chapter; however:

- (1) Only that portion of the land or water in actual use may be so continued, and the nonconforming use may not be extended, enlarged, substituted or moved except when required to do so by law or order or to comply with the provisions of this chapter.
- (2) Total lifetime structural repairs or alterations to a nonconforming structure shall not exceed 50% of the Village's equalized value of the structure at the time of its becoming a nonconforming structure unless it is permanently changed to conform to the use provisions of this chapter.
- (3) Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring use.

**B. Abolishment or replacement.**

- (1) If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to all provisions of this chapter<sup>28</sup>.
- (2) When a nonconforming structure is damaged by fire, explosion, flood or other calamity to the extent of more than 50% of its current equalized value, it shall not be restored except so as to comply with the use provisions of this chapter.

**C. Existing substandard structures.**

- (1) The use of a structure existing at the time of the adoption or amendment of this

Editor's Note: Original § 10-5-60(2)(c) and (d), which immediately followed this subsection, were delete at time of adoption of Code (see Ch.1, General Provisions, Art. II).

chapter may be continued although the structure's size or location does not conform to the established building setback line along arterial streets and highways or the yard, area, lot coverage, height, parking, loading, access and lot area provisions of this chapter.

- (2) Additions and enlargements to existing substandard structures are permitted; however, they shall conform to applicable building setback lines along arterial streets and highways and the yard, height, parking, area, lot coverage, loading and access provisions of this chapter.

- (3) Existing substandard structures which are damaged or destroyed by fire, explosion, flood or other calamity may be reconstructed and, insofar as is practicable, shall conform to the established building setback lines along arterial streets or highways and the yard, area, lot coverage, height, parking, loading and access provisions of this chapter.
- (4) A current file of all nonconforming uses and structures shall be maintained by the Zoning Administrator listing the following: property location, use of the structure, land or water and equalized value of the structure at the time of its becoming a nonconforming structure.

**§ 310-71. Changes and substitutions.**

- A. Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with the yard, height, parking, loading and access provisions of this chapter, it shall not revert back to a nonconforming use or substandard structure. Once a more restrictive nonconforming use has been substituted for an existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use.
- B. If partial correction of the nonconforming use or substandard structure is accomplished, such improvement shall become the minimum level of acceptable nonconforming use and the minimum level of substandard structure.

**§ 310-72. Floodland nonconforming uses.**

Floodland nonconforming uses repaired or altered under the nonconforming use provisions of this chapter shall provide for floodproofing to those portions of the structures involved in such repair or alteration. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths and other factors associated with the one-hundred-year recurrence interval flood.

**§ 310-73. Existing substandard lots.**

- A. In any residential district, a one-family detached building and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds' office before the effective date or amendment of this chapter, provided that such lot or parcel meets all the following requirements:
  - (1) Lot:
    - (a) Width: 40 feet minimum.
    - (b) Area: 4,000 square feet minimum.
  - (2) Building:

- (a) Area:
    - [1] Minimum: 700 square feet per dwelling unit.
    - [2] Maximum: 40% lot area.
  - (b) Height: 35 feet maximum.
- (3) Yards:
  - (a) Street: 25 feet from lot line minimum.
  - (b) Rear: 25 feet minimum.
  - (c) Side: total side yards not less than 20% of lot width, provided that either side yard is not reduced to less than five feet per side.
- (4) Other. All other requirements for the district not modified herein shall also apply.

**B.** In the R-2 and R-3 Residential Districts, permitted uses may be erected on any legal lot or parcel of record in the County Register of Deeds' office before the effective date or amendment of this chapter, provided that such lot or parcel meets all the following minimum requirements:

- (1) Lot:
  - (a) Width: 80% of district minimum.
  - (b) Area: 90% of district minimum.
- (2) Building area: 90% of district minimum.
- (3) Side yards: total side yards not less than 20% of lot width, provided that neither side yard is reduced to less than five feet per side.
- (4) Other. All other requirements for the district not modified herein shall also apply.

**C.** In the B-1 General Business District, permitted uses may be erected on any legal lot or parcel of record in the County Register of Deeds' office before the effective date or amendment of this chapter, provided that such lot or parcel meets all of the following minimum requirements:

- (1) Lot:
  - (a) Width: 80% of district minimum.
  - (b) Area: 80% of district minimum.

- (2) Building area: 80% of district minimum.
  - (3) Side yards, when required:
    - (a) Principal uses: not less than five feet per side.
    - (b) Conditional uses: as determined by the Plan Commission after public hearing and review of proposal.
  - (4) **Variance.** In the event a legal lot or parcel of record in the County Register of Deeds' office before the effective date or amendment of this chapter does not meet the minimum requirements of this Subsection C, permitted uses of the B-1 General Business District may be erected after application and consideration as a conditional use in accordance with §§ 310-53 through 310-60. In the event the Plan Commission recommends and the Village Board approves conditions which permit the erection of structures and permitted uses on such parcel herein described, then the conditions shall be deemed a variance in accordance with § 62.23(7)(e), Wis. Stats.
  - (5) **Other.** All other requirements for the district not modified herein shall also apply.
- D.** If two or more adjacent substandard lots are owned by the same owner, then the substandard lots shall not be used, built upon or sold except in compliance with this section.
- (1) If two adjacent lots have a total width of less than 150 feet but more than 80 feet, then the lots may each be developed, provided that the width of each lot shall not be less than the width of the majority of the lots located within 300 feet of the subject lots and fronting on the same street as the subject lots.
  - (2) If two or more adjacent lots have a total width of more than 150 feet, then the lots shall be re-divided in accordance with the minimum normal lot standards of the district in which the lots are located.

**EXHIBIT "A"**  
**TO ORDINANCE NO 02-08-07C**

**ARTICLE IX. Performance Standards.**

**§ 310-74. Purpose; compliance required.**

- A. Intent.** This chapter (Chapter 310:Zoning) permits specific uses in specific uses districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures,

land, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards and all applicable standards set forth by the Wisconsin Department of Commerce and Natural Resources in the Wisconsin Administrative Code, and with other applicable local, state, and federal codes and standards.

- B. Payment of Testing.** If the Village considers it necessary or advisable that a standard listed below (odors, vibration, noise, lighting, etc.) be measured by an independent testing firm, the building owner, at the Village's request shall make available for inspection and testing the item in question, furnishing all necessary operation and access. If the standard measured is outside the limits allowed in this ordinance the building owner shall pay all costs arising out of or relating to such inspection, and testing. If, however, the standard measured is within the limits allowed in this ordinance, the Village shall pay all costs arising out of or relating to the inspection and testing.

### **§ 310-75. Performance Standards.**

- A. Air pollution.** No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property.
- (1) Control of Hazardous Air Pollutants and Emissions.** Operations or activities which emit into the ambient air from any direct or portable source any matter that will affect air quality shall perform in accord with the limitations and procedures established in Ch.NR400 through NR449, Wis. Adm. Code, or other applicable laws or regulations. Hazardous pollutants are specifically controlled in accord with NR445.
- (2) Control of Particulate Emissions and Dust.**
- (a)** Operations or activities which emit into the ambient air from any direct or portable source any particulate emissions shall perform in accord with the limitations and procedures established in Ch.NR415, Wis. Adm. Code, or in accord with other applicable laws or regulations which regulate particulate emissions.
- (b)** Fugitive dust and other types of emissions and air pollution from sources such as storage areas, outdoor operation yards, and roads or parking lots shall be kept to a minimum by appropriate paving, spraying/watering, application of suitable chemicals, landscaping, or other acceptable and environmentally safe methods in accord with Ch.NR415.04, Wis. Adm. Code, or other applicable laws or regulations.
- B. Fire and explosive hazards.** All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against hazard of fire and explosion and



with adequate fire-fighting and fire suppression equipment and devices that are standards 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. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup Flash Point	Gallons
Over 187° F.	400,000
105° F. to 187° F.	200,000
Below 105° F.	100,000,

- C. Glare and heat.** No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. 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.
- D. Water quality protection.**
- (1) No activity shall locate, store, discharge or permit the discharge of any treated untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant or aquatic life.
- (2) No activity shall discharge any liquid, gaseous, solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standard and the application of those standards set forth in Chs.NR102 to 105, Wis.Adm. Code, for all navigable waters in the county.
- E. Odors.** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside its premises. The guide for determining odor measurement and control shall be Ch. NR 154, Wis. Adm. Code.
- F. 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.
- G. Vibration.**

- (1) No operation or activity in any district , except the Business and Industrial Districts, shall emit vibrations which are discernible without instrumental outside the premises. No vibration shall be transmitted that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground or structure-borne motion necessary to cause a person to be aware of the vibration by such direct means such as, but not limited to, sensation by touch or visual observation of moving objects.
- (2) No operation or activity in the Business and Industrial Districts shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

<b>Displacement (inches)</b>		
<b>Frequency (cycles per second)</b>	<b>Outside the Premises</b>	<b>Outside the District</b>
0 to 10	0.0020	0.0004
11 to 20	0.0010	0.0002
21 to 30	0.0006	0.0001
31 to 40	0.0004	0.0001
41 to 50	0.0003	0.0001
Over 50	0.0002	0.0001

- (3) Vibrations not directly under the control of the property user and vibrations from temporary construction activities shall be exempt from the above standard.

#### **H. Noise.**

- (1) No activity shall produce a sound level outside the property or district boundary that exceeds the following sound level measured by a sound-level meter and associated octave band filter:

<b>Octave Band Frequency (cycles per second)</b>	<b>Maximum Permitted</b>	<b>Sound Level in Decibels</b>
	<b>Along Residential Property Boundaries</b>	<b>Along all other District Boundaries</b>
0 to 75	72	75
Above 75 to 150	67	70
Above 150 to 300	59	63
Above 300 to 600	52	57
Above 600 to 1,200	46	52

Above 1,200 to 2,400	40	45
Above 2,400 to 4,800	34	40
Above 4,800	32	38

- (2) All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness

**I. Parking, Driveways, Loading Areas, and Storage Areas.**

- (1) In order to protect the local groundwater supply, and to reduce dust, all areas used for continuous driving access (including parking facilities, driveways, loading areas, and storage areas) shall be paved with either asphalt or concrete prior to the occupancy of the building. Peripheral edge landscaping shall be installed around the edges of parking areas visible from public streets or residential areas.
- (2) **Existing Nonconforming Uses.** All unpaved areas approved prior to the adoption of this Ordinance shall be treated as and regulated as legal nonconforming uses.

**J. Screening of outdoor storage.** No portion of any lot shall be used for open or unscreened storage of any kind. Outdoor storage areas shall be screened from view of any public street right-of-way, public walk, or public open space area and from all residential zoning districts. The screening of all such areas shall consist of the following:

- (1) **Walls and fences.** Solid walls or solid fences at least six feet in height and in no case lower in height than the enclosed storage area when a height exceeding six feet is approved by the Plan Commission. Access to such storage areas shall be through solid gates that shall be closed except when said outdoor storage area is in use for the transport of stored materials.
- (2) **Accessory permanent structures.** An accessory permanent structure may be used to screen such storage areas. Access to such outdoor storage areas shall be through solid gates that shall be closed except when said outdoor storage area is in use for the transport of stored materials. All such accessory permanent structures used for storage shall be subject to the architectural review standards and requirements of this chapter.
- (3) **Outdoor storage area maintenance required.** Fencing and landscaping for outdoor storage areas shall be maintained in good condition and kept litter-free.
- (4) **Outdoor storage location in off-street parking space or drive prohibited.** No outdoor storage areas shall be permitted in any off-street parking space or drive.

- (5) **Building permit required for the construction of outdoor storage enclosures.** A building permit shall be required for the construction of any outdoor storage enclosure.
- (6) **Existing Nonconforming Uses.** All unscreened storage areas approved prior to the adoption of this Ordinance shall be treated as and regulated as legal nonconforming uses.

**K. Exterior lighting standards and lighting plan required.** Existing lighting plans shall be required in all non-residential districts. At the time any exterior light is installed or substantially modified, and whenever a zoning permit application is made, an exterior lighting plan shall be submitted to the Plan Commission in order to determine whether the requirements of this subsection have been met and that adjoining property will not be adversely impacted by the proposed lighting. This standard does not address illumination levels of fixture height which may be required by the Village for the adequate lighting of public street rights-of-way. It represents maximum illumination levels on private property.

- (1) **Lighting plan elements.** A lighting plan submitted pursuant to the requirements of this subsection shall have, at a minimum, the following elements:
  - (a) A catalog page, cut sheet, or photograph of the luminaire, including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cutoff angles.
  - (b) A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.
  - (c) A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in foot candles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
- (2) **Exterior lighting shall meet one of the following standards:**
  - (a) Requirements for the use of non-cutoff-type luminaires. When a light source or luminaire has non-cutoff-type luminaire, the maximum permitted illumination shall be 0.30 footcandle and the maximum permitted luminaire height shall be 25 feet.
  - (b) Requirements for semi-cutoff-type luminaires (with angle greater than 80°). When a luminaire has semi-cutoff of light at an angle greater than 80° the maximum permitted illumination shall be 2.0 footcandles and the maximum permitted luminaire height shall be 30 feet.

and

- (c) Requirements for full-cutoff-type luminaires (with angle of 80° degrees or less). When a luminaire has fullcutoff of light at an angle of 80° or less is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground, the maximum permitted illumination shall be 2.0 footcandles and the maximum permitted luminaire height shall be 40 feet.
- (3) Exterior lighting used for parking lots, recreational facilities, product display, or security shall not be permitted to spill-over on operators of motor vehicles, pedestrians, and uses of land in the vicinity of the light source.
  - (a) **Orientation.** Exterior lighting fixtures shall be oriented so that the lighting element (or a transparent shield) is not visible from a property in a residential district. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaires, or luminaires with cutoff optics, and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
  - (b) **Minimum Lighting Standards.**All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles, exclusive of approved anti-vandal lighting.
  - (c) **Intensity of Illumination.** The intensity of illumination measured at the property line, shall not exceed 0.5 footcandles.
  - (d) **Location.**Light fixtures shall not be permitted within required setbacks.
  - (e) **Flashing, Flickering, and Other Distracting Lighting.**Flashing, flickering, and other distracting lighting which distracts motorists is prohibited.
  - (f) **Accent Lighting.** Accent lighting and low voltage lighting (12 volts or less) is exempt from these regulations.
  - (g) **Existing Nonconforming Uses.**All lighting fixtures approved prior to the adoption of this Ordinance shall be treated as and regulated as legal nonconforming uses.
- (4) For the purposes of this subsection,light shall be measured as follows:
  - (a) Metering equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall be read within an accuracy of plus or minus 5%. The meter shall have been tested,

calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within 30 days of its use.

- (b) **Method of measurement.** The meter sensor shall be mounted not more than six inches above ground level in a horizontal position at the interior line of the bufferyard or at the property line, as required herein. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. In order to eliminate the effects of moonlight and other ambient light, measurements shall be made after dark with the light source in question on, then with the same source off. The differences between the two readings shall be compared to the maximum permitted illumination allowed under this subsection.

## ARTICLE X

### Board of Appeals

#### § 310-76. Establishment.

There is hereby established a Board of Appeals for the Village for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

#### § 310-77. Membership; terms of office.

- A. **Appointment.** The Board of Appeals shall consist of five members appointed by the Village President and approved by the Village Board. The Village President shall make his nominations at least one month prior to their appointment.
- B. **Terms.** Terms shall be for staggered three-year periods.
- C. **Chairman.** The Board shall choose its own Chairman.
- D. **Alternate members.** Two alternate members may be appointed by the Village President for a term of three years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- E. **Zoning Administrator.** The **Zoning Administrator** shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Appeals.
- F. **Oaths.** Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within five days of receiving notice of their appointment<sup>29</sup>.
- G. **Vacancies.** Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

### § 310-78. Meetings; rules of conduct.

The Board herein adopts rules for the conduct of the business of the Board of Appeals in accordance with the provisions of this chapter. The Board may adopt further rules as necessary.

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

- A. **Meetings.** Meetings shall be held at the call of the Chairman and shall be open to the public.
- B. **Minutes.** Minutes of the proceedings and a record of all actions shall be kept by the Board showing the vote of each member upon each question, the reason for the determination and the finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
- C. **Vote.** The concurring vote of four members of the Board shall be necessary to correct an error, grant a variance, make an interpretation and permit a temporary, unclassified or substituted use.

### § 310-79. Powers.

The Board of Appeals shall have the following powers:

- A. **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the **Zoning Administrator**.
- B. **Variances.**
  - (1) To hear and authorize appeals for variances to this chapter where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured.
  - (2) No variance shall have the effect of permitting any use in a district that is prohibited in that district, or of permitting standards lower than those required by the Wisconsin Statutes, Wisconsin Administrative Code or Department of Natural Resources, or of permitting the elevation of any building lying on floodlands to be lower than that specified in this chapter.
- C. **Permits.** In exercising the above-mentioned powers the Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

- D. Assistance.**The Board may request assistance from other Village officers, departments, commissions and boards.
- E. Oaths.**The Chairman may administer oaths and compel the attendance of witnesses.

#### **§ 310-80. Appeals and applications.**

- A.** Appeals to the Board of Appeals may be taken by any person aggrieved or an officer, department, board or bureau of the Village affected by the decision of the Zoning Administrator. Such appeals shall be filed in the office of the Zoning Administrator within 30 days after the date of written notice of the decision or order of the Zoning Administrator.
- B.** Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed in the office of the Zoning Administrator.
- C.** Such appeals and applications shall include the following:
  - (1) Name and address of the appellant or applicant and all abutting and opposite property owners of record.
  - (2) Plat of survey prepared by a land surveyor registered in Wisconsin showing all of the information required for a zoning permit or detailed acceptable substitute.
  - (3) Additional information as required by the Board of Appeals.
  - (4) Fee receipt from the Zoning Administrator in the amount as set by the Village Board.
- D.** Costs incurred by the Board of Appeals and/or Village Board in retaining legal, planning, engineering and other technical and professional advice in connection with the review of appeal applications shall be charged to the applicant. The applicant shall be notified if costs will be incurred.

#### **§ 310-81. Hearings.**

The Board of Appeals shall fix a reasonable time and place for the hearing, publish a Class 2 notice thereof and give due notice to the parties in interest, the Zoning Administrator and the Plan Commission. At the hearing the appellant or applicant may appear in person, by agent or by attorney.

#### **§ 310-82. Conditions for grant of variance.**



No variance to the provisions of this chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. Preservation of intent.** No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use.
- B. Exceptional circumstances.** There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be amended.
- C. Economic hardship and self-imposed hardship not grounds for variance.** No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- D. Preservation of property rights.** The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- E. Absence of detriment.** No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
- F. Additional requirements in floodland areas.**
  - (1) No variance shall be granted where:
    - (a) Filling and development would be contrary to the purpose and intent of the C-1 Lowland Resource Conservation District.
    - (b) A change in the boundaries of the C-1 Lowland Resource Conservation District would result.
    - (c) A lower degree of flood protection than a point two feet above the one-hundred-year recurrence interval flood for the particular area would result.
    - (d) Any action contrary to the provisions of Ch. NR 166, Wis. Adm. Code, would result.

- (2) See also requirement set forth in Chapter 290, Shoreline-Wetland Zoning.

**§ 310-83. Notice to Department of Natural Resources.**

A copy of all notices of applications for variances to flood-land regulations shall be transmitted to the Department of Natural Resources within 10 days of the filing of the application. A copy of all decisions related to variances to flood-land regulations shall be transmitted to the Department of Natural Resources within 10 days of the effective date of such decision.

**§ 310-84. Decision; conditions; expiration of variance or permit.**

- A. The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the **Zoning Administrator** and the Plan Commission.
- B. Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- B. Variances, substitutions or use permits granted by the Board shall expire within six months unless work equal to 20% of the dollar amount stated on the permits has been completed by such date.

**§ 310-85. Resubmission.**

No application for variance may be resubmitted to the Board of Appeals after its denial within a period of six months of the original denial.

**§ 310-86. Review by court of record.**

Any person aggrieved by a decision of the Board of Appeals may present to the court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the Board.

**ARTICLE XI  
Changes and Amendments**

**§ 310-87. Authority.**

- A. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, change the district or amend or supplement the regulations established by this chapter or amendments thereto.
- B. Such change or amendment shall be subject to the review and recommendation of the Plan Commission prior to action by the Village Board.

**§ 310-88. Petitions.**

- A. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk-Treasurer, 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 items:

- (1) Plan prepared by a surveyor or engineer registered in Wisconsin drawn to a scale of not less than one inch equals 100 feet 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 300 feet of the area proposed to be rezoned.
  - (2) Owners' names and addresses of all properties lying within 300 feet of the area proposed to be zoned.
  - (3) Additional information required by the Village Board or Plan Commission.
  - (4) Hearing fee as set by the Village Board, plus the cost of legal notice and publication.
- B.** Costs incurred by the Plan Commission and/or Village Board in retaining legal, planning, engineering and other technical and professional advice in connection with the review of petitions for any change to the district boundaries or amendments to the regulations shall be charged to the applicant. The applicant shall be notified if costs will be incurred.
- C.** The Village Clerk-Treasurer shall forward such petition to the Plan Commission for hearing and recommendations.

#### **§ 310-89. Notice and hearings.**

- A.** The Plan Commission shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice under Ch. 985, Wis. Stats.
- B.** Due notice of all public hearings on petitions for changes to the C-1 Lowland Resource Conservation District or other district boundaries lying in flood-land areas or amendments to regulations affecting the flood-lands shall be transmitted to the Department of Natural Resources.

#### **§ 310-90. Recommendation by Plan Commission.**

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The Plan Commission's recommendation shall be presented in writing to the Village Board at the next scheduled meeting of the Village Board

#### **§ 310-91. Protest.**

In the event of a protest against such district change or amendment to the regulations of this chapter, signed and acknowledged by the owners of 20% or more either of the areas 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% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change

or amendment shall not become effective except by the favorable vote of 3/4 of the full Village Board membership.

**§ 310-92. Village Board action.**

- A. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Village Board shall, by simple majority, act on such recommendation for proposed change or amendment and:
  - (1) Approve the recommended change or amendment.
  - (2) Refer the matter back to the Plan Commission for further consideration and recommendation
  - (3) Disapprove the recommended change or amendment.
- B. Within 60 days after referral back to the Plan Commission, the Commission shall make a final recommendation to the Village Board. The Village Board may take such action as it deems appropriate by a simple majority vote at a properly constituted meeting.

**§ 310-93. Floodland boundary changes limited.**

The Village Board shall not permit changes to the floodland boundaries that are inconsistent with the purpose and intent of this chapter or in conflict with the applicable rules and regulations of the Department of Natural Resources (DNR) and the Federal Insurance Administration (FIA).

- A. Changes in the floodway boundaries shall not be permitted where the change will increase the flood stage elevation in excess of 1.0 foot. Flood stage increases exceeding 0.1 foot in height shall not be permitted unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. Petitions for floodway changes shall show the affects of the change within the associated flood fringe utilizing the equal degree of encroachment principle and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
- B. Removal of land from the floodlands shall not be permitted unless the land has been filled to an elevation of at least two feet above the elevation of the one-hundred-year recurrence interval flood and further provided that such lands are contiguous to lands lying outside of the floodlands.
- C. A copy of all notices for amendments or rezoning in the floodland shall be transmitted to the DNR and the FIA. Amendments to the floodland boundaries or regulations shall not become effective until approved by the DNR and FIA. In the case of floodland boundary changes, an official letter of map amendment from the FIA shall also be required.

**ARTICLE XII  
Administration**

**§ 310-94. Zoning Administrator.**

**A. Office created.** There is hereby created the office of **Zoning Administrator** for the Village.

**B. Duties and powers.** The **Zoning Administrator** shall have the following duties and powers. He shall:

- (1) Record all permits issued, inspections made, work approved and other official actions.
- (2) Record the lowest floor elevations of all structures erected, moved, altered or improved in the C-1 Lowland Resource Conservation District.
- (3) Establish that all necessary permits that are required for flood-land uses by state and federal law have been secured.
- (4) Inspect all structures, lands and waters as often as necessary to assure compliance with this chapter.
- (5) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters; give notice of all violations of this chapter to the owner, resident agent or occupant of the premises; and report uncorrected violations to the Village Attorney in a manner specified by the Attorney.
- (6) Assist the Village Attorney in the prosecution of violations of this chapter.
- (7) Issue zoning permits upon application for the erection or use of a structure or use of land or water, provided that such erection or use complies with all provisions of this chapter.
- (8) Have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats.
- (9) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- (10) Recommend to the Village Board and Plan Commission any additional use regulations as he shall deem necessary.
- (11) Request assistance and cooperation from the Police Department and Village Attorney.
- (12) Review all sites when directed by the Plan Commission. Such review shall be considered equivalent to a review by the Commission itself.

## **§ 310-95. Zoning permit.**

**A. Application.** Applications for a zoning permit shall be made to the Zoning Administrator on forms furnished by the Administrator and shall include the following where pertinent and necessary for proper review:

- (1) Name and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
- (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; and existing and proposed street, side and rear yards. In addition, the plat of survey shall show the type, slope and boundaries of soils shown on the Operations Soil Survey Maps prepared by the United States Department of Agriculture Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission.
- (4) Additional information as may be required by the Plan Commission or Zoning Administrator.
- (5) Fee receipt from the Village Clerk-Treasurer in an amount specified in Subsection C of this section.

**B.** A zoning permit shall be granted or denied by the **Zoning Administrator** in writing within 30 days of application, and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within four months unless work equal to 10% of the dollar amount of the permits has been completed or within 18 months after the issuance of the permit if the structure for which a permit issued is not seventy-five-percent completed as measured by the dollar amount of the permit. The applicant shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of this chapter shall be null and void.

**C. Fees.**

- (1) All applicants shall pay a zoning permit fee as set by the Village Board.
- (2) Zoning permit fees do not include and are in addition to building permit fees established by the Village Building Code<sup>30</sup>.
- (3) Fees for conditional uses shall be computed in accordance with § 310-53A of this chapter.

- (4) Fees for amendments shall be in accordance with § 310-88A(4) of this chapter.
- (5) A double fee may be charged by the **Zoning Administrator** if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.
- (2) Fees for written determinations by the **Zoning Administrator** shall be as set by the Village Board.

### **§ 310-96. Remedial action.**

Whenever an order of the **Zoning Administrator** has not been complied with within 30 days after

30. Editor's Note: See Ch. 114, Building Construction

written notice has been mailed to the owner, resident, agent or occupant of the premises, the **Zoning Administrator**, the Village Board or the Village Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent or occupant from using such structure, land or water.

### **§ 310-97 Swimming Pool Standards**

- A. **Definition:** A swimming pool is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1 ½ ) feet located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- B. **Exempt Pools:** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- C. **Permit Required:** Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the City Building Code shall accompany such application.

**D. Construction Requirements:** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in subsection (2), above, unless the following construction requirements are observed:

- (1) **Approved Materials:** All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all ordinances of the City now in effect or hereafter enacted.
- (2) **Plumbing:** All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
- (3) **Electrical Installations:** All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used inconjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.

**E. Setbacks and Other Requirements:**

- (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (2) All swimming pools shall be at least ten (10) feet from any lot line or building unless designed and approved as an addition to a building.

**F. Enclosure:**

- (1) **Fence; In-ground pools:** All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool which can withstand 200 pounds of force from any direction and with no opening therein (other than doors or gates) which shall allow passage of a four (4") inch diameter sphere. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.
- (2) **Above-Ground Pools; Pool Wall Barrier:**



- a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than four (4) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool and which can withstand 200 pounds of force from any direction.
- b. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.

- G. **Compliance:** All swimming pools existing at the time of passage of this Chapter not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.
- H. **Draining and Approval Thereof:** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.
- I. **Filter System Required:** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- J. **Dirt Bottoms Prohibited:** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
- K. **Penalties:** Any person in violation of this ordinance shall be given a written notice to comply with the terms and provisions of the ordinance within five (5) days of the date of the notice or be subject to forfeitures of \$25 to \$100 per day for each day that each violation continues.