

CHAPTER 4

ZONING

- 4.01 TITLE**
- 4.02 INTRODUCTION**
- 4.03 RULES AND DEFINITIONS**
- 4.04 GENERAL PROVISIONS**
- 4.05 ZONING DISTRICTS**
- 4.06 CONDITIONAL USES AND VARIANCES**
- 4.07 NONCONFORMING USES, STRUCTURES AND LOTS**
- 4.08 SUPPLEMENTARY REGULATIONS**
- 4.09 PERFORMANCE STANDARDS**

CHAPTER 4

ZONING

4.01 **TITLE** – This ordinance shall be know as, referred to, or cited as the
“ZONING ORDINANCE, village of Loganville, WISCONSIN”.

4.02 INTRODUCTION

- (1) **AUTHORITY.** These regulations are adopted under authority granted by Section 62.23 (7 and 7a) of the Wisconsin Statutes. Therefore, the Village Board of the Village of Loganville, Wisconsin, ordains these zoning regulations.
- (2) **PURPOSE.** The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.
- (3) **INTENT.** It is the general intent of this ordinance to regulate and restrict the use of all structures, lands, and waters. It is also intended to regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways, secure safety from fire, flooding, panic and other dangers, provide adequate light, air, sanitation and drainage, prevent overcrowding, avoid undue population concentration, facilitate the adequate provision of public facilities and utilities, stabilize and protect property values, further the appropriate use of land and conservation of natural resources, preserve and promote the beauty of the community, and implement the community's general plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.
- (4) **INTERPRETATION.** In their interpretation and application the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, undue concentration of population and ample parking facilities.
- (5) **SCOPE.** It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with private restrictions placed upon property by covenants running with the land to which the Village is a party. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.

- (6) SEVERABILITY. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (7) REPEAL. All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.
- (8) EFFECTIVE DATE. This Ordinance shall be in effect after a public hearing, adoption by the Village of Loganville Village Board and publication or posting as provided by law.

4.03 RULES AND DEFINITIONS

- (1) RULES. In the constitution of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.
 - (a) Words used in the present tense shall include the future.
 - (b) Words used in the singular number shall include the plural number, and the plural the singular.
 - (c) The word "shall" is mandatory and not discretionary.
 - (d) The word "may" is permissive.

- (2) DEFINITIONS.

Accessory Building or Use – An accessory building or use is one which:

- (a) is customary and clearly incidental to the principal building or principal use;
- (b) Serves exclusively the principal building or principal use;
- (c) is subordinate in area, extent or purpose to the principal building or principal use served;
- (d) Contributes to the comfort, convenience or necessity of occupants or the principal building or principal use served; and
- (e) is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.
- (f) Zero Lot Line Construction – A development approach in which a building is sited on one or more lot lines with no side yard area. The intent of zero lot line construction is to allow more flexibility in site design and to increase the amount of usable open space on a lot.

An accessory building or use includes, but is not limited to the following:

- (a) A children's playhouse, garden house, private greenhouse or patio;

- (b) A garage, carport, shed or building of storage incidental to a permitted use;
- (c) Incinerators incidental to a permitted use;
- (d) Storage of goods used in or produced by permitted manufacturing activities on the same zoning lot with such activities, unless such storage is excluded by the district regulations;
- (e) The production, processing, cleaning, servicing, testing, repair or storage of merchandise normally incidental to a permitted retail service or business use if conducted by the same ownership as the principal use;
- (f) Off-street motor vehicle parking areas and loading facilities;
- (g) Signs, as permitted and regulated in each district incorporated in this ordinance.
- (h) Dwellings over other permitted use in B-1 and B-2 Districts.
- (i) Home occupation, as defined in 4.03 for definitions under Home Enterprises.
- (j) Professional Home Office, as defined in 17.03, in R-1, R-2 and Agriculture Districts. See Section 4.03 for definitions under Home Enterprises.

Airport - An airport is any area of land which is used or intended for landing and takeoff of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or hangars and other related building and open spaces.

Alley - Any public space or thoroughfare which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

Alteration - as applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

Apartment House - A multi-family dwelling for three or more families, living independently of each other, and doing their cooking within the premises.

Area, Building - See Floor Area.

Automobile Service Station - A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle grade, at retail, and where minor repair service is rendered.

Basement - That portion of any structure located partly below the average adjoining lot grade.

Bed and Breakfast Establishment - A building that provides four (4) or fewer sleeping rooms for temporary occupancy for compensation by transient guests who are traveling for business or pleasure and is the owner's personal residence and occupied by the owner at the time of

rental. The partnership form of ownership shall be allowed under this definition.

Board – The Board of The Village of Loganville

Boardinghouse – A building other than a hotel or restaurant, where meals or lodging are regularly furnished by pre-arrangement for compensation, for four (4) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

Building – A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes.

Building, Detached - A detached building is a building surrounded by open space on the same lot as another building.

Building Height - The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

Building, Principal - A principal building is a non-accessory building in which is conducted the principal use of the lot on which it is located.

Building, Residential - A residential building is 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:

- (a) Single-family detached dwellings;
- (b) Two-family detached dwellings;
- (c) Multiple-family dwellings (including apartments hotels);
- (d) Lodging houses.

For the purpose of this ordinance, any building containing any of the above uses together with other uses shall be considered a residential building.

Bulk - Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another, and include the following:

- (a) Size and height of buildings;
- (b) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- (c) Gross floor area of buildings in relation to lot area (floor area ratio);
- (d) All open spaces allocated to buildings; and
- (e) Amount of lot area provided per dwelling unit or lodging room.

Bulkhead Line - A geographic line along a reach of navigable stream that been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes and which allows complete filling on the landward side, except where floodway regulations of this ordinance would prohibit such filling.

Capacity in Persons – The capacity in persons of an establishment or use is the maximum number of persons that can avail themselves of the services or goods of such establishment or use at any one time, as determined by the required floor space per persons as established in the Building Code.

Channel – A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Collector Surface – means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, supports and mounting hardware.

Collector Use Period means 9 a.m. to 3 p.m. standard daily time.

Community Living Arrangements – A community living arrangement is any facility, licensed or operated or permitted under the authority of the Department of Health and Social Services of the State of Wisconsin, where three (3) or more unrelated persons reside in which care, treatment, or services above the level of the room and board but less than skilled nursing care is provided to persons residing in the facility. Such care, treatment, or services are provided as primary function of such facility. Day care homes, nursing homes, general hospitals, special hospitals, prisons, jails and foster family homes which are primary domiciles of a foster parent and for four (4) or fewer children are not community living arrangements for purpose of this ordinance.

Conditional Uses – Uses of a special nature as to make impractical their predetermination as a principal use in a district. Conditional Uses in the ordinance shall have the same meaning as special exceptions as used in Wisconsin Statutes Chapter 62.23.

Conforming Building or Structure – A conforming building or structure is any building or structure which:

- (a) Complies with all the regulations of this ordinance or any amendment thereto governing the bulk of the zoning district in which such building or structure is located; or
- (b) is designed or intended for a conforming use.

Convalescent Home and Nursing Home – A convalescent home or a nursing home is a home for the aged, infirm, chronically ill or incurably ill in which five (5) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.

Corner Lot – A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one-hundred thirty-five (135) degrees or less, measured on the lot side.

Court - An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such buildings.

Development - A development is any man-made change to improved or unimproved real estate, including, but not limited to, construction of or additions or substantial improvements to buildings or structures and the mining, dredging, filling, grading, paving, excavation or deposition of materials.

Drive-In Establishment - An establishment of the drive-in type is one which accommodates the patrons' motor vehicles, from which the occupants may obtain or receive a service or obtain a product which may be used or consumed in the vehicle, on the same premises. However, any restaurant or food establishment at which facilities are provided for patrons to consume the products there-from in motor vehicle while on the premises, or, any such establishment which permits patrons to consume the products there-from in motor vehicles while on the premises shall be considered a drive-in establishment.

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

Dwelling Unit - One (1) or more rooms designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

Essential Service - The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

Entrance, Main - The main entrance is the entrance which faces the front lot or is closest to the front lot line and which entrance provides direct access to the principal use.

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

Fence - A "fence" is a structure providing enclosure or serving as a barrier, but not protecting against the elements (as distinguished from "building")

Floor Area (for determining floor area ratio). For the purpose of determining the floor area ratio, the floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured

from the exterior faces of the exterior walls, or from the center line of walls separating two buildings. The floor area of a building shall include:

- (a) Basement floor area when more than one-half the basement height is above the established curb level or above the finished lot grade level where curb level has not been established;
- (b) Elevator shafts and stairwells at each floor;
- (c) Floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof;
- (d) Penthouses, attic space used for human occupancy, interior balconies and mezzanines;
- (e) Covered porches; and
- (f) Floor area devoted to accessory building.

However, any space devoted to off-street parking or loading shall not be included in "floor area".

The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, shall also be included in "floor area" and shall be determined on the basis of height of such structures; that is, ten (10) feet in height shall equal one floor.

Floor Area (for determining off-street parking and loading requirements). Floor area when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, shall mean the sum of the areas of the several floors of the buildings devoted to such use, including accessory storage areas located with selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor Area Ratio (F.A.R.) The floor area ratio of the building or buildings on any zoning lot is the floor area of the building or buildings on the zoning lot divided by the area of such zoning lot. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the area of the zoning lot.

Front Yard – A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

Frontage – The smallest dimensions of a lot abutting a public street measured along the street line.

Garage, Private – is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.

Parking Lot – A structure or premises containing five (5) or more parking spaces.

Parking Space – A graded and surfaced area of not less than one-hundred and eighty (180) square feet, in area either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

Parties in Interest – Includes all abutting property owners, all property owners within one-hundred (100') feet, and all property owners of opposite frontages.

Planned Residential Development-Dwelling – A planned residential development-dwelling is a parcel or tract of land having an area as required in the district regulations under common management, single ownership, and which is the site for two (2) or more principal residential buildings and where regulations governing yard requirements as required by district regulations may be modified as regulated in this ordinance. The issuance of a permit for planned residential development-dwelling shall require approval as provided in this ordinance.

Planned Residential Development-Mobile Home Park – A planned residential development-mobile home park is a parcel or tract of land having an area as required in the district regulations under common management, single ownership, and which is the site for mobile homes and where yard requirements as required by district regulations may be modified as regulated in this ordinance. This issuance of a permit for planned residential development-dwelling shall require approval as provided in this ordinance.

Professional Home Offices – See Home Enterprises.

Public Way – A public way is any sidewalk, street, alley, highway or other public thoroughfare.

Rear Yard – 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 front yard or one of the front yards on a corner lot.

Restaurant – means any building, room or place wherein meals or lunches are prepared or served or sold to transients or the general public, and all places used in connection therewith. "Meals or lunches" shall not include soft drinks, ice cream, milk, milk drinks, ices and confections. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter shall not constitute such taverns to be restaurants. The term "restaurant" does not apply to churches, religious, fraternal, youth's or patriotic organizations, service clubs and civic or union organizations which occasionally prepare or serve or sell meals or lunches to transients or the general public nor shall it include any public or private school lunchroom or private individual selling foods from a movable or temporary stand at public farm sales.

Side Yard – A yard extending from the street yard to the rear yard of the lot, 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.

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

Solar Collector – means a device, structure or a part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electric energy.

Special Exception – See Conditional Use.

Street – A street or highway not otherwise defined lying with a recorded subdivision with a right-of-way not less than fifty (50') feet wide providing primary access to abutting properties.

Structure – Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

Structural Alterations – Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

Townhouse – Single family building having one or more walls in common with another single family building, oriented so all exits open directly to the outside.

Trailers – A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.

Use – The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.

Use, Conditional – A conditional use is a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for in this ordinance, or the impact of such use upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be granted.

Use, Permitted – A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district in which such use is located.

Use, Principal – A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.

Utilities – Public and 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 sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

4.04 GENERAL PROVISIONS

- (1) JURISDICTION. The jurisdiction of this Ordinance shall include all lands and waters within the territorial boundaries of the Village of Loganville, Wisconsin.
- (2) COMPLIANCE. No structure, land, or water shall hereafter be used and no structure or part thereof except minor structures shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations.

(3) ENFORCEMENT AND ADMINISTRATION

(a) Administrative Official. Except as otherwise provided in this Ordinance, the Planning and Zoning Board shall administer and enforce this Ordinance, including the receiving of applications, the inspection of premises and the issuing of building permits and certificates of Compliance. No building permit or certificate of compliance shall be issued by them except where the provisions of this Ordinance have been complied with.

(b) Appeals. The Village Board, as provided for in 4.04 (4), shall interpret the Ordinance and hear and review request for variances. The Board of Appeals is also referred to as the Zoning Board in this Ordinance.

(c) Planning Commission. The Village Planning and Zoning Board shall have the following duties and powers:

- (1) Recommend to the Village Board proposed amendments to this Ordinance and proposed rezoning as provided for in 4.04 (5).

- (2) Shall review and approve all permits and licenses before being issued to any property which has been issued a Certificate of Non-Conforming Use. Fees for certificates of non-conforming use are set forth in Chapter 32.

- (3) Shall review and approve conditional use.

- (4) Review and approve Planned Development Groups.

- (5) Review and approve other matters regarding zoning as provided for in this Ordinance.

(d) Village Board. The Village Board shall have the responsibility to approve amendments to this Ordinance and approve property to be rezoned. See 4.04 (5).

(e) Building Permit Required. Subject to all other provisions of the Village of Loganville Code, no building or structure shall be erected, added to, or structurally altered until a building permit thereof has been issued by the Planning and Zoning Board. All applications for such permits shall be in accordance with the requirements of this Ordinance and, unless upon written order of the Village Board, no such building

permit or certificate of compliance shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Ordinance.

(1) Matter Accompanying Application. There shall be submitted with all applications for building permits two copies of a layout, or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. The Planning and Zoning Board may require a survey by a Registered Surveyor if necessary in his opinion to determine compliance.

(2) Payment of Fee. One copy of such layout or plot plan shall be returned when approved by the Zoning Commissioner together with such permit to the applicant upon the payment of a fee as provided for the Building Code.

(f) Certificate of Compliance.

(1) No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of compliance shall have been issued by the Planning and Zoning Board, stating that the building or proposed use thereof complies with the provisions of this Ordinance.

(2) No nonconforming use shall be maintained, renewed, changed or extended without a certificate of compliance having first been issued by the Planning and Zoning Board therefore.

(3) All certificates of compliance shall be applied for coincident with the application for a building permit. Said certificate shall be issued within 30 days after the erection or alteration shall have been approved.

(4) The Planning and Zoning shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

(5) No permit for excavation for, or the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of compliance.

(6) Under such rules and regulations as may be established by the Village Board and filed with the Planning and Zoning Board, a temporary certificate of compliance for not more than thirty days for a part of a building may be issued by him.

(g) Violations. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violations, the Village Board, the Planning and Zoning Board, or any property owner who would be especially damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

- (h) Penalties. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall upon conviction thereof, forfeit not less than fifty (\$50.00) nor more than five hundred (\$500.00) and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payments thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

(4) DENIAL OF APPLICATION

- (a) Creation. When a conditional use application is denied, The Village Board shall furnish the applicant, in writing, when so requested, those standards that are not met and enumerate reasons the Board has used in determining that each standard was not met.
- (b) Powers and Duties. The Village of Loganville Board shall have all the powers and duties prescribed by law and by this Ordinance, within the territorial limits of the Village.
- (1) Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- (2) Variances. To vary or adapt the strict application of any requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other cases. In granting any variance, the Village Board shall prescribe any conditions that it deems to be necessary or desirable. However, no variance in the strict application of any provision of this Ordinance shall be granted by the Board unless it finds:
- (a) That there are special circumstances or conditions, fully described in the findings, apply to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.
- (b) That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
- (c) That the granting of the variance will be in

harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character use of adjoining buildings and those in the vicinity, the Board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

(3) Prohibited Use. Except as specifically provided, no action by the Board of Appeals shall have the effect of permitting, in any district, uses prohibited in such district.

(c) Procedure. The Village Board shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details if the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. The Village Clerk of said Board shall transmit to the Planning and Zoning Board at a properly scheduled meeting, a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning and Zoning Board submit to the Village Board its advisory opinion on said application or appeal, and the Planning and Zoning Board may submit a report of such advisory opinion prior to the date of said hearing. Every decision of the Village Board shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Village Clerk, by case number under one or another of the following headings:

Interpretations; Variances; together with all documents pertaining thereto.

(d) Notice and Hearing. No action of the Board shall be taken on any case until after proper notice has been given and public hearing has been held. Proper notice of a hearing before the Board shall be, besides "Public Notice", written notice mailed to the owner or his agent and, so far as it is practicable, written notice to parties of interest.

(5) AMENDMENTS AND REZONING. The Village Board may from time to time on its own motion, or on petition, or on recommendation of the Planning and Zoning Board amend, supplement, or repeal the regulations and provisions of this ordinance and change the boundaries of zoning districts. In the event that the proposed rezoning is not at the request of the municipality, the petitioner shall pay the fee set forth.

- (a) Every such proposed amendment or change whether initiated by the Village Board or by petition shall be referred to the Planning and Zoning Board for report thereon before the public hearing hereinafter provided for.
- (b) The Village Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:
 - (1) By publishing a Class II Notice under Chapter 985 Wisconsin Statutes.
 - (2) By mailing a notice thereof to parties of interest.
 - (3) The notice shall state the general nature of the proposed amendments as well as the text.

ZONING CONTROLS

SCHEDULE 1

DISTRICT

R1 SINGLE FAMILY RESIDENTIAL DISTRICT

PURPOSE

The R1 Single Family Residential District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

PRINCIPAL PERMITTED USES

- a. One family dwelling
- b. Two family dwelling
- c. Gardens, horticulture (not commercial)
- d. Power Lines, equipment necessary for phones, etc.
- e. Water storage facilities
- f. Private garages, carports, paved parking – garage may not be erected prior to principle building

CONDITIONAL USES

- Library
- Museum
- Park, playground
- Churches
- Schools
- Municipal building
- Bed & breakfast
- Beauty salon
- Nail salon
- Home office

STANDARDS

- | | |
|--|-----------------|
| a. Maximum building height | 25ft |
| b. Minimum front yard setback | 10ft |
| Note: State or county standards may be imposed | |
| c. Minimum rear yard setback | 10ft |
| d. Minimum side yard setback | 5 ft. each side |
| e. Minimum lot width | 60ft |
| f. Minimum lot area | 6000 square ft. |
| g. Minimum floor area | 1000 square ft. |
| h. Maximum garage/accessary building | 1200 square ft. |
| i. Maximum garage/accessary building height | 15ft.' |
| j. Minimum " / " building setback & side yard | 5 ft. |

SCHEDULE 2

DISTRICT **R2 MULTI-FAMILY RESIDENTIAL DISTRICT**

PURPOSE The R2 Multi-Family Residential District is intended to provide a living area that is pleasant, allows for multiple units and protects the integrity of the Residential District/

PRINCIPAL PERMITTED USES

- a. Single and two family dwellings
- b. Multiple family residential units
- c. Same permitted uses as allowed in R1

CONDITIONAL USES

- a. Rooming and Boarding houses
- b. Public buildings
- c. Cemeteries
- d. Libraries, museums, art galleries
- e. Hospital, Clinic
- f. Funeral Home
- g. Permitted home occupations and offices when incidental to the principal residential use.

STANDARDS

- | | |
|--|------------------|
| a. Maximum building height | 35 feet |
| b. Minimum front yard setback (see R1 b) | 20 feet |
| c. Minimum rear yard setback | 25 feet |
| d. Minimum side yard | 5 feet each side |
| e. Minimum lot width | 60 feet |
| f. Minimum lot area (single family) | 6000 square feet |
| g. Minimum lot area (2 family) | 10,000 sq. feet |
| h. Minimum lot area (Multi-family) | 13,000 sq. feet |
| i. Off street residential parking
residential unit. | 2 spaces per |

DISTRICT

B1 BUSINESS, CENTRAL BUSINESS DISTRICT
B2 BUSINESS, INDUSTRIAL

PURPOSE

The purpose of this district is to provide for commercial activities. To delineate areas appropriate for commercial/retail uses and developing the downtown area.

PRINCIPAL USE

- a. Art shop
- b. Antique store
- c. Appliance Store
- d. Automotive service/sales
- e. Bar, Cocktail lounge
- f. Bakery
- g. Barber Shop
- h. Beauty Shop
- i. Book Store
- j. Bank
- k. Business or Professional office
- l. Candy, Ice Cream shop
- m. Caterer
- n. Convenience Store
- o. Department Store
- p. Clinic
- q. Drug Store
- r. Food Store
- s. Gas Station
- t. Insurance Agency
- u. Jewelry Store
- v. Laundry
- w. Library
- x. Locksmith
- y. Municipal building
- z. Museum
- aa. Newspaper
- bb. Night Club
- cc. Offices
- dd. Paint store
- ee. Pawn Shop
- ff. Photography Studio/Supplies
- gg. Repair Shop
- hh. Restaurant
- ii. Shoe Shop/Repair
- jj. Sporting Goods
- kk. Taxi

CONDITIONAL USES (See 4.06)

- a. Animal Hospital/ kennel
- b. Car Wash
- c. Construction /contractor
- d. Garage – public parking
- e. Hospital/Medical Center
- f. Museum
- g. Club or lodge
- h. Department store
- i. Dress shop
- j. Drug Store
- k. Dry goods and variety store
- l. Financial institution
- m. Florist
- n. Food Store
- o. Furniture store
- p. Gift shop
- q. Hardware store
- r. Hobby store
- s. Hotel or motel
- t. Indoor amusement such as theater or bowling
- u. Jewelry store
- v. Laundry or dry-cleaning reception and delivery
- w. Library
- x. Music Store
- y. Newspaper office and press room
- z. Truck Terminal

4.06 CONDITIONAL USES AND VARIANCES

(1) CONDITIONAL USES.

(a) Review and Approval. The Planning and Zoning Board shall review all proposed conditional uses. Said review shall include the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation drainage, sewerage and water systems, and the proposed operation. In granting any conditional use, the Plan Commission may prescribe any conditions that it deems to be necessary to fulfill the purpose and intent of the Ordinance. Such conditions may include special landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, deed restrictions, highway access restrictions, increased yards, or parking requirements. No Conditional Use shall be approved by the Plan Commission unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this ordinance. In determining its finding, the Plan Commission shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

(b) Public and Semipublic Uses. The following public and semipublic uses shall be conditional uses and may be permitted as specified.

- (1) Airports, airstrips, and land fields in the A District, providing that these facilities meet the regulations in Chapter 114, Section 135 and 136 of the Wisconsin Statutes.
- (2) Clubs, fraternities, lodges, and meeting places of noncommercial nature in the Agriculture and Residential Districts, provided all principal structures and uses are not less than twenty-five (25') feet from any lot line.
- (3) Governmental and cultural uses such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums in all Residential, Agricultural, Business and Industrial Districts. All principal uses within parks and playgrounds shall be ten (10') feet from all Residential Districts.
- (4) Utilities in all districts provided all principal structures, e.g. electric substations, pump houses, lift stations, etc. are not less than fifty (50') feet from any Residential District lot line.

- (5) Public passenger transportation terminals such as heliports, bus and rail depots, except airports, airstrips, and landing fields, in all Business and Industrial Districts provided all principal structures and uses are not less than one hundred (100') feet from any Residential District boundary.
- (6) Public, parochial and private preschool, elementary and secondary schools and churches in the Residential and Agricultural District provided the lot area is 1 acre in size, all principal structures and uses are not less than fifty (50') feet from any lot line.
- (7) Colleges, vocational schools, universities, hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories in the A and R Districts provided all principal structures and uses are not less than fifty (50') feet from any lot line.
- (8) Bed and Breakfast establishments provided that:
 - (i) The building is properly licensed as a Bed and Breakfast Establishment under the laws of the State of Wisconsin and meets the applicable requirements of the State Code, Sections IND 50 through 64, Wis. Adm. Code.
 - (ii) All drives and parking areas shall be hard surfaced.
 - (iii) There shall be one off street parking stall for each guest room. All parking stalls shall be available on the premises or on adjoining premises.
 - (iv) Any signs shall comply with the sign requirements of the zoning district where the Establishment is located. Establishments in residential 1 Districts shall comply with the sign requirements for home occupations.
 - (v) The building shall contain sufficient smoke alarms, fire extinguishers and fire escapes as required by Wis. Adm. Code for Multiple Family Dwellings.

(c) Residential Uses. The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified.

- (1) Planned Residential Developments (PRDs) such as cluster developments, garden apartments, town houses and group housing in the R1 and R2 Residential Districts are permitted.

The proper preservation, care and maintenance shall be by the original and all subsequent owners (of the exterior design) of all common structures, facilities, utilities, access and open spaces shall be assured by deed restrictions enforceable by the community. The following provisions shall be complied with:

Development

Minimum 10 Acres

Lot

Area Minimum of 2/3 of the minimum lot area for the district in which located. Minimum 3,000 square feet for town houses.

Width Minimum of 2/3 of the minimum lot width for the district in which located. Minimum 20 feet for town houses..

Building

Area Maximum lot coverage of 40 percent.

Yards

Street – Minimum 20 ft.

Rear – Minimum 50 ft.

Side – Minimum 20 ft. from street right-of-way, exterior property lines of the development and other buildings.

(2) Donation of Public Park. One (1) acre for every twenty (20) dwelling units, or \$200. per dwelling unit, deposited in the Village Park Fund, shall be donated.

(3) Rest homes, nursing homes, homes for the aged and clinics in the R1 or R2 Residential Districts, provided all principal structures and uses are not less than fifty (50') feet from any lot line.

(d) Planned Development Groups. Planned development groups shall be permitted in appropriate zones only after specific approval by the Plan Commission and the governing body.

The application shall show the proposed use or uses, dimensions and locations of proposed structures and of area to be reserved for vehicular and pedestrian traffic, parking, public uses such as schools, and play grounds, landscaping, other open spaces, architectural drawings and sketches showing design structures and their relationship, and such other information as may be requested by such bodies for a determination that it is desirable to deviate from certain other provisions of this Ordinance.

The application shall be first referred to the Board of Appeals for thirty (30) days for examination of the application for compliance with all applicable ordinances.

The following regulations shall apply:

(1) Spacing and Orientation of Building Center. Exterior walls of opposite building shall be located no closer than a distance equal to the height of the taller building. A building group shall not be so arranged that any permanently or temporarily occupied building is

inaccessible to emergency vehicles.

- (2) Circulation. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

There shall be an adequate amount, in a suitable location, of pedestrian walks, malls and landscape spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.

Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

- (3) Paving and Drainage. There shall be adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm waters and prevent erosion and formation of dust.

- (4) Signs and Lighting. Signs and lighting devices shall be properly arranged with respect to traffic control devices and adjacent residential districts.

- (2) VARIANCES. The hearing and review of variance proposals shall be within the power and duty of the Board of Appeals. The procedures and conditions for granting a variance to this Ordinance shall be as provided in 4.04 (4).

4.07 NONCONFORMING USES, STRUCTURES AND LOTS

(1) NONCONFORMING USES AND STRUCTURES.

The lawful use of any building, structure, or land existing at the time of enactment of this Ordinance may be continued, although such use does not conform with the provisions of this ordinance, provided the following conditions are met:

(a) Unsafe Structures. Nothing to this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

(b) Alterations. A non-conforming building or structure may be altered, improved or reconstructed provided such work is not to an extent exceeding in aggregate cost fifty (50%) percent of the assessed value of the building or structure at the time of its becoming a nonconforming use, unless the building or structure is

changed to a conforming use.

(c) Extension. A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.

(d) Changes. No non-conforming building, structure or use shall be changed to another non-conforming use.

(e) Restoration. Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continues use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God, subsequent to the date of this Ordinance, wherein the expense of such work does not exceed fifty (50%) percent of the assessed value of the building or structure at the time such damage occurred.

(f) Wear and Tear. Nothing in this Ordinance shall prevent the reconstruction, repairing or rebuilding of a non-conforming building, structure or part thereof existing at the effective date of this ordinance, rendered necessary by wear and tear, deterioration or depreciation provided the cost of such work shall not exceed fifty (50%) percent of the assessed value of such building or structure at the time of its becoming a non-conforming use, nor prevent compliance with provision of the Building Code relative to the maintenance of buildings or structures.

(g) Abandonment. A non-conforming use of a building or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:

(1) When the intent of the owner to discontinue the use is apparent, or,

(2) When the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within one (1) year, unless other facts show intention to resume the non-conforming use, or

(3) When it has been replaced by a conforming use, or

(4) When it has been changed to another use under permit from the Planning Commission.

(h) Displacement. No non-conforming use shall be extended to displace a conforming use.

(i) Unlawful Use Not Authorized. Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.

(j) Certificate of Non-Conforming Use. Upon the effective date of

this Ordinance the Planning and Zoning Board shall issue "Certificate of Non-Conforming Use" to all owners of property, the use of which does not conform to the provisions of the use zone in which the property is located.

(1) In accordance with the provisions of this section no use of land, buildings or structures shall be made other than that specified on the "Certificate of Non-Conforming Use", unless said use shall be in conformity with the provisions of the use zone in which the property is located.

(2) A copy of each "Certificate of Non-Conforming Use" shall be filed with the Planning and Zoning Board. No permit or license shall be issued to any property for which a "Certificate of Non-Conforming Use" has been issued until said permit or license has been approved by the Planning and Zoning board. Any permit or license issued in violation of this section shall be null and void.

(k) District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

(2) SUBSTANDARD LOTS.

In any residential district, a one-family detached dwelling 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 Ordinance.

Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance.

If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

Lot	Width	Minimum 30 feet
	Area	Minimum 4,000 square feet
Building	Height	Maximum 30 feet
Yards	Street	Minimum 25 feet; the second street yard on corner lots shall be not less than 10 feet.
	Rear	Minimum 25 feet.
	Side	Minimum 16 percent of the frontage, but not less than 5 feet.

4.08 SUPPLEMENTARY REGULATIONS. The provisions of this ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations.

(1) **ESSENTIAL SERVICES.** Essential services, as defined in this Ordinance shall be permitted in all districts. See section 4.03 (2) for definition. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

(2) **SITE RESTRICTIONS.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Planning and Zoning Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, lower 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 this community. 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 Planning and Zoning Board may affirm, modify or withdraw its determination of unsuitability. All lots shall abut upon a public street, and each fan-shaped lot shall have a minimum street frontage of forty (40') feet.

No building 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.

Private sewer and water in any district where a public water supply or public sewerage service is not available, the lot area shall be determined in accordance with Chapter ILHR 83 Wisconsin Administrative Code.

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

- (a) Principal uses as specified for a district, their essential services and the following uses shall be permitted in that district.
- (b) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction.
- (c) Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission.
- (d) Unclassified or unspecified uses may be permitted by the Plan Commission after it has made a review, provided that such uses are similar in character to the principal uses permitted in the district.
- (e) 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 zoning Commission.
- (f) Performance standards listed in Section 4.09 shall be complied with by all uses in all districts.

(4) **REDUCTION OR JOINT USE.** No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

(5) **LIMITED NUMBER OF BUILDINGS.** There shall be not more than one (1) principal dwelling and two (2) accessory structures, including a private detached garage, in either R1.

(6) **ACCESSORY BUILDINGS.**

(a) Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(b) Location, Bulk, Height. Accessory uses and detached accessory structures are permitted in the rear yard only except for a garage, carport or motor vehicle parking area: they shall not be closer than ten (10') feet to the principal structure, shall not exceed fifteen (15') feet in height, shall not occupy more than twenty (20%) percent of the rear yard area, and shall not be closer than five (5') feet to any lot line nor three (3') feet to an alley line.

(7) **BULK REGULATIONS**

(a) Continued Conformity with Bulk Regulations. The maintenance of yards, courts, usable open spaces, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, usable open spaces, other open spaces or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, usable open space, other open space or minimum lot area requirements for any other building.

(b) Division of Improved Zoning Lots. No improved zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the district in which the property is located.

(c) Location of Required Open Space. All yards, courts, usable open spaces and other open spaces allocated to a building or

dwelling group shall be located on the same zoning lot as such building or dwelling group.

(d) Required Yards for Existing Buildings. No yards now or hereafter provided for a building existing on the effective date of this ordinance shall subsequently be reduced below, or further reduced, if already less than the minimum required by this ordinance for equivalent new construction.

(e) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified:

(1) in all yards:

- (a) Arbors and trellises.
- (b) Awnings.
- (c) Chimneys projecting twenty-four (24") inches or less into the yard.
- (d) Fences, walls and hedges subject to the provisions of sub-section (9) hereinafter.
- (e) Flagpoles and garden ornaments.
- (f) Open terraces not over three (3') feet above the ground level which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
- (g) Uncovered steps and uncovered landings (maximum size 5' x 5') may project into any yard but not to exceed six (6') feet.

(2) in Front yards:

- (a) One story bay windows projecting three (3') feet or less into the yard, provided that such windows do not occupy, in the aggregate, more than one-third (1/3) of the front wall of the building, and come entirely within plans drawn from either main corner of the front wall, making an interior angle of twenty-two and one-half (22.5) degrees in the horizontal plane with the front wall.
- (b) Overhanging eaves and gutters projecting two (2') feet or less into the yard.
- (c) Open off-street vehicle parking not exceeding two (2) vehicles on one paved or graveled driveway not exceeding twenty (20') feet in width provided no vehicle may be parked within five (5') feet of a front property line or within three (3') feet of a side lot line adjoining a front yard.

(3) In Rear Yards:

- (a) Accessory sheds, tool rooms and similar buildings or structures for storage.
- (b) Air conditioning equipment.
- (c) Balconies or decks, open to the sky.
- (d) Detached private garages provided that in no case

shall they be located closer than five (5') feet to a property line or three (3') feet to a public alley and off-street vehicle parking.

(e) Fire escapes

(f) Laundry drying equipment..

(g) One story bay window projecting three (3') feet or less into the yard, provided that such windows do not occupy, in the aggregate, more than one-half (1/2) of the rear wall of the building, and come entirely within planes drawn from either main corner of the rear wall, making an interior angle of twenty-two and one-half (22.5) degrees in the horizontal plane with the rear wall.

(h) Overhanging eaves and gutters projecting two (2') feet or less into the yard.

(i) Swimming pools.

(j) Attached accessory greenhouses and covered swimming pools when approved as a conditional use.

(k) Major recreational equipment providing that all such equipment shall be in condition for safe and effective performance of the function for which it is designed.

(l) Satellite TV dishes.

(m) Patios, open to the sky.

(4) Side Yards.

(a) Fire escapes projecting not more than one-third (1/3) of the width of the side yard or not more than three (3') feet in any case.

(b) Laundry drying equipment.

(c) Open off-street vehicle parking spaces, except as provided in Section 4.08 (7) (e) (3) (a).

(d) Overhanging eaves and gutters projecting twenty-four inches (24") or less into the yard.

(8) ZONING OF ANNEXED LAND. All property annexed to the Village of Loganville outside of the extraterritorial area may be temporarily zoned as provided for in Chapters 66 of the Wisconsin State Statutes.

(9) FENCES.

(a) Locations: All boundary line fences shall be located entirely on private property of the person, firm or corporation, or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the boundary line of the respective properties. In any case where the exact location of any boundary line is in doubt, the person building the fence shall get a survey prepared by a registered surveyor and will be responsible for all fees.

(b) **Construction and Maintenance:** Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every boundary line fence shall be maintained in good repair and shall not be allowed to become and remain in a condition of disrepair or constitute a hazard or nuisance, public or private. Any fence which is dangerous to the public safety, health, or welfare shall constitute a public nuisance and the Village Board shall commence proper proceedings for the abatement thereof.

(c) **Electric Fences** shall only be permitted in any "A" District and on farms in other districts when related to farming, but not as boundary fences. **Barbed wire fences** shall only be permitted on farms, except as hereinafter provided.

(d) **Residential District Fences:** In all Residential Districts, fences are permitted, subject to the following requirements and limitations:

- (1) Fences on all corner lots shall not interfere with the vision of drivers or bicyclists.
- (2) Fences may be constructed to a height of no more than six feet (6') on a side boundary line from the rear lot line to the front setback line of the principal building. From the front setback line of the principal building toward the street, the maximum height of a side boundary fence shall be four (4') feet. In a case where a side boundary fence is within ten (10') feet of a driveway, the fence shall have a minimum height of two (2') feet for a distance of twenty (20') feet back from the right-of-way line.
- (3) Fences along any rear boundary line which is also the rear boundary line of an abutting lot shall not exceed six (6') feet in height.
- (4) Fences along a rear boundary line which line constitutes the side lot line of an abutting lot shall not exceed six (6') feet in height, and shall not exceed four (4') feet in height when abutting a front yard line.
- (5) Fences on side street lot lines shall not exceed six (6') feet in height and shall not extend toward the front lot line past a point on the lot line where the front building line of the principal building projected would intersect or closer to the intersection as required by 4.08 (17) (a).
- (6) No fence shall be erected within two (2') feet of any public right-of-way.

(e) **Business District Fences.** Boundary line fences within all business districts shall not exceed six (6') feet in height except that

the Village Board may grant a Conditional Use Permit for a fence up to eight (8') feet in height, provided:

- (1) The applicant has an approved open sales lot; or
- (2) An open sales lot classified as a non-conforming use; or
- (3) A commercial operation which has approved storage of equipment outside the building; or
- (4) The use could be dangerous to the public; or
- (5) The use is for an unattractive nuisance and the applicant can show that for security reasons a fence six (6') feet in height will not be adequate.

(e) Special Purpose Fence: Fences for special purposes and fences differing in construction, height or length may be permitted in any zoning district upon issuance of a Conditional Use Permit by Planning and Zoning. Finding shall be made by the Planning and Zoning Board that the fence is necessary to protect the property or the public before a Conditional User Permit is issued.

(10) DRAINAGE COURSES.

(a) Statement of Purpose. This subsection is established to promote the public health, safety and general welfare of the community by regulating and restricting the development of areas along or in drainageways, channels, streams and creeks. The regulations which follow are intended to protect and to preserve the location, character and extent of such drainageways, channels, streams and creeks, and to protect persons and property from the hazards of development in areas which may be subject to inundation.

(b) General Regulations.

- (1) No building or structure shall be erected within any area herein described as a drainage course. For the purpose of this and the following paragraphs, a drainage course shall include any area such as drainageways, channels, streams and creeks, designated as such on the zoning map and shall further include any area designed or intended for use for drainage purposes as shown in a recorded subdivision.
- (2) No permit shall be issued for filling of land within a drainage course, or on any lands within one hundred (100') feet, or more than one hundred (100') feet when so designated on the zoning map, of the center line of such drainage course, except upon approval in writing by the Village Engineer that such filling will not obstruct the flow of water or otherwise reduce the water carrying capacity of such drainage course.
- (3) No permit shall be issued for excavating of land within a drainage course, or on any lands within one hundred (100') feet, or more than one hundred (100') feet when so

designated on the zoning map, of the center line of such drainage course, except upon approval in writing by the Village Engineer that such excavating will not divert water from the established channel, will not cause flooding of lands outside such drainage course, will not cause any erosion, and will not otherwise impair the design and character of such drainage course.

- (4) No permit shall be issued for relocation, enclosure or bridging of drainage course shall be permitted except upon approval in writing by the Village Engineer that the location, character and extent of such relocation, enclosure or bridging of the drainage course shall be in the public interest.
- (5) The Village Board may require the submittal of any such information which he and/or the Village Engineer considers essential for the proper enforcement of the above regulations.

(11) DEMOLITION OF STRUCTURES

- (a) Permit. No building shall be razed, demolished, removed or wrecked without a permit from Planning and Zoning.

(12) HEIGHT

- (a) Communication Structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.
- (b) Agricultural Structures such as barns, silos, and windmills shall not exceed in height of their distance from the nearest lot line.
- (c) Public or semi-public facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60') feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

(13) SOLAR ACCESS.

- (a) Purpose. The purpose of this section is to provide a means for the Village of Loganville to guarantee solar access rights pursuant to 66.032 of Wisconsin Statutes.

(b) General Regulations.

- (1) Any owner who has installed or intends to install a solar collector may apply to the Planning and Zoning Board for a solar access permit. Fees as provided in fee schedule shall be paid prior to the issuance of the permit.
- (2) A permit may not affect any land except land which, at the time the permit is granted is within the territorial limits of the Village or is within the extraterritorial zoning area of the Village.
- (3) Termination of Solar Access Rights.

- (a) Any right protected by a permit under this section shall terminate if the Plan Commission determines that the solar collector which is the subject of the permit is:

(1) Permanently removed or is not used for 2 consecutive years, excluding time spent on repairs or improvements.

(2) Not installed and functioning within 2 years after the date of issuance of the permit.

- (b) The Planning and Zoning Board shall give the permit holder written notice and an opportunity for a hearing on a

proposed termination under par. (a).

- (c) If the Plan Commission terminates a permit, the Commission may charge the permit holder for the cost of recording and record a notice of termination with the Register of Deeds, who shall record the notice with the notice recorded under 4.08 (e) (4) or indicate on any notice recorded under (b) that the

permit has been terminated.

(8) **Waiver.** A permit holder by written agreement may waive all or part of any right protected by a permit. A copy of such agreement shall be recorded with the Register of Deeds, who shall record such copy with the notice recorded under 4.08 (13) (c) (4) (b).

(9) **Preservation of Rights.** The transfer of title to any property shall not change the rights and duties under this section.

(10) **Construction.**

(a) This section may not be construed to require that an owner obtain a permit prior to installing a solar collector.

(b) This section may not be construed to mean that acquisition of a renewable energy resource easement under s. 700.35 is in any way contingent upon the granting of a permit under this section.

(14) **EROSION CONTROL**

(a) **Purpose.** The purpose of this section is to provide a means for the Village of (1) prevent and control erosion and (2) prevent and control sedimentation into Village streets, storm sewer, drainageways, streams, river and wetlands.

(b) **Responsibilities.** The owner of any property is responsible for preventing sediment from eroding off the premises onto either public or private property and into drainageways, streams, rivers and wetlands. The owner, from whose land the sediment has eroded, is responsible for the removal of the sediment or cost thereof from either the public or private property and drainageways, streams, rivers and wetlands.

(c) **Enforcement.** The Planning and Zoning board prior to issuing any permit shall review the proposed project with respect to this section. Said review may include review and approval by the Director of Public Works and/or the Village Engineer. Planning and Zoning may require temporary and/or permanent control measures be implemented as part of project to ensure compliance with this section as a condition to the permit approval. Failure to provide control measures during construction as provided for herein may constitute a violation and is subject to penalty as provided for in 4.04 (3) (h).

(d) **General Requirements.**

(1) **Standards and Criteria.** Standards and specifications for needed erosion control practices shall be based on Soil Conservation Service design standards.

(2) **General Design Principles.** Erosion control measures shall apply to all aspects of a proposed project involving land disturbance and shall be in operation during all stages of the disturbance activity if determined to be necessary. Planning and Zoning may request any or all of the following principles to prevent soil erosion

and sedimentation if deemed necessary.

- (a) Stripping of vegetation, grading or other soil disturbances shall be done in a manner which will minimize soil erosion.
 - (b) Clearing of top soil, trees and other natural features shall take place just prior to the commencement of building operations to the greatest extent possible. Whenever feasible, natural vegetation shall be retained and protected. The extent of the disturbed area and duration of its exposure shall be kept within practical limits.
 - (c) Either temporary seeding, mulching or other suitable stabilization measures may be required to protect exposed critical areas during construction or other land disturbances.
 - (d) Drainage provisions may be required to accommodate increased runoff resulting from modified soil and surface conditions, during and after development or disturbance.
 - (e) Water runoff shall be minimized and retained on site whenever possible.
 - (f) Sediment shall be retained on site.
 - (g) Diversions, sediment basins, sediment screens, and similar structures may be required to control runoff and erosion.
 - (h) Permanent seeding or cover shall be completed as soon as possible after construction.
 - (i) If permanent seeding cannot be established immediately after construction, temporary erosion control measures may be required until permanent seeding can be established.
- (3) Maintenance. All necessary soil erosion and sediment control measures installed to meet the requirements of this section shall be adequately maintained until such measures are permanently stabilized as determined by the Zoning Commissioner.
- (4) Exemptions. The following activities are specifically exempt from this section.
- (a) Land disturbance associated with farming activities.
 - (b) Use of land for gardening, primarily for home consumption.

(15) TRAFFIC, LOADING, PARKING AND ACCESS.

(a) Traffic Visibility. No obstruction such as signs, structures, parked vehicles, fences or vegetation shall be permitted in any district between the heights of two and one-half (2 ½') feet and ten (10') feet above the plane through the mean curb-grades within the triangular space formed by a fifteen (15') feet setback from the intersection of the two street right-of-way lines, except for the B-1 Central Business District.

For collector and arterial streets intersecting with other collector or arterial streets or railways, the corner cut-off distances establishing the triangular vision clearance space shall be increased to fifty (50') feet.

(b) Loading Requirements. In all districts, except Business, B-1 adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public right-of-way and so that all

vehicles need not back onto any public right-of-way.

Size and location. Each loading space shall be not less than twelve (12') feet in width, thirty-five (35') feet in length, and have a minimum vertical clearance of fourteen (14') feet, and may occupy all or any part of any required yard.

<u>Uses</u>	<u>Square Feet of * Floor Area</u>	<u>Required Off-Street Loading Spaces</u>
School	-----	1
Hospital	Under 10,000	1
	From 10,000 - 30,000	1
	For each additional 30,000 or major fraction thereof	1 Additional
Funeral Home	-----	1
Office, hotel	Under 10,000	1
retail, service,	From 10,000-25,000	1
wholesale, warehouse	From 25,001-40,000	2
manufacturing,	From 40,001-60,000	3
processing or	From 60,001-100,000	4
repairing uses.	For each additional 50,000 or major fraction thereof	1 Additional

* See 4.03 (2) for definitions.

(c) Parking Requirements. In all districts except B-1 and in connection with every use, there shall be provided, at the time any use of building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

- (1) Size of each parking space shall be not less than one-hundred and eighty (180) square feet exclusive of the space required for ingress and egress. In no case shall the stalls be less than (9') feet wide or eighteen (18') feet long.
- (2) Location to be on the same lot as the principal use. No parking stall or driveway except in residential district shall be closer than ten (10') feet to a residential district lot line or a street line opposite a residential district.
- (3) Surfacing. All off-street parking areas shall be hard surfaced with Either hot mix or cold mix asphalt or concrete and shall be properly drained so as not to create either a hazard or nuisance on either private or public property. Any parking lot for five (5) or more vehicles shall have the aisles and spaces clearly marked. In the extraterritorial area parking lots may be excepted from these requirements if they do not contribute to sedimentation of ditches, culverts and road surfaces or is otherwise hazardous or a nuisance.
- (4) Number of parking stalls required are shown in the following table:

<u>Use</u>	<u>See 4.03 (2) definitions</u>	<u>Minimum Parking Required</u>
Single-family dwellings & mobile homes		2 stalls for each dwelling unit
Multi-family dwellings		1.5 stalls for each dwelling unit

Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges, dormitories, lodging & boarding houses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitarium, institutions, rest & nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees.
Medical & dental clinics	3 stalls for each Doctor
Churches, theaters, auditoriums community centers, vocational & night schools, & other places of public assembly.	1 stall for each 5 seats
Colleges, secondary & elementary schools	1 stall for each 2 employees plus 1 stall for each 10 students of 16 years of age or more
Commercial, retail, restaurants, bars, places of entertainment	1 stall for each 200 sq. ft. of building area accessible to the public
Manufacturing & processing plants, laboratories, & warehouses	1 stall for each 2 employees
Financial institutions, business,	1 stall for each 300 sq. ft. floor area
Funeral homes	1 stall for each 4 seats
Bowling alleys	5 stalls for each alley

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

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

(7) Any lighting used to illuminate an off-street parking area shall be arranged to reflect the light away from adjoining premises in any residential district and streets.

(d) Driveways. All driveways installed, altered, changed, replaced or extended after the effective date of this Ordinance shall meet the following requirements:

(1) Driveways for one and two family dwellings shall be a minimum of ten (10') feet wide and a maximum of twenty-four (24') feet wide.

(2) Driveways for Commercial uses shall not exceed thirty-five (35') feet in width.

(3) Driveways for Industrial uses shall not exceed thirty-five (35') in width.

(4) Islands between driveway openings shall be provided with a minimum of twelve (12') feet between all driveways and six (6') feet at all lot lines.

(5) All driveways shall be hard surfaced with either hot mix or cold mix asphalt or concrete and shall be properly drained so as not to create either a hazard or nuisance on either private or public property. In the Extraterritorial Area driveways may be excepted from these requirements if they do not contribute to sedimentation

of ditches, culverts and road surfaces or is otherwise hazardous or a nuisance.

(16) SIGNS

4.08 (am) Purpose In addition to the purposes set forth in 4.02 (2), it is the purpose of this subsection to promote traffic safety and the appearance of the Village of Loganville.

(a) Permit/Application. No sign shall hereafter be altered, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without permission of the Village Board

(3) Revocation of Permit. No sign, whether new or existing, shall hereafter be erected or altered, except in conformity with the provisions of the local law. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.

In the event of a violation of any of the foregoing provisions, the Building Inspector shall give written or personal notice to the named owner of the sign and the named owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit. The notice shall specify the violation and direct the sign and/or land owner to conform or remove such sign. The sign shall thereupon be conformed by the owner of the sign and the owner of the land within thirty (30) days, the Building Inspector shall thereupon revoke the permit, and such sign shall be removed by the named owner of the sign and/or the named owner of the land.

(b) Signs Not Requiring a Permit. The following signs may be located without a permit being issued unless otherwise required:

- (1) Construction Signs. Two construction signs per construction site, not including those required by Federal, State, or Local requirements, not exceeding 100 square feet in area each, shall be confined to the site of construction, and shall be removed thirty days after completion of construction or prior to occupancy, whichever is sooner.
- (2) Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.
- (3) Government Signs. Government signs for control of traffic and

other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.

- (4) House Numbers and Name Plates. House numbers and name plates not exceeding two square feet in area for each residential, commercial or industrial building.
- (5) Interior Signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications of this ordinance.
- (6) Memorial Signs and Plaques. Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.
- (7) No trespassing or no Dumping Signs. No trespassing and no dumping signs not to exceed one and one-half (1 ½) square feet in area per sign.
- (8) Public Notices. Official notices posted by public officers or employers in the performance of their duties.
- (9) Public Signs. Signs required as specifically authorized for a public purpose by any law, statute, ordinance.
- (10) Political and Campaign Signs. Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
 - (a) Said signs may be erected not earlier than thirty (30) days prior to the election and shall be removed within fifteen (15) days following said general election.
 - (b) Each sign, except billboards, shall not exceed sixteen (16) square feet in non-residential zoning districts and eight (8) square feet in residential zoning districts.
 - (c) No signs shall be located within fifteen (15') feet of the public right-of-way at a street intersection, or over the right-of-way.
- (11) Real Estate Signs. One real estate sales sign on any lot or parcel, provided such sign is located entirely on the property to which the sign applies and is not directly illuminated subject to the following:
 - (a) In residential districts, such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
 - (b) In all other districts such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been

(2) Signs are permitted in the Business and Industrial Districts subject to the following restrictions:

- (a) Wall signs placed against the exterior walls of buildings shall have their outside face not more than six (6") inches from the building's wall surface and shall not exceed two hundred (200) square feet in the area for any one premises, and shall not exceed twenty (20') feet in height above the mean centerline street grade.
- (b) Projecting signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in the area for any one premises, shall not extend more than six (6') feet into any required yard, shall not extend more than five (5') feet into any public right-of-way, shall not be less than ten (10') feet from all side lot lines, shall not be less than thirty (30") inches from the curb lines, shall not exceed a height of twenty (20') feet above the mean centerline street grade, and shall not be less than ten (10') feet above the sidewalk nor fifteen (15') feet above a driveway or an alley.
- (c) On-premise ground signs shall not exceed twenty (20') feet in height above the mean centerline street grade and shall not exceed thirty-two (32) square feet in a Business District and one hundred (100) square feet in an Industrial District. Ground signs shall be setback at least two (2) feet from a public right-of-way line.
- (d) Window signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25%) percent of the glass area of pane upon which the sign is displayed.
- (e) Roof signs may be allowed as a conditional use when permitted by the Planning and Zoning and when allowed to not exceed (10') feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located and shall not exceed two hundred (200) square on all sides for any one premises.
- (f) In an Industrial Park or shopping center, mall or office complex located in B-2 District, one identification sign may be permitted, showing the name of the center or park and the represented businesses or industries. The area of this sign shall not exceed one hundred fifty (150) square feet. In addition each business may have their own signs subject to the requirements of 4.08 (c) (2).
- (g) When a building contains multiple offices or business establishments, one additional sign may be erected on the front of such building located at a first floor level. This

sign shall be a director type sign only for the purpose of listing such offices or business establishments located in said building. Each listing thereon shall be limited to two (2) square feet.

(h) Spacing Requirements:

- (1) One ground sign per premise is allowed.
- (2) One attached sign per business is allowed.

(d) Directory Signs are permitted subject to the following restrictions:

- (a) Such signs may be located on agricultural, business or industrial zoned property.
- (b) Such signs may be located in the public right-of-way when approved by the Planning and Zoning Board
- (c) Such signs shall be no more than two (2) square feet or when more than 1 sign is located on one premises, the aggregate size shall not exceed twelve (123) square feet.
- (d) There shall be no more than two (2) such signs relating to any one use in the approaching direction along any one highway.

(e) Prohibited Signs:

- (a) Billboards, sign boards and off premises advertising signs and devices used for advertising commercial activity.
- (b) Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices.
- (c) No sign shall be placed so as to obstruct or interfere with traffic visibility.
- (d) Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights which create a hazard to vehicle or pedestrian traffic are prohibited.
- (e) Swinging signs are prohibited. All signs shall be constructed to withstand wind pressures.

(f) Existing Signs. Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size or location does not conform with the provisions of this ordinance. However, it shall be deemed a nonconforming use or structure, and the provisions of Section 4.07 shall apply.

(g) Maintenance.

- (a) The owner of any sign shall keep it in good maintenance and repair.
- (b) If the owner of such sign or the owner of the premises on which such sign is erected shall fail to comply with the orders of the Building Inspector relative to the painting, repair, alteration, maintenance or removal of said sign pursuant to written notice thereof and within 14 days after the notice to said owner. ---

(c) The costs of such removal of said sign shall be assessed to the owner of the property upon which said sign is erected and shall be certified in the proper manner to have them levied as special charges against such property, and proper officers of the Village are authorized and directed to enter such charges on to the tax roll.

(h) Conflicts With Other Provisions. It is the intention of this ordinance to create individual restrictions for non-commercial speech whether on or off premises. Non-commercial speech is intended to be favored over commercial speech. No preference to types of non-commercial speech is intended. To the extent that this ordinance or future amendments to the ordinance create such a conflict, the ordinance is to be interpreted such that it will be in conformance with this subsection.

(17) SATELLITE T.V. DISHES

(a) Location of Satellite T.V. Dish. Any Satellite T.V. Dish approved for placement may only be located in the rear yard of a lot and at least ten (10') feet from either side lot line. It shall also be placed as close to the principal building as is reasonably possible. A Satellite T.V. Dish may also be placed on the roof of the principal structure provided it is located on the back side of the roof.

(b) Connection Electrical Lines. All electrical lines, cables and conducts running to or from any Satellite T.V. Dish shall be buried. If a T.V. Satellite Dish is to be used by two or more property owners, all interconnecting electrical connections, cable conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for permit.

(c) Wind Pressure. Each Satellite T.V. Dish shall be securely anchored to withstand a maximum wind pressure anticipated, taking into consideration the size, shape and weight of all of its components.

(18) EXTENT OF ENCLOSURE

(a) Statement of Purpose. This subsection is established to promote the public health, safety and general welfare of the community and maintain a desirable aesthetic appearance within the community by regulating and restricting the use of property and the storage of equipment and materials as they relate to enclosure. For purpose of this section, enclosure may apply to screening and/or security fencing. All enclosures shall meet the requirements of Section 4.08 (9).

(b) Residential Districts. Outside storage of items accessory to the principle permitted use, which do not constitute junk, and are maintained in a clean orderly manner are permitted. For purpose of this section, wood piles are considered accessory to a residential use in a R1 District. In addition, the outside storage of campers, boats and truck toppers are permitted provided they are stored in the side or rear yard. All outside storage shall be done in such a manner as to be compatible with the

neighborhood and not be a nuisance. Storage and handling of garbage, refuse and waste shall be in compliance with Chapter 11 of the General Code and shall not create a nuisance.

(c) Business Districts. All business, servicing or processing, except for display of merchandise and equipment for sale to the public, establishments of the drive-in type and outdoor eating of restaurants shall be conducted within enclosed buildings. Off street parking of employee, client and business vehicles and off street shipping and receiving shall not require enclosures.

Outdoor storage of equipment and materials, when actively used in conduct of a permitted use is allowed provided the storage areas are located in the rear yard or screened from the street. Any equipment or materials meeting the definition of junk shall not be permitted to be stored outside unless completely enclosed by an opaque fence and is of such size which does not constitute a junk yard.

The Planning Commission may review the location and enclosure of garbage, refuse and waste and require measures to ensure public health, safety and welfare and maintain desirable aesthetic appearance.

Outdoor storage shall be permitted only with the authorization of the Planning and Zoning Board. The Board may review and require appropriate enclosure to insure public health, safety and general welfare and to maintain desirable aesthetic appearance. Security fencing may be required if determined by the Village to be necessary for public safety. Storage and handling of garbage, refuse and waste shall be in compliance with all other ordinances and shall not create a nuisance.

(d) Farm Markets and Special Retail Sales Events. Farm Market activities and special retail sales events are allowed from time to time as permitted by the Village Board.

19. PUBLIC PARKS AND SITES FOR OTHER PUBLIC AREAS

- (1) A deposit of money with the Village park fund for suitable sites for public areas such as, but not limited to, schools, recreational areas, parkways, public building areas or other public use shall be provided by the developer who is subdividing land for residential purposes or who is developing multi-family housing within the corporate limits or extraterritorial area of the Village. The Village Plan Commission shall direct the developer to do one of the following:
 - (a) Dedicate land for public use.
 - (b) Deposit money with Village park fund or Township, if in extraterritorial area, prior to approval of the final plat or final certified survey or the issuance of a building permit in the case of multi-family housing.
- (2) Such dedication or deposit of money in lieu thereof shall be based on the actual number of single-family lots or dwelling units, if known, or the potential number of multi-family dwelling units permissible based on the minimum zoning requirements applicable to the land in question.

- (a) Land dedication for such purposes shall be at the rate of five (5) acres per one hundred (100) single-family lots or one hundred (100) dwelling units.
 - (b) Cash deposits shall be at the rate of one hundred (\$100.00) dollars per single lot created or per dwelling unit. Said deposit shall be waived for each lot created which includes a previously existing residential dwelling. When a deposit is being made hereunder for platting of a multi-family lot, and construction of the actual dwelling units is being deferred such that the actual number of dwelling units to be constructed on the lot is not known, the initial payment shall be at the single-family lot rate with the subsequent deposit due when application for a building permit is made and actual number of dwelling units is known.
 - (c) Any land dedication shall consist of a minimum of three (3) contiguous acres if within the corporate limits and four (4) acres if within the extraterritorial area which are suitable for use as a playground, playfield or other recreational purposes as determined by the Village and which have two hundred (200') feet of frontage on a public street. In the event the minimum acreage required is greater than the developer would otherwise be required to dedicate under other provisions herein, the developer may conform to the provisions of the cash deposit provided for herein.
- (3) Where public parks and sites for other public areas, as shown on the Master Plan or official map, lie within the area proposed for development and are greater in area than required by the above, the owner shall reserve for acquisition by the Village or Township, if in the extraterritorial area, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year.
 - (4) If the Village shall later decide not to develop a park on the land dedicated pursuant to (2) (A) of this chapter, it shall first offer to sell the land to the owner for an amount equal to the fee as determined pursuant to (2) (B). If unable to dispose of the parcel in this manner, it then may proceed to dispose of the parcel in the methods normally available to the Village.

4.09 Performance Standards

- (1) COMPLIANCE. This Ordinance permits specific uses in specific districts and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.
- (2) SOUND
The volume of sound inherently and recurrently generated shall not exceed

- (5) ODOR. There shall be no operation or activity which would emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises.
- (6) TOXIC OR NOXIOUS MATTER. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business shall be permitted.
- (7) GLARE. There shall be no operation or activity that produces glare of direct illumination across a property line of an intensity as to be detrimental to or endanger the public health, safety, comfort or welfare of the public, or that creates a nuisance or detracts from the use or enjoyment of adjacent property.
Outside lights must be made up of a light source and reflector so that acting together, the light beam is controlled and not directed across a property line.
- (8) HEAT. There shall be no operation or activity which would cause heat at such a level as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.
- (9) AIR CONTAMINANTS. There shall be no operation or activity which would emit smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, vapors, toxic substance, waste, or particulate, solid, liquid or gaseous matter into the outdoor atmosphere alone or in any combination, in such quantities and of such duration that would be in violation of current State regulations or would interfere with the safe and comfortable enjoyment of life in adjacent properties.