

**CHAPTER 18**

**LAND USE AND BUILDING CODE**

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## LAND USE REGULATIONS

### Sec. 18.01 Land Use Regulations

1. The purpose of this Chapter is to promote the health, safety, prosperity, aesthetics, and general welfare of the Village of Whiting, Wisconsin.
2. It is the general intent of this Chapter to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways, secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate and 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 Chapter and to provide penalties for its violation.
3. It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
4. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

### Sec. 18.02 General Provisions

1. The jurisdiction of this Chapter shall include all lands and waters within the limits of the Village of Whiting.
2. No structure, land, or water shall hereafter be used, and no structure part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarge, converted or structurally altered without a zoning permit except minor structures and without full compliance with the provisions of this Chapter and all other applicable local, country, and state regulations.

### Sec. 18.03 Definitions

For the purposes of this Chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not optional.

1. **Abutting.** Having a common property line or district line.
2. **Accessory Use or Structure.** A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure, provided, however, that no accessory building may be used as a separate building.
3. **Alley.** A special public right-of-way affording only secondary access to abutting properties.
4. **Apartment.** A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
5. **Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.
6. **Basement.** That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-around living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.
7. **Billboard.** An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment or the property upon which it is located.
8. **Block.** A tract or land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.

9. Boarding House. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding six (6) persons and not open to transient customers.
10. Building. A building is a structure having a roof supported by columns or walls. When separated by division walls from the ground up, without opening, each portion of such building shall be deemed a separate building. The word "building" includes the word "structure."
11. Building Area. The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.
12. 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.
13. Building, Principal. A building in which is conducted the main use of the lot on which said building is located.
14. Building Inspector. The employee of the Village of Whiting, Wisconsin, officially designated to administer the Building and Zoning Ordinances. The Building Inspector is also referred to as the Zoning Inspector or Zoning Administrator.
15. Building Line, Front. A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.
16. Business. A commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).
17. Canopy or Marquee. A roof-like structure, of a permanent nature, which projects from the wall of a building.
18. Cellar. A portion of a building located partly or wholly underground and having two-thirds (2/3) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground. (See paragraph entitled "Basement.")
19. Certificate of Occupancy. A written statement issued by the Zoning Administrator which permits the use of a building or lot or a portion of a building or lot, and which certifies compliance with the provisions of this Chapter for the specified use and occupancy.
20. Clinic. A building used by a group of doctors or dentists for the examination or treatment of persons on an outpatient or non-boarding basis only.
21. Club. A building owned, leased or hired by a nonprofit association of persons, who are bona fide members paying dues, the use of which is restricted to said members and their guests.
22. Clothing Repair Shops. Shops where clothing is repaired, such a shoe repair shops, seamstress, tailor shops, shoeshine shops, clothes pressing shops, but none employing over five (5) persons.
23. Clothing Stores. Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.
24. Collector Highway. Serves as a linkage between local roads and arterials. "High" collectors serve communities exceeding two hundred (200) population and significant recreational centers. "Low" collectors de-emphasize mobility and carry generally low traffic volumes.
25. Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district.
26. Conforming Use. Any lawful use of a building or lot which complies with the provisions of this Ordinance.
27. Corner Lot. A lot abutting two 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.
28. Curb Grade. The level of the established curb in the front of the building, measured at the center of such front. Where no curb has been established, the Village Board shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this Chapter.
29. 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.
30. 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.
31. Dwelling, Single-Family. A detached building designed, arranged or used for, and occupied exclusively by one (1) family.

32. Dwelling, two-family. A building designed, arranged or used for, or occupied exclusively by two (2) families, living independently of each other.
33. Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families and designed with individual kitchen, baths and living quarters, as separate housekeeping units.
34. Efficiency. A dwelling unit consisting of one principal room with no separate sleeping rooms.
35. Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare fire, flood, windstorm, riots, and invasions.
36. Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, lift stations, and hydrants, but not including buildings.
37. Expressway. A divided Principal or Primary Arterial highway with full or partial control of access and with or without grade separated intersections.
38. Family. A family is a body of persons who live together in one dwelling unit as a single housekeeping entity in a domestic relationship based upon birth, marriage or similar domestic bond, as distinguished from a group occupying a boarding house.
39. Farm. Land consisting of forty (40) or more acres on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.
40. Floor Area.
  - a) For Residential Uses, the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating dwelling units.
  - b) For Uses Other Than Residential, the area measured from the exterior faces of the exterior walls, or from the centerline of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.
41. Freeway. An expressway with full control of access and with fully graded separated intersection.
42. 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 such yards.
43. Frontage. Frontage is defined to mean the width of a lot at the street line extending from side lot line to side lot line. For the purposes of determining frontage requirements on corner or through lots, all sides of a lot abutting a public street shall be considered as a separate and distinct frontage. Where the phrase "frontage line" is referred to in the Municipal Code, it shall be construed to mean frontage.
44. Garage, Private. An accessory building or portion of the principal building used for vehicular storage only, and having a capacity of not more than three (3) automobiles, or not more than one (1) automobile per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one (1) commercial vehicle, and in which space may be rented for not more than three (3) vehicles of others not occupants of the building to which such garage is accessory. The term also includes carport and, when related to the context, shall relate to the storage of one (1) or more vehicles.
45. Gift Stores. Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
46. Hardware Stores. Retail stores where items such as plumbing, heating, and electrical supplies, supporting goods, and paints are sold.
47. Hotel. An establishment for transient guests having more than six (6) sleeping rooms without individual cooking facilities.
48. Household/Home Occupations. Any occupation or profession for gain or support conducted entirely within buildings by resident occupants, which is customarily incidental to the principal use of the premises. It shall include residences of baby-sitters, milliners, dressmakers, launderers, crafts and cannerys, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios. It shall not exceed twenty-five (25%) percent of the gross floor area of the dwelling, nor include the display of goods visible from outside the premises.

49. Interchange. A grade separated intersection with one or more turning lanes for travel between intersection legs.
50. Joint Extraterritorial Zoning Committee. Any Zoning Committee established in accordance with Ch. 62.23(7a) of the Wisconsin Statutes.
51. Junk Yard. An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, bales, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.
52. Key Lock Box. An emergency egress system required for all occupancies that are subject to mandatory fire inspections as defined by and under Chapter 11 of this Municipal Code.
53. Living Rooms. All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.
54. Loading Area. A complete off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
55. Local Highway. Roads which are intended to move vehicles from individual parcels to the higher order road systems and should not carry through traffic. Local roads carry low traffic volumes.
56. Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Chapter.
57. Lot, Corner. A lot abutting intersecting streets at their intersection.
58. Lot Coverage. The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.
59. Lot Reversed Corner. A corner lot which is oriented such that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
60. Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both public streets shall be deemed front lot lines.
61. Lot, Zoning. A single tract of land located within a single block, which at time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.
62. Lot Area. The total area in a horizontal plane within the peripheral boundaries of a lot.
63. Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
64. Lot Width. The width of a parcel of land measured at the rear of the specified street yard.
65. Machine Shops. Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops, plumbing, heating and electrical repair and overhaul shops.
66. Minor Structures. Any small, movable accessory erection or construction such as birdhouses; tool houses; pet houses; play equipment; arbors; and walls and fences under four (4) feet in height.
67. Mobile Home. A one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, and used without permanent foundation.
68. Mobile Home Park. Any lot on which two (2) or more mobile homes are parked for the purpose of temporary or permanent habitation.
69. Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
70. Nonconforming Uses or Structures. Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
71. Nursery School. Any building used routinely for the daytime care and education of pre-school age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.
72. Nursing Home. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

73. Parking Facility/Lot. A structure or an open space other than a street or alley used for temporary parking vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
74. Parking Space. A graded and surfaced area of not less than nine (9) feet wide and twenty (20) feet long either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
75. Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
76. Planned Unit Development. A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas.
77. Primary Arterial Highway. Serves long trips with high mobility. Connects regions or important cities. Serves communities with over five thousand (5,000) population by 1990. Continuous system in combination with Principal Arterials. Provides high level of service with only slight variation.
78. Principal Arterial Highway. Serves longest trips with highest mobility. Connects states, regions or metropolitan areas, serves cities with over fifty thousand (50,000) population by 1990. Continuous, interconnected system with uninterrupted maximum level of services.
79. Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions where the office does not exceed twenty-five (25%) percent the gross floor area of only one floor of the residence and only one nonresident person is employed.
80. Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds warehouses, car or locomotive shops, or car yards.
81. 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.
82. Setback. The minimum horizontal distance between the front lot line and a structure.
83. Shopping Center. A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. "See "Planned Area Development.")
84. Side Yard. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.
85. Signs. Any words, letter, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known corporation, profession, business, commodity or product and which is visible from any public street or highway.
86. Smoke Unit. The number obtained when the smoke density in Ringlemann number is multiplied by the time of emission in minutes.
87. Standard Arterial Highway. Serves long trips with good mobility. Has intra-regional and inter-community connections. Serves communities with over one thousand (1,000) population. Is a generally continuous system in combination with Principal and Primary Arterials. Provides good level of service under varying operating conditions.
88. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it.
89. Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than two (2) feet above the floor of such story.
90. Street. A public or private thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic, or both.
91. Street 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 purposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

92. Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
93. Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
94. Survey. A measurement by a Wisconsin Registered Surveyor of a given area to determine the accuracy of its location in relation to its legal description. Required if corner markers are not in and lot lines cannot be accurately established. Certified surveys are required in case of a land split.
95. Travel Trailer. A vehicular portable structure, built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, limited in weight or length to either a maximum weight of four thousand, five hundred (4,500) pounds or a maximum length of twenty-eight (28) feet.
96. Turning Lanes. An existing or proposed connecting roadway between two (2) arterial highways or between an arterial highway and any other highway. Turning lanes include grade separated interchange ramps.
97. Undeveloped. A lot is undeveloped if it has not been improved by the construction of any improvements upon it or if the improvements have been removed from the lot.
98. Use. The "use" of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
99. 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.
100. Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
101. Zoning District. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
102. Zoning Permit. A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which it is to be located.

#### **Sec. 18.04** Permits

1. The Village Board hereby designates the Building Inspector as the official to receive, process, and, following approval by the Plan Commission, when required, issue zoning permits. A zoning permit is issued to show that the intended use of the property is in compliance with the requirements of the zoning district in which located.
2. Cases when a zoning permit is required:
  - a. Before any building or other structure which is the principal permitted use is erected, moved or structurally altered so as to change its use.
  - b. Before any land use is substantially altered.
  - c. Before any building or structure is erected or substantially altered which would be a Conditional Use or require a variance regardless of whether principal or occupancy.
  - d. Before building an accessory structure, even though not intended for human occupancy.
3. The permit application shall be made to the Building Inspector on forms provided by the Village. Applications shall be submitted in duplicate, except that when a site plan approval under this Municipal Code is required, they shall be submitted in quadruplicate. The application shall include the following information:
  - a. Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
  - b. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - c. Plat of survey, if deemed necessary by the Building Inspector, prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site.

- d. Proposed sewage disposal plan. If Village sewerage service is not available, this plan shall be reviewed by the Village Engineer who shall certify the writing that satisfactory, adequate and safe sewage disposal is possible on the sites proposed by the plan in accordance with applicable local, county and safe health regulations.
  - e. Proposed water supply plans if Village water service is not available. This plan shall be reviewed by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.
  - f. Additional information as may be required by the Village Board, Plan Commission, Village Engineer, and Zoning, Building, Plumbing or Heath Inspectors, including all information required for site plan approval under this Municipal Code.
4. Fee receipt from the Building Inspector.
  5. The Building Inspector shall review the application and, if the application is complete and contains all required information, shall refer it to the Plan Commission if the recommendation is required.
  6. Upon referral of the application, the Plan Commission shall schedule a public meeting thereon as soon as practical, and the Plan Commission shall notice said meeting as deemed appropriate.
  7. Following necessary study and investigation, the Plan Commission shall render its decision and made a permanent part of the Commission's minutes. Such decision shall include an accurate description of the zoning use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval. The Plan Commission may impose any conditions or exemptions necessary to minimize any burden on any persons affected by granting the special use permit.
  8. A Zoning Permit shall be granted or denied in writing by the Plan Commission within thirty (30) days or within sixty (60) days of said date when site plan approval or a conditional use permit is required. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Chapter shall be null and void.
  9. When a Zoning Permit does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare the special grant may be terminated by action of the Plan Commission following a public meeting thereon.
    - a. Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Plan Commission and if in the opinion of the Plan Commission such change or addition constitutes a substantial alteration, a public hearing before the Commission shall be require and notice thereof be given.
  10. Key Lock Box System Compliance
    - a. Upon request of the Building Inspector, the Fire Chief shall provide certification to the Building Inspector that any such key lock box has been properly installed to the satisfaction of the Fire Department and this ordinance.
    - b. No building permit or other type of permit or authorization issued by the Village of Whiting or any department or body there under constituted shall be issued or permissible unless and until any inspectable property required to be equipped with a key lock box is in compliance with this section.

**Sec. 18.05**      Occupancy Certificates

1. **CERTIFICATES REQUIRED.** No commercial or industrial building or addition hereafter constructed or structurally altered shall be used for any purpose, and no addition to a previously existing building shall be occupied, and no land that is vacant shall be used for any purpose, until a certificate of occupancy has been issued by the building Inspector. No change in a use shall be made until a certificate of occupancy has been issued by the Village Building Inspector. Every certificate of occupancy shall state that the use of occupancy complies with all of the provisions of this Chapter.
2. **APPLICATION FOR OCCUPANCY PERMIT.**
  - a. An application for a certificate of occupancy shall be accompanied by a plat in duplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, its location on the lot and such other information, as the Building Inspector shall require providing for the enforcement of this Chapter. If application for a certificate of occupancy is made at the same time as application for a building permit, the Building Inspector may certify the proposed occupancy upon the building permit in lieu of issuing a separate certificate of occupancy. The fee for a certification or

certificate of occupancy shall be ~~Five (\$5.00)~~ Dollars which shall be paid to the Building inspector who shall issue a receipt, therefore.

- b. The Building Inspector shall transmit to the Village Clerk-Treasurer and the Clerk-Treasurer shall keep on file in his office a record of all certificates and certifications of occupancy issue under the provisions of this Chapter.
3. ISSUANCE OF OCCUPANCY CERTIFICATES. No occupancy certificate for a building or portion thereof here after constructed or structurally altered shall be issued until construction has been substantially completed and the premises inspected by the Building Inspector to be in conformity with the plan's specifications upon which the zoning certificate was based. The Village Building Inspector, under such rules and regulations established by such office, may issue a temporary certificate of occupancy for a part of a building.

**Sec. 18.06** Site Plan Approval

1. PURPOSE. This Site Plan Review Ordinance is intended to promote public health, safety and general welfare; encourage the use of lands in accordance with their character and adaptability; promote compatible development; facilitate existing community development plans; minimize congestion on public roads, streets and highways; promote the stability of property values; preserve the character and quality of the built environment by maintaining the integrity of those areas which have a discernible character or are of a special historic significance; foster the attractiveness and functional utility of the Village of Whiting (hereinafter referred to as the Village) as a place to live and work; reduce hazards to life and property; protect public investments made in the Village; avoid the overcrowding of population; and raise the level of community expectations for the quality of its environment.
2. SITE PLAN REVIEW PRINCIPLES. To implement the purpose set forth in this Municipal Code, the Plan Commission shall review proposed Site and Landscaping Plans for conformance with the following principles:
  - a. The Site Plan shall be consistent with public goals, objectives, principles, standards, policies and urban design criteria set forth in the Village's adopted community Master Plan, or components thereof.
  - b. The proposed project should be consistent with land use and the Zoning district within which it is located. The view should be dominated by the building and not by garages, parking, mechanical equipment, garbage containers, or other storage.
  - c. There shall be adequate utilities to serve the site.
  - d. Proposed access and parking facilities shall ensure the safety of pedestrian and vehicular traffic.
  - e. Land, buildings and structures shall be readily accessible. Emergency vehicle and handicapped access shall be adequate.
  - f. Proposed on-site buildings, structures and entry ways shall be situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm-water drainage, erosion, grading, noise, outside storage, any industrial device or industrial smoke producing appliance or noxious fumes, lighting and parking.
  - g. Clear vision requirements shall be utilized to prevent vision obstructions, thereby increasing public safety by providing a full view of both pedestrian and vehicular traffic adjacent to street intersections, rights-of-way, alleys, sidewalks and/or adjacent access points (public or private driveways).
  - h. Landscaping and open space shall be utilized or maintained for the following purposes:
    - 1) To define boundaries and enhance the quality and appearance of the site.
    - 2) To visually soften paved areas and buildings.
    - 3) To visually screen parking lots from street view and from adjacent properties.
    - 4) To establish positive environmental conditions by providing shade; air purification; oxygen regeneration; groundwater recharge; storm-water runoff retardation; improved water quality; noise, glare and heat abatement; and protection from erosion.
    - 5) To buffer uncomplimentary land uses and lessen the impact of high intensity uses.
  - i. Natural features of the landscape shall be retained when they enhance the appearance of the site, when they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes, and/or when they assist in preserving and general safety, health, welfare and appearance of the neighborhood.

3. COMPLIANCE. No use or structure including, but not limited to, accessory buildings, parking lots and signage shall hereafter be erected, moved, reconstructed, extended, enlarged, altered or changed until the Plan Commission and Village board have reviewed and approved plans (Site Plan and Landscaping Plan) for the site and/or structure(s). The provisions of this Chapter shall not apply to the development of single-family residences and two-family residences or their accessory structures and shall not apply to interior improvements to a structure.
4. PRELIMINARY CONSULTATION. Prior to the preparation and official submittal of the site Plan and any supporting data, the applicant shall meet with the Building Inspector for a preliminary consultation. The purpose of this preliminary consultation is to have an informal discussion of the proposed project, a review of the regulations and policies applicable to the project and a discussion of any land use implications.
5. SUBMITTAL REQUIREMENT. Fourteen (14) copies of the proposed Site Plan and fourteen (14) copies of the proposed Landscaping Plan shall be submitted to the Village Clerk at least 7 days prior to the next regularly schedule Plan Commission meeting. Plans shall be of sufficient quality and content to ensure a review by all necessary Village Committees; however, changes may be required by the Building Inspector after his review, prior to review by the Plan Commission. Specific submittal requirements for Site and Landscaping Plans are listed below in Section Specific Submittal requirements for site and Landscaping Plans are listed below in this Municipal Code. Only those requirements that apply to the proposed project shall be required to be submitted by the applicant.
6. SITE PLAN SUBMITTAL REQUIREMENTS: See Figure 1 for an illustration of a Site Plan. Site Plan data to be submitted with all applications shall include the following:
  - a. Site Plans drawn to an engineering scale not smaller than 50 feet to the inch, with the name of the project noted. A proposed project submitted for review that results in a new building of \$50,000 or more, or any renovation over \$20,000, shall provide a colored rendering showing both the front and side elevations, as well as any landscaping areas and paved material.
  - b. The owner and/or developer's name and address, as well as all proposed addressees for the project.
  - c. The architects and /or engineer's name and address.
  - d. The date of Plan submittal.
  - e. Scale of drawing, north arrow, site size information (area in square feet or acres), building area, and coverage note on the Plan.
  - f. Existing and proposed topography shown at a contour interval of not less than 2 feet at national geodetic vertical datum, indicating proposed grade and location of improvements.
  - g. The characteristics of soils, particularly if filing has occurred within the last 7 years, as they relate to proposed uses.
  - h. All building and yard setback lines.
  - i. Both the 100-year recurrence interval floodplain and floodway, where applicable.
  - j. Wetland areas, where applicable.
  - k. All driveways curb cuts and ingress/egress locations. Curbing may be required, based on Plan Commission review.
  - l. The proposed location of all signage to be place on the site.
  - m. The location and type of all outdoor lighting to be place on the site.
  - n. The total number and location of all off-street parking spaces.
  - o. The construction materials, types, size, height and location of all structures, including containment areas for garbage and recycling materials. All building dimensions shall be shown.
  - p. Existing and proposed street names.
  - q. Existing and proposed street rights-of-way and/or reservations and widths.
  - r. The location of all easements on the subject property, including existing and proposed electrical service easements and cable TV.
  - s. Zoning classification noted.
  - t. Existing and proposed location of sanitary sewers, storm sewers, water mains and fire hydrants. All locations of the proposed connections to such utilities, including electrical service and easements and cable TV should be indicated on the Site Plan.
  - u. The location of existing and/or proposed storm-water management facilities, including detention/retention areas. All stormwater must be maintained on-site. Requests to utilize the Business 51 storm sewers must be approved by the Wisconsin Department of Transportation.

- v. The location, extent and type of existing and proposed landscaping and landscaping planting, as well as any proposed buffer areas, pursuant to this Municipal Code.
  - w. The location of pedestrian walkways and sidewalks.
  - x. A graphic outline of any development staging which is planned.
  - y. If a proposed development abuts an existing or planned arterial street or highway, all driveway locations of all adjoining property within 200 feet of the subject property shall be indicated on the Site Plan.
7. LANDSCAPE PLAN REQUIREMENTS. See Figure 2 for an illustration of a Landscaping Plan. All Landscape Plans shall contain the following information:
- a. North arrow and scale.
  - b. Topographic information based upon U.S. government datum and final grading adequate to identify and properly specify planting for areas needing slope protection (such areas having a slope in excess of three feet in length to one foot of rise).
    - 1. The location, size and surface materials of all structures and parking areas.
    - 2. The location, type, size, quantity and common name of all proposed landscaping materials.
    - 3. The location, size and common name of all existing plant materials to be retained on site.
    - 4. Plant materials shall be drawn to a scale to reflect approximate mature sizes.
8. SITE AND LANDSCAPING PLAN REQUIREMENTS. To implement the purpose set forth in this Municipal Code, the Plan Commission shall review Site Plans and Landscaping Plans for conformance with the applicable sections below.
9. USE REQUIREMENTS. The proposed use shall conform to the uses permitted in the Zoning District within which it is located.
10. DIMENSIONAL REQUIREMENTS. The dimensional arrangement of buildings and structures shall conform to the required area, yard, setback and height requirements of this Municipal Code.
11. VIEW REQUIREMENTS. Buildings should face their main facade toward the street. In cases where the main façade of the building cannot face the street, the portion of the building facing the street shall be developed in such a manner that the street-façade is developed using architectural elements such as roof lines, windows, and architectural detailing to make the street facade look harmonious in scale, massing, proportion and building form with adjacent structures.
12. UTILITY REQUIREMENTS. The Public Works and Utilities Committee and/or Fire Chief shall determine whether there is adequate sanitary sewer, potable water, storm drainage, street capacity, emergency access, public protection services and other utilities to serve the proposed development. They shall review the Site Plan to ensure safety and access for safety vehicles. Utilities shall be placed underground, unless approved by the Plan Commission and Village Board.
13. ACCESS AND PARKING REQUIREMENTS.
- a. Multiple Family Requirements:
    - 1. A lot/parcel proposed for development shall front on a public right-of-way.
    - 2. The driveway shall be located so as not to be a danger to the street flow of traffic.
    - 3. Clear vision triangles shall be maintained adjacent to the driveway.
    - 4. Driveways and parking lots shall be designed to meet the minimum access and parking requirements of the Village's Zoning.
  - b. Commercial/Industrial District Requirements (Includes C-1 Commercial, I-1 Industrial, MR-1 Planned Community Mobile Home Park and Planned Unit Development Zoning Districts):
    - 1. A lot/parcel proposed for development shall front on a public right-of-way.
    - 2. The driveway shall be located so as not to be a danger to the street flow of traffic.
    - 3. Driveways shall have a minimum separation distance of 50 feet from street intersections (measured from the right-of-way to the closest point of the driveway).
    - 4. Driveway locations shall be aligned with adjacent access points to minimize conflicts.
    - 5. Only 1 (one) driveway shall be allowed per lot or premises, unless recommended by the Public Works Committee Chairman. Minimum driveway openings shall be 30 feet. Maximum driveway openings shall be 45 feet.
    - 6. Traffic flow shall be organized in a clear hierarchy of flow patterns. Internal and external traffic flow shall be organized so as not to cause confusion or clear vision problems and to provide adequate space for traffic flow and stacking (See Illustration Section Figure 3).
    - 7. Adequate drainage and snow storage shall be provided.

8. Driveways and parking lots shall be designed to meet the minimum access and parking requirements of this Municipal Code.
9. Parking areas shall be safe. They shall be adequately lit, sized to meet minimum requirements of the Village's Zoning Ordinance, graded so as not to be too steep and paved with concrete or bituminous surfacing.
- c. Parking lot lighting must be constructed as follows:
  1. The maximum permitted illumination at the property line for residentially zoned lands is 0.2 foot-candles.
  2. The maximum permitted illumination at the property line for commercial and industrial zoned lands is 0.3 foot-candles when located adjacent to residentially zoned lands and 5.0 foot-candles when located adjacent to commercial and industrial zoned lands.
  3. When a light source or luminary utilizes a cutoff (the cutoff is the point at which all light rays are completely shielded), the bare light bulb, lamp or light source shall not be visible from the right-of-way or from the property line of adjacent residentially zoned lands.

#### 14. BUILDING/STRUCTURAL REQUIREMENTS.

- a. Multiple Family Requirements:
  1. The proposed project shall have an architectural style that is consistent with land uses permitted within the applicable Zoning District.
  2. All buildings shall have a minimum of 20% of the finished "front" wall surface, excluding windows and doors, constructed of brick, stone, stucco, wood or other appropriate accent materials as approved by the Plan Commission. Buildings may be granted a waiver by the Plan Commission and Village Board, if suitable alternative materials are incorporated into the building design.
  3. When exterior lighting is utilized, the maximum permitted illumination at the property line for residentially zoned lands is 0.2 foot-candles. When a light source or luminary utilizes a cutoff (the cutoff is the point at which all light rays are completely shielded), the bare light bulb, lamp or light source shall not be visible from the right-of-way or from adjacent residentially zoned lands.
- b. Commercial/Industrial District Requirements (Includes C-1 Commercial, I-1 Industrial, MR-1 Planned Community Mobile Home Park and Planned Unit Development Zoning Districts):
  1. The proposed project shall have an architectural style that is consistent with land uses permitted within the applicable Zoning District. For example-, single- and two-family residences are not normally intended to be utilized for commercial purposes (See pictures in site Plan Review Brochure that illustrate examples of single-family residences that may be appropriate for conversion to commercial uses).
  2. All buildings shall have a minimum of 20% of the finished "front" wall surface, excluding windows and doors, constructed of brick, stone, stucco, wood or other appropriate accent materials as approved by the Plan Commission and Village Board.  
Buildings may be granted a waiver by the Plan Commission and Village Board, if suitable alternative materials are incorporated into the building design.
  3. Mechanical equipment, including refuse storage, shall be screened from neighboring properties. Mechanical equipment shall be located to minimize impacts to adjacent residentially zoned lands.
  4. Noise and odor sources shall be located to minimize impacts to adjacent properties.
  5. When exterior lighting is utilized the maximum permitted illumination at the property line for commercial and industrial zoned lands is 0.3 foot-candles when located adjacent to residentially zoned lands and 5.0 foot-candles when located adjacent to commercial and industrial zoned lands.

#### 15. CLEAR VISION REQUIREMENTS

- a. Clear vision shall be maintained adjacent to street intersections, rights-of way, alleys, sidewalks, and/or access point (public or private driveways). Clear vision shall be maintained through the use of clear vision triangles. A clear vision triangle is established by marking a point at which the back of the curb or edge of the street pavement intersects with a driveway, access point or intersecting right-of way (the back of the curb or edge of the pavement of the street), measuring back 30 feet along each intersecting line and drawing a line across the two back points to form a triangular area. No sign or landscaping in excess of 3 feet above curb grade or support is to be located in a clear vision triangle and must have at least 8 feet of

clearance (10 feet for industrial uses) between the bottom of the sign and the grade of the right-of-way line.

## 16. LANDSCAPING REQUIREMENTS.

### a. General Landscaping Requirements.

#### 1. Multiple Family Requirements:

- a. All yards shall be sodded or seeded on black dirt.
- b. Underground sprinklers shall be provided, unless an alternative is approved by the Plan Commission and Village Board.
- c. General Yard Requirements: the developer shall install at least two trees and two shrubs per dwelling unit. Trees shall be a minimum of 1½ inches in diameter and shrubs shall be a minimum of 18 inches in height at the time of planting. Developers should contact local utilities about landscaping restrictions adjacent to or within public utility easements. Tree planting guidelines are available from Wisconsin Public service and from the UW-Extension Office in Stevens Point.
- d. Foundation Requirements: the developer shall install at least one plant for every 36 inches of building facade facing the street. The size of the plant shall be a minimum of 18 inches in height at the time of planting. These plants may be located in areas other than the foundation, upon approval by the Plan Commission and Village Board. The developer shall contact local utility companies and receive their approval when proposing tree placement adjacent to utility lines.
- e. In all platted lands, the developer shall backfill the public parkway with four inches of topsoil or other suitable landscaping material for the planting of street trees.
- f. All proposed multiple family developments shall install a vegetative buffer along any property line that directly abuts an R-1 single Family or R-2 Single- and Two-Family Residential Zoning District, except where clear vision triangles are necessary (e.g., near street intersections and driveways). The vegetative buffer shall consist of at least one bush or shrub and shall be a minimum of 4 feet in height at the time of planting.

#### 2. Commercial/Industrial District Requirements (Include C-1 Commercial, I-1 Industrial, MR-1 Planned Community Mobile Home Park and Planned Unit Development Zoning Districts):

- a. All yards shall be sodded or seed on black dirt.
- b. Underground sprinklers shall be provided, unless an alternative is approved by the Plan Commission and Village Board.
- c. General Yard Requirements: A minimum of one tree shall be planted for every 40 lineal feet of street frontage. Such trees shall be planted outside of the parking lot landscaping area. Developers should contact local utilities about landscaping restrictions adjacent to or within public utility easements. Tree planting guidelines are available from Wisconsin Public Service and from the UW-Extension Office in Stevens Point.
- d. Foundation Requirements: The developer shall install at least one plant for every 36 inches of building façade facing the street. The size of the plants shall be a minimum of 18 inches at the time of planting. These plants may be located in areas other than the foundation, upon approval by the Plan Commission and Village Board. The developer shall contact local utility companies and receive their approval when proposing tree placement adjacent to utility lines.
- e. In all platted lands, the developer shall backfill the public parkway with four inches of topsoil or to the suitable landscaping material for the planting of street trees.
- f. All business developments (commercial, industrial, institutional, etc.) which directly abut an R-1 Single Family or R-2 Single- and Two-Family Residential Zoning District shall install a vegetative buffer except where clear vision triangles are necessary (e.g., near street intersections and driveway). The vegetative buffer shall consist of at least one bush or shrub per 6 feet along the affected property line. The size of each bush or shrub shall be a minimum of 5 feet in height at the time of planting

### b. Parking Lot Landscaping Requirements:

1. A minimum five-foot wide visual relief screen shall be provided when adjacent to a street. Such screen may be comprised of a hedge, fence, planter, berm, dividers, shrubbery, trees, or any combination thereof. All landscaping utilized for visual relief shall be a minimum height of 18 inches at the time of planting. Clear vision triangles shall be maintained. Bark or other organic mulches shall be retained within planting areas. The use of inorganic materials within planting areas is discouraged.

2. Parking lots shall meet the setback requirements of the Village's Zoning Ordinance.
  3. All business developments (commercial, industrial, institutional, etc.) which directly abut an R-1 Single Family or R-2 Single- and Two-Family Residential Zoning District shall install a vegetative buffer, except where clear vision triangles are necessary (e.g., near street intersections and driveways). The vegetative buffer shall consist of at least one bush or shrub per 6 feet along the affected property line. The size of each bush or shrub shall be a minimum of 5 feet in height at the time of planting.
  4. Appropriate perimeter landscaping shall be provided to break up the visual expanse of paving and to provide shade.
  5. The Plan Commission and Village Board may require landscaping at major entrances and other appropriate areas to delineate internal traffic patterns and to assist vehicular and pedestrian traffic movement.
  6. All freestanding signs shall be set in a landscaped base of appropriate size to provide shrubs and base plantings that will enhance and compliment the sign.
  7. The publication entitled A Guide to Selecting Landscape Plants for Wisconsin by E.R. Hasselkus, UW Extension publication #A2865 shall be used to determine acceptable landscaping materials for all landscape treatments. Unsuitable landscaping materials include honeysuckle (*Lonicera x-bella*, *Lonicera marrowii*, *Lonicera tartarica*), buckthorn (*Rhamnus Cathartica*, *Rhamnu frangula* (tall hedge)) and any trees considered part of the Elm species.
17. MAINTENANCE REQUIREMENTS.
- a. The trees, shrubs, fences, walls and other landscaping materials depicting on plans approved by the Village shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan.
  - b. The developer, his successor and/or subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping and landscaping materials. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be removed within 60 days, following notification by the Building Inspector, and shall be replace within the next appropriate planting season or within 1 year, whichever comes first.
18. REVIEW PROCEDURES.
- a. Site and Landscaping Plans submitted to the Village Clerk shall be placed on the next available Village Plan Commission agenda. The Plan Commission shall recommend approval, conditional approval or denial of the proposed Site Plan to the Village Board. After action by the Plan Commission, the Village Board shall authorize the Building Inspector to issue or refuse a Zoning Permit for the proposed project.
  - b. The Plan Commission shall review the proposed Plans to determine whether they are in proper form, contain all of the required information, show compliance with this and other Ordinances and plans of the Village and demonstrate the adequacy of utility services. Upon demand by the site Plan applicant, the Plan Commission shall, within 30 days of its initial submittal approve it, conditionally approve it or deny approval. Denial of approval shall be limited to any defect in form or required information, or any violation of any provision of this or any other Village Ordinance or the inadequacy of any utility. The Plan Commission's action shall be issued in writing by the Plan Commission Secretary, stating, in detail, the reasons for the Plan Commission's actions.
19. DEVELOPMENT AGREEMENT. Approval of a Site Plan by the Village Board shall constitute an agreement between the property owner of the applicable Plans and the Village. The property owner shall prepare the site, construct any buildings and/or make any improvements in accordance with approved Plans.
20. PLAN CHANGES. Any substantial change to approved Plans may be cause for review by the Plan Commission. Substantial change may include modification of one or more of the following factors:
- a. A change in land use.
  - b. A change in the ration of different uses of buildings.
  - c. A change in type and/or location of access ways and parking areas.
  - d. An increase in the floor area by more than 5%.
  - e. A reduction of more than 5% in areas reserved for recreation facilities, common open space and/or usable open space.
  - f. An increase of more than 5% in the total ground area to be covered by structures.
  - g. Any reduction of a setback requirement.

- h. Any reduction in screening and/or landscaping provisions.
- 21. CERTIFICATE OF OCCUPANCY.
  - a. REQUIREMENTS. No Certificate of Occupancy shall be granted until all improvements shown on an approved Site Plan have been completed in accordance therewith.
  - b. EXCEPTIONS. Upon a finding by the Building Inspector that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer, and that temporary occupancy prior to completion will involve no health or safety hazard, the Building Inspector may issue a temporary Certificate of occupancy bearing an expiration date, which date shall allow reasonable time for completion of all required improvements are completed.
- 22. FEES. Prior to Site Plan Approval, the applicant for a Site Plan shall pay all third-party professional fees incurred by the Village for review of Site and Landscaping Plans.
- 23. LAPSE OF SITE PLAN APPROVAL. In the event the project for which the Site Plan Approval was granted is not completed within three years of such approval, the Site Plan Approval shall lapse and there shall be no further development or construction. Upon application, the Village Board may renew the Plans as originally granted, or require changes as deemed appropriate.
- 24. EXTENT OF AUTHORITY. Nothing in this Municipal Code shall be interpreted to give the Plan Commission and Village Board power to authorize, in any Zoning District, any use of a building or structure not permitted by law in that Zoning District; to issue any exception, variance or special permit; to approve any conditional use; or in any way deviate from any other Ordinances currently in force in the Village. Any development approved under the provisions of this Ordinance structure not permitted by law in that Zoning District in which the proposed development is located, including, but not limited to required height and coverage, required lot area per dwelling unit, usable open space, lot width and depth, yards and off-street parking and loading spaces.
- 25. LEVYING OF SPECIAL ASSESSMENTS TO COMPLETE AN APPROVED PROJECT. The Village may, at its option, upon lapse of Site Plan Approval, or upon a developer failing to comply in a timely fashion with the specific terms and timetable of a developer's agreement with the Village, enter onto a project site and complete those improvements provided for in the Plans as approved by the Village. These improvements may include, but are not limited to landscaping, blacktopping, sewer and water laterals and other improvements necessary under the Site Plan as approved. In the event the Village exercises this option, the expenses incurred in doing so shall be reduced to a special assessment and levied upon the subject property. If the amount of said special assessment exceeds \$5,000, the property owner may, at his/her option, request said special assessment be reduced to a 5-to-10-year payment schedule, with interest on said unpaid balance during the course of said payment schedule, consistent with similar payment schedules for special assessments for the calendar year in which said special assessment was levied.
- 26. ILLUSTRATIONS.
  - a. Figure 1 illustrates an appropriate Site Plan.
  - b. Figure 2 illustrates an appropriate Landscaping Plan.
  - c. Figure 3 illustrates how traffic flows should be organized on a site. Figure A illustrates potential problems with a specific parking layout, while Figure B shows how the parking layout was improved.
  - d. Figures 4A and 4B illustrate lighting requirements. Figure 4C illustrates lighting requirements when cutoff fixtures are utilized for lighting.
  - e. Figure 5 is an illustration of clear vision triangle areas.
  - f. Figure 6 is an illustration of vegetative buffer requirements along property lines.
  - g. Figure 7 is an illustration of parking lot setback requirements.

#### **Sec. 18.07** Site Restrictions

- 1. SITE SUITABILITY. No land shall be used, or structure erected where the land is held unsuitable for such use or structure by the Plan Commission by reason of flooding, concentrated run-off, inadequate drainage, adverse solid or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion, susceptibility, or any other feature likely to be harmful to the health, safety, 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 Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

2. **STREET FRONTAGE** All lots shall abut upon a public street and each lot shall have a minimum street frontage and area as set forth in this Municipal Code.
3. **PROPERLY DEDICATED STREET**. No Zoning Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and location on that side thereof from which the required dedication has not been secured.
4. **PRINCIPAL STRUCTURES**. All principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot, except for planned area developments in accordance with the provisions of this Chapter or unless approval of more than one main building on a lot has been granted by the Village Board and Plan Commission.
5. **PRESERVATION OF TOPOGRAPHY**. In order to protect the property owner from possible damage due to change in the existing grade adjoining lands, and to aide in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Building Inspector; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angel of slippage of the material involved and all slopes shall be protected against erosion.
6. **ESTABLISHMENT OF GRADES**. Every building hereafter erected, structurally alter, or relocated shall be at a grade approved by the Village as being in satisfactory relationship within the established street grades, or with the existing street grades where none is established, with particular consideration for proper drainage and safe vehicular access.

**Sec. 18.08** Use Restrictions

1. **PRINCIPAL USES**. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
2. **ACCESSORY USES**. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Accessory uses include professional home offices; household occupations; storage; parking faculties; gardening; watchman’s quarters not for rent; private swimming pools; and private emergency shelters. Except, as herein otherwise regulated, accessory uses shall not include the keeping, propagation or culture of pigeons, poultry or livestock.
3. **CONDITIONAL USES**. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission and Village Board.
4. **UNCLASSIFIED OR UNSPECIFIED USES**. Unclassified uses may be permitted by the Plan Commission after the Commission has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.
5. **TEMPORARY USES**. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Building Inspector.
6. **PERFORMANCE STANDARDS**. Performance standards listed in Section 19.18 thru 19.21 shall be complied with by all uses in all districts.
7. **MOBILE HOMES**. No mobile home shall be used for the purpose of habitation except within an approved mobile home park.
8. **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 Chapter. 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.

**Sec. 18.09** Accessory Buildings

Accessory buildings and structures are permitted in the Single-Family Residential District, Single- and Two-Family Residential District, Multi-Family Residential District provided; the following regulations are complied with:

1. **SETBACKS**.
  - a. Front set back

1. Accessory building must comply with the front setback set of the principal building. See section 19.05 (2)(b).
2. Accessory buildings cannot be located closer to the front lot line than the principal building (accessory buildings cannot be located in the front yard).
- b. Rear setback
  1. Accessory buildings must have a minimum of three-foot (3') setback from the rear property line.
- c. Side setbacks
  1. The accessory building shall be located a minimum of ten feet (10') from the side property line.
    - a. Exceptions:
      - 1) When the accessory building is located at least fifty feet (50') from the front lot line and in the rear yard, the accessory building shall have a minimum three-foot (3') setback from the side property line.
      - 2) Corner lots: The accessory building shall be located a minimum of thirty feet (30') from the side property line on the Street side.
- d. Setbacks from existing structures
  1. Accessory buildings must be located at least ten feet (10') from all existing buildings.
2. PERMITTED SIZES AND PERMITTED USES.
  - a. Yard Maintenance Buildings and Similar Type Accessory Buildings.
    1. Accessory Building is defined as a stand-alone building. A detached primary garage is not considered an Accessory Building.
    2. Yard maintenance buildings used for the storage of garden and cultivating tools, lawn mowers, snow blowers, snowmobiles, yard maintenance equipment, pool equipment, and similar tools and supplies of a personal property nature, shall be allowed to be erected.
    3. Where the accessory building or structure is a detached private garage or similar type structure, such accessory building may be used for the storage of non-commercial motor vehicles and not more than one commercial motor vehicle of a rated capacity not exceeding one (1) ton with no public service facilities in connection therewith, and for storage of boats, trailers, low profile recreational vehicles, building materials and similar items of personal property that can be accommodated through a door height maximum of **ten (10)** feet. No accessory building shall be more than one story. No accessory building side wall shall exceed a maximum roof truss and/or rafter bearing wall height of **eleven (11)** feet, with a maximum truss heel height of one (1) foot or a building height of **seventeen (17)** feet unless a conditional use is approved.
    4. Where the accessory building or structure is to be a garage or similar type structure and is proposed to be constructed of materials other than frame lumber or materials inconsistent with that of the principal building, the Plan Commission shall review and approve such structure prior to issuance of a building permit.
    5. The maximum square footage of accessory buildings shall not exceed 1024 square feet of floor space. A primary detached garage will not be considered as an accessory building.
    6. No residential property shall be allowed more than two (2) accessory outbuildings.
    7. The maximum square footage of floor space for a primary detached garage is not to exceed 850 square feet. A primary detached garage may only be classified as such if no attached garage exists, or the size of the attached garage is less than 300 square feet. The combined total of a primary detached garage and a primary attached garage cannot exceed 850 square feet.
3. HOME OCCUPATIONS. Detached accessory buildings or structure may only be used in conjunction with a home occupation following issuance of a conditional use permit pursuant to this Chapter.

#### **Sec. 18.10** Outside Storage of Firewood

1. No person shall store firewood in the front of street yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days, from the date of its delivery. Stored firewood shall at no time cover more than five percent (5%) of the lot area.
2. Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

3. All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
4. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of Chapter 19.06 of this Code of Ordinance.

**Sec. 18.11**      Enforcement and Penalties

1. VIOLATIONS. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Plan Commission, Building Inspector, or any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter. Whenever a certificate of occupancy is used under the provisions of this Chapter the occupancy or use of buildings or land for any purpose or purposes other than that proposed in any application for such certificate without certification of such change in use or proposed by the Building Inspector under the provisions of this Chapter, shall constitute a violation thereof.
2. PENALTIES. Any person, firm or corporation who fails to comply with the provisions of this Chapter shall upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars plus the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or, in the alternative, shall have such costs added to their real property as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.