CHAPTER 19

ZONING DISTRICTS

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ZONING DISTRICTS

Sec. 19.01 Definitions

1. Except where otherwise provided for, the definitions found in this chapter shall be identical of those found in Chapter 17 of this Municipal Code.
2. This Chapter shall be known as, referred to, or cited as the "Zoning Ordinance" or "Zoning Code," Village of Whiting, Portage Country, Wisconsin.

Sec. 19.02 Establishment of Districts

1. DISTRICTS. The Village of Whiting is divided into the following eight (8) districts:
   a. R-1 Single-Family Residential District
   b. R-2 Single- and Two-Family Residential District
   c. R-3 Multiple-Family Residential District
   d. C-1 Commercial District
   e. I-1 General Industrial District
   f. CON Conservancy Districts
   g. MR-1 Planned Community Mobile Home Park District
   h. PUD Planned Unit Development District
2. DISTRICT BOUNDARIES. Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, Village of Whiting, Wisconsin," dated July 19, 1985, which accompanies and is part of this Chapter. Such boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines, lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended unless otherwise noted on the Zoning Map.
3. VACATION OF STREETS. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
4. ANNEXATIONS. Annexation to or consolidations with the Village subsequent to the effective date of this Chapter shall be temporarily place in the R-1 Single-Family District. Within ninety (90) days of the date of annexation, the Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

Sec. 19.03 Zoning Map

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Chapter and shall bear upon its face the attestation of the Village President and the Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk-Treasurer and Building Inspector.

Sec. 19.04 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map and shall be so determined by the Building Inspector.

Sec. 19.05 R-1 Single-Family Residential District Regulations

1. USE. In the Single-Family residential District, no building or premises shall be erected, moved, or structurally altered except for one or more of the following uses:
   a. Single-family dwelling.
   b. Churches, convents, schools, public libraries, public museums, municipal administration buildings, and municipal well fields.
   c. Accessory buildings.
   d. Professional offices.
   e. Home occupations, except that no home occupation shall be permitted which violates the nuisance chapter of this Municipal Code as to noise or odor or cause unusual traffic problems to an area.
   f. Signs, provided no advertising sign of any character shall be permitted in the Residential District, except one (1) nameplate with no interior lighting not to exceed two (2) square feet and not to exceed five (5) feet in height. One (1) nameplate not exceeding one (1) square foot or one (1) sign exceeding four (4) square feet in area pertaining to the lease, hire or sale of the building or premises.
   g. Signs pertaining to the sale or lease of the building shall not exceed six (6) square feet and will not exceed height of five (5) feet.
   h. Churches, convents, schools, public libraries, public museums, municipal administration buildings, and municipal well fields shall be allowed one (1) twenty (20) square foot illuminated but non-flashing sign.
2. REGULATIONS. In the Single-Family Residential District, no building or structure shall be erected, moved or structurally altered except in accordance with the following regulations:
   a. Area. No building shall hereafter be erected on any lot comprising an area of less than fifteen thousand (15,000) square feet.
   b. Front Yard. No building shall hereafter be erected, and no existing building shall be reconstructed or altered in such a way that any portion thereof shall be closer to any street line right-of-way than thirty (30) feet; except where a lot is located between two lots, each of which has a principal building located thereon, the front yard requirements on such lot shall be not less than the average on the front yard setback from the street line of said existing buildings located thereon, or the thirty (30) foot front yard setback line as prescribed herein.
   c. Side Yard. There shall be provided on every lot two (2) side yards, each of which shall be at least ten (10) feet wide.
   d. Rear Yard. On every lot, there shall be a rear yard having a depth of no less than twenty (20%) percent of the depth of the lot, provided such rear yard need not exceed thirty (30) feet in depth.
   e. Frontage and Lot Lines. No new lot shall be created, and no building shall be erected on any lot which does not have a frontage line on a Village street of at least one hundred (100) feet and three (3) other lot lines of at least one hundred (100) feet each. The frontage required on a cul de sac may be reduced to seventy-five (75) feet measured on the right of way line provided a minimum of forty (40) feet of the lot frontage is located on the curvature of the cul de sac.
   f. Maintenance of Existing Yards. The lot or yard areas of buildings existing at the time of the enactment of this Chapter shall not be diminished below the requirements of this Section. Any land split must be approved by the Board of Zoning Appeals if any lot is diminished below the requirements of this Chapter.

Sec. 19.06 R-2 Single- and Two-Family Residential District Regulations

1. USE. In the Single- and Two-Family Residential District, no building or premises shall be used, and no building shall be erected, moved or structurally altered except for one or more of the following uses:
   a. Single- or two-family dwellings.
   b. All uses listed for R-1 single family properties.
2. REGULATIONS. In the One- and Two-Family Residential District, no building or premises shall be used, and no building or structure shall be erected, moved, or structurally altered except in accordance with the following regulations:
   a. Area. No building shall hereafter be erected on any lot comprising an area of less than sixteen thousand (16,000) square feet.
   b. Front Yard. Same as for R-1 single family properties.
   c. Side Yard. Same as for R-1 single family properties.

d. Rear Yard. Same as for R-1 single family properties.
e. Frontage and Lot Lines. Same as for R-1 single family properties.
f. Accessory Building and Structures. Same as for R-1 single family properties.
g. Maintenance of Existing Yards. Same as for R-1 single family properties.
h. General Provisions. Same as for R-1 single family properties.
i. Sign regulations. Same as R-1 Single Family Residential.

3. ZERO LOT LINE RESIDENTIAL DEVELOPMENT. A zero lot line residential development is defined as being a "one-family free-standing unit" or "two one-family units with a common firewall". However, in no case will a zero lot line residential development be considered a two-family or multiple family unit.
   a. Zero lot line residential development is permitted only in R-2 residential districts.
   b. Zero lot line dwellings must comply with all structural requirements as specified in the Village's adopted building code. All such dwellings that share a common wall must also comply with all fire separation requirements set forth in the building code.
   c. All zero lot line residential development plans are subject to the customary review and approvals by the Village Building Inspector.
   d. Each zero lot line unit, defined as a structure housing one family, will be located on its own building lot. This lot must be a minimum of 8,000 square feet in size.
   e. Zero lot line development structures are limited to two stories in height, not including a possible basement.
   f. Minimum front property line lot width is 75'.
   g. Primary residential structure setback requirements are as follows:
      i. Side yard setback will be 10' minimum, except as noted in #2 below.
      ii. Side yard setback may be 0' or 1' on one side of the lot, provided the lot abutting the zero side yard setback is held under the same ownership at the time of initial building construction. In this case, the opposite side yard setback must be a minimum of 20'.
      iii. Construction of a residential zero lot line development with a side yard setback of 0' or 1' is only permitted if accompanied by a recorded, 5' perpetual easement from the adjoining lot owner to allow for future maintenance and repairs.
      iv. Any zero lot line residential development abutting a lot of different ownership must have a minimum setback of 10', with an allowance of a 24" encroachment for a structure's eave.
      v. Front yard or street setback minimum is 30'.
      vi. Rear yard setback minimum is 30'.
   h. A garage is required for each one-family zero lot line unit. This primary garage may be attached or detached, with a maximum of 850 square feet total garage space permitted.
   i. No one-family unit shall be permitted more than two (2) accessory buildings. The maximum square footage of accessory buildings shall not exceed 1,024 square feet of floor space. A primary detached garage is not considered an accessory building.
   j. The setback requirements for an accessory building in a zero lot line residential development are:
      i. Front yard is 30' minimum. In addition, accessory buildings must conform with the front setback of the primary residential building, and cannot be located closer to the front lot line than the principal structure.
      ii. Side yard is 10' minimum on both sides.
      iii. Rear yard is 3' minimum.
      iv. In addition, the distance between any accessory building and the primary housing structure must be a minimum of 10'.
   k. Whiting ordinance sections 18.09, (2)(a)(1)(3) and (4) are hereby incorporated in this ordinance by reference. These paragraphs include requirements governing accessory building and detached garage height and materials of construction.

l. Whiting ordinance sections 19.05, (1)(f) and (g) are hereby incorporated in this ordinance by reference. These paragraphs govern the use of signs in a zero lot line residential development.
m. Each residential unit in a zero lot line development is required to have dedicated water, sewer, and utility services.
n. Each lot in the zero lot line residential development is required to have direct and designated access to a public street. All shared roadways must have a perpetual easement which provides for this recorded with the Portage County Register of Deeds. The details and wording of this easement must be reviewed by the Whiting Village Attorney prior to the issuance of any building occupancy permit. The cost of this review will be borne by the zero lot line residential developer.
o. The zero lot line residential developer is required to create an attorney-prepared, perpetual property owner's agreement that binds all current and future owners in the development. Ownership, maintenance, and replacement responsibilities for all shared areas of the zero lot line residential development must be covered. This includes, but is not limited to, all private roadways within the development, snow removal, grass cutting, garbage and recycling service. In addition, it is recommended that this agreement be structured to bind all future property owners within the development. This agreement is to be recorded with the Portage County Register of Deeds for each zero lot line lot within the development. The details and wording of this agreement must be reviewed by the Whiting Village Attorney prior to the issuance of any building occupancy permit. The cost of this review will be borne by the zero lot line developer.

Sec. 19.07 R-3 Multiple-Family Residential District Regulations

1. INTENT. This district is established to provide a mixed residential district intended for a transition between lower density detached housing areas and more intensive non-residential land usage consistent with the Village's Development Guide and Land Use Plan.
2. PERMITTED USES. In the Multiple-Family Residential District, no building or premises shall be used, and no building shall hereafter be erected, moved, or structurally altered except for the following permitted uses:
   a. Permitted uses in R-1 and R-2.
   b. Multiple-family dwellings of at least three (3) units but not more than eight (8) units.
   c. Churches, schools, public libraries, public museums, municipal administrative buildings, well fields.
   d. Accessory building.
   e. Professional offices.
   f. Home occupations, except that no home occupation shall be permitted which violates the nuisance chapter of this Code as to noise or odor or cause unusual traffic problems to an area.
   g. Signs, provided no advertising sign of any character shall be permitted in the Multiple-Family Residence District, except one (1) nameplate not internally lit and not exceeding 25 square feet and not more than eight (8) feet off grade height. One (1) nameplate not exceeding one (1) square foot.
   h. One (1) sign not exceeding four (4) square feet in area pertaining to the sale or lease of the building or premises.
3. PERMITTED USES WITH CONDITIONS The following uses may be permitted in the Multiple-Family Residential District as conditional uses if the requirements of this Chapter are met:
   a. Single-and two-family residences provided that the regulations for single-family and two-family dwellings are followed respectively.
   b. Multiple-family dwellings over eight (8) units in size.
   c. Nursing homes, elderly care facilities, community based residential facilities, congregate housing for the elderly.
   d. Day Care Centers
4. REGULATIONS. In the R-3 Multiple-family Residence District, no building or premises shall be used, and no building or structure shall be erected, moved or structurally altered, except in accordance with the following regulations:
   a. Area and Height. A minimum of four thousand (4,000) square feet of area shall be required for each multiple family unit. All buildings shall be restricted to not more than two (2) stories, not exceeding in total height thirty (30) feet from the centerline of the street grade. Except for the Commercial District

abutting Post Road where it shall be forty-five (45) feet or where there is a joint driveway or what is required by DOT. The basement shall count as a story if used for dwelling purposes by other than maintenance personnel.

b. Front Yard. No building shall hereinafter be erected, and no existing building shall be reconstructed or altered in such a way that any portion thereof shall be closer to any street line than thirty (30) feet; except on those fronting Post Road the requirement shall be fifteen (15) feet. Those presently less than fifteen (15) feet shall be considered non-conforming. Except where a lot is located between two (2) lots each of which has a principal building located thereon, the front yard requirements on such a lot shall not be less than the average of the front yard setback from the street line right-of-way of said existing buildings located thereon, or the thirty (30) foot prescribed herein.
c. Side Yard. There shall be provided on every lot two (2) side yards, each of which shall be at least ten (10) feet wide, except no two-story building shall be closer than thirty (30) feet from an existing one-story residence unless the adjoining property owner waives this provision by notarized statement, in which case the building may be erected no closer than twenty (20) feet from the adjoining one-story residence.
d. Rear Yard. On every lot there shall be a rear yard having a depth of at least twenty (20) feet.
e. Frontage and Lot lines. No new lot shall be created, and no building shall be erected on any lot which does not have a frontage line on a Village street of at least one hundred (100) feet and three (3) other lot lines of at least one hundred (100) feet each. Except that lots of record created with less than one hundred (100) feet of frontage on Post Road be exempt from this requirement. The frontage required on a cul de sac may be reduced to seventy-five (75) feet measured on the right of way line provided a minimum of forty (40) feet of the lot frontage is located on the curvature of the cul de sac.
f. Accessory Buildings and Structures. Those provisions relating to the R-1 and R-2 Residential Districts apply with the further provision that the Accessory Building or structure shall be at least ten (10) feet from a lot line or thirty (30) feet from any street line.
g. Multiple Dwelling Complexes. Upon recommendation of the Plan Commission and approval of the Village Board, apartment complexes of two (2) or more buildings may be built on a private road under the following conditions:
    1. A cul-de-sac type right-of-way must be provided which must be fifty (50) feet wide with a one hundred (100) foot turnaround.
    2. The building setback from a private right-of-way shall be not less than thirty (30) feet.
    3. All other provisions of this Section as to area, height, side yard, etc., shall apply.
h. Parking. A parking space shall consist of an unobstructed piece of ground or floor space sufficient for the temporary storage of one (1) automobile. Each such parking space shall be located off the public street, but accessible thereto and shall not be less than nine (9) feet in width and twenty (20) feet in length, exclusive of the means of ingress and egress. A loading space is not a parking space. Two (2) parking spaces shall be provided for each family unit.

Sec. 19.08 C-1 Commercial District Regulations

1. INTENT. This district is established to provide larger areas for retail, commercial, office, service, and apartment uses in areas of good accessibility along arterial streets consistent with the Village Development Guide. This district is primarily intended to accommodate commercial uses requiring large land and parking areas and depending upon village-wide or area-wide usage.
2. PERMITTED USES. In the C-1 Commercial District, no building or premises shall be used, and no building shall hereafter be erected or structurally altered except for the following permitted uses:
    a. Retail bakeries.
    b. Bank, financial, businesses, and professional office and governmental administrative buildings.
    c. Medical and dental clinics.
    d. Department stores, retail stores including grocery, drug, pharmacies, shoes, clothing, candy, gift, florists, jewelry, hardware, dairy products, ice cream shops, meat and fish markets, liquor stores, optical stores, watch repair shops, camera shops, photographer’s studios, tobacco stores, variety shops, bookstores, sporting goods and bicycle sales and services, and coin and precious metal dealers.
    e. Household equipment sales such as furniture stores, appliances, plumbing, lighting and electrical sales outlet and greenhouse that are accessory uses to florist shops.
    f. Restaurant and cafes. (No outside service allowed, but drive-up windows (take out) service is permitted.)

g. Bowling alleys.
h. Barber shops and beauty shops.
i. Funeral homes.
j. Irrigation equipment.
k. Automobile glass and plate glass replacement.
l. Upholstery repair shops.
m. Multiple family dwellings of at least three (3) units but not more than eight (8) units.

3. PERMITTED USES WITH CONDITIONS The following uses are permitted in the Commercial Zoning District with conditions and if the requirements of this Chapter are met:
   a. Taverns and cocktail lounges.
   b. Hotels and motels.
   c. Gas and service stations.
   d. Single-family and two-family residences.
   e. Single-family residence as accessory and incidental uses to a permitted commercial use.
   f. Multiple-family dwellings over eight (8) units in size.
   g. Retail Lumber Yards.
   h. Animal Grooming Business.
4. SIGNS. Non-flashing illuminated business signs with no moving parts, awnings and marquees are permitted subject to the following regulations:
   a. Exterior signs may be illuminated only between the hours of 7:00 a.m. and 11:00 p.m. or during business hours if extending beyond that period of time. When a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential buildings, nor into a residence district, nor into a street. A sign in direct line of vision of a traffic signal shall not be in red, green, or amber illumination.
   b. Exterior business signs are permitted to advertise the use, sale or lease of a building or premises and the product or services offered by the business.
   c. Each commercial use or building is permitted to have the following number and gross area of signs:
      1. No free-standing sign shall project higher than twenty-five (25) feet above grade, or thirty (30) feet above the curb level, whichever is lower.
      2. No sign shall project into a public street right-of-way.
      3. In a unified shopping or business center under single ownership or control, each individual business or store is allowed one (1) wall sign not to exceed twenty-five (25) square feet attached to the building. In addition, the shopping or business center with 1-4 units may erect one (1) free standing multiple marquee sign. With 5 or more units two (2) free standing multiple marquee signs are permitted. Each free-standing multiple marquee sign shall not exceed one-hundred-fifty (150) square feet. A maximum of two (2) multiple marquee signs are allowed per unified shopping or business center.
      4. For a single business or single tenant business a wall sign not to exceed twenty-five (25) square feet is allowed. In addition, one (1) free standing sign not to exceed fifty (50) square feet is allowed. A single business or single tenant business with the building frontage of at least 100 feet in length facing Business 51 (Post Road) may be allowed a maximum of sixty (60) square foot wall sign.
      5. Signs shall meet all additional requirements of this Chapter when such signs are located within the required vision clearance triangles.
      6. Exterior temporary mobile signs that are illuminated, but non-flashing is permitted for up to a maximum of thirty (30) days to advertise the opening of a new business while the proprietor arranges for the installation of a permanent business sign. Temporary mobile signs shall not advertise specific sales or discount offers on specific products being conducted by the business establishment.
5. AWNING/CANOPY SIGNS. Any sign that is a part of, or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A Sign may be placed on an awning in the Commercial or Industrial District. An awning may be designated a signable area in addition to one on the building façade. The awning sign cannot exceed twenty-five (25) square feet.
6. HEIGHT AND AREA. In the C-1 Commercial District the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

a. Area. The minimum lot area for commercial development in the Commercial Zoning District shall be such as to provide adequate area to fulfill all the requirements of this section but in no case shall the minimum lot size be less than ten thousand (10,000) square feet, except in the Commercial District abutting Post Road the minimum lot size for single family shall be ten thousand (10,000) square feet and twelve thousand (12,000) square feet for duplexes. In all other areas of the Commercial District except where multiple family, single- or two-family use is proposed, the area requirements under Subsections (6) and (7) shall apply respectively.

b. Frontage. No new commercial or permitted residential structures shall be erected in the Commercial Zoning District on a lot which does not have frontage on a Village street of at least one hundred (100) feet with the following exceptions:

(1) A new commercial or permitted residential structure may be erected on a substandard lot with not less than seventy-five (75) feet of frontage, but not less than fifty (50) feet of frontage if the following conditions are met:

a) If the substandard lot was described as a lot or as a separate conveyable description in a conveyance or certified survey map which was recorded or filed with the office of the Register of Deeds for Portage County, Wisconsin, prior to the date of adoption of this Ordinance.

b) If the substandard lot was undeveloped at the time of adoption of this Ordinance; and

c) If the substandard lot is not immediately adjacent to another undeveloped parcel or parcels of real estate under the same ownership at the time of adoption of this Ordinance, having frontage on the same street they have in common.

(2) The exception under Subsection (6) (b) above is meant to apply only to isolated undeveloped lots at the time of the adoption of this Section. If the owner of a substandard lot owns another undeveloped adjacent lot or lots at the time of the adoption of this Ordinance, he must combine the lots to make one or more lots which meet or exceed the one hundred (100) foot frontage requirement in an attempt to eliminate as many existing substandard lots as possible.

c. Front Yard Setback. The minimum front yard setback shall be twenty-five (25) feet from the street right-of-way line with the exception that the minimum front yard setback on the Post Road Corridor shall be fifteen (15) feet. Where a building is to be located between two (2) existing buildings, the front yard setback shall be established as an average of the setbacks of the two (2) existing buildings, however, this average setback requirement shall not apply in cases where the existing structures are nonconforming uses or have nonconforming setbacks.

d. Side Yard Setbacks. Zero (0) side yard setbacks for commercial development are permitted, however, if a side yard setback is provided or the development abuts a Residential Zoning District, the minimum side yard setback shall be ten (10) feet. Side yards abutting a public street right-of-way shall provide the same setback that is required for front yard setbacks.

e. Rear Yard Setback. The minimum rear yard setback shall be twenty (20) feet.

f. Height. Buildings hereafter erected or structurally altered shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.

7. MULTIPLE FAMILY USE. For multiple family development in the Commercial Zoning District, the following area and setback requirements shall apply:

a. Area and Height. A minimum of four thousand (4,000) square feet of lot area shall be required for each unit in a multiple family dwelling. All buildings shall be restricted to not more than two and one-half (2-1/2) stories, not exceeding in total height thirty (30) feet from the centerline of the street grade. The basement shall count as a story if used for dwelling purposes by other than maintenance personnel.

b. Front Yard Setback. The minimum front yard setback shall be twenty-five (25) feet from the street right-of-way line. Where a building is to be located between two (2) existing buildings, the front yard setback shall be established as an average of the setbacks of the two (2) existing buildings, however, this average setback requirement shall not apply in cases where the existing structures are nonconforming uses or have nonconforming setbacks.

c. Side Yard Setbacks. There shall be provided on every lot in the Commercial District developed with a multiple family use, two (2) side yards, each of which shall be at least ten (10) feet wide. Side yards abutting a public street right-of-way shall provide the same setback that is required for front yard setbacks.

d. Rear Yard Setback. The minimum rear yard setback shall be twenty (20) feet.

8. SINGLE- AND TWO-FAMILY RESIDENTIAL USE. For single and two-family residential development in the Commercial Zoning District, the following area and setback requirements shall apply:
    a. Area. A minimum of fifteen thousand (15,000) square feet of lot area for single-family and sixteen thousand (16,000) square feet for two-family dwellings, shall be required for development of residential uses in the Commercial District. If a residence is to be developed as an accessory use to a commercial use, these minimum lot areas shall be provided in addition to the lot area required to develop the commercial use.
    b. Front Yard Setback. The minimum front yard setback shall be twenty-five (25) feet from the street right-of-way line. Where a building is to be located between two (2) existing buildings, the front yard setback shall be established as an average of the setbacks of the two (2) existing buildings, however, this average setback requirement shall not apply in cases where the existing structures are nonconforming uses or have nonconforming setbacks.
    c. Side Yard Setbacks. There shall be provided on every lot in the Commercial District developed with a single-family use, two (2) side yards, each of which shall be at least ten (10) feet wide. Side yards abutting a public street right-of-way shall provide the same setback that is required for front yard setbacks.
    d. Rear Yard Setback. The minimum rear yard setback shall be twenty (20) feet.
9. SITE AND BUILDING PLANS REQUIRED.
    a. Commercial Building Plan Approval. No building permits shall be issued for new construction, additions, or major alternations for buildings or for parking lot constructing or paving in the Commercial District unless plans have been reviewed and approved by the Plan Commission.
    b. Site and Building Plan Requirements. The site and building plans submitted for Plan Commission review and approval shall include the following information:
        1. The name, location, owner and designer of the proposed development.
        2. The location of the site and proposed building location in relation to all abutting properties and buildings on a site plan drawn to scale.
        3. Proposed driveway(s), parking spaces, access aisles and means of ingress and egress to the site.
        4. The location of all property lines, existing streets, existing easements, and utilities including dimensions of the same.
        5. Any features proposed on the Village Official Map, such as increased right-of-way, future streets, parks, etc.
        6. Acreage within the site and square footage of each proposed building or expansion thereof.
        7. Landscape treatment of the site including screening of parking areas.
        8. Architectural drawings and sketches to illustrate the design, material, and character of the proposed structure(s) or expansion thereof. (Elevation drawings showing all sides of the proposed building shall be provided.)
        9. A site grading and drainage plan for the entire site including the proposed lot and building grades.
    c. Standards for Site and Building Plan Approval. In the exercise of authority under this Chapter, the Village Plan Commission shall review the site and building plans for conformance with the principles of the Village Development Guide or parts thereof, the Village Official Map, and with recognized principles of land use planning, civic design, and landscape architecture. The Commission may approve the plans as submitted, conditionally approve, or require that the developer modify, alter, adjust or amend the plans as the Commission deems necessary to the end that it preserve the intent and purpose of this Municipal Code to promote public health, safety, morals, civic design, and general welfare of the community. Additionally, the Plan Commission shall determine that the following requirements are met:
        1. Conformance to the official map with attention to the proposed rights-of-way. Proposed rights-of-way shall be provided for and required district setback regulations shall be applied for such proposed rights-of-way.
        2. Ingress and egress to the property and proposed structures thereon with consideration of automotive and pedestrian safety, traffic flow and control, provision of services and access points with other commercial establishments whenever possible on major traffic arterials such as Post Road.
        3. The manner of drainage of the site with reference to the effect of drainage on adjacent properties and the consequences of such drainage on overall Village drainage capacities.

4. The proposed structure(s) shall maintain a setback from the street similar to that of other existing commercial structures with setbacks at or in excess of the required front yard setback.
5. Off-street parking areas with attention to automotive and pedestrian safety and access of emergency vehicles.
6. Landscaping of the site, with attention to screening of parking areas and overall appearance of the site.
7. General nature of the development with attention to the design features and appearance of the building(s) and development to ensure compatibility with commercial properties in the general area.

Sec. 19.09 I-1 Industrial District Regulations

1. USE. In the I-1 Industrial District, no buildings or premises shall be used, and no building shall hereafter be erected or structurally altered except for the following permitted uses:
   a. Paper product manufacturing.
   b. Manufacturing, fabricating, packaging and distribution of fishing tackle and other plastic products.
   c. Photograph processing.
   d. Printing, publishing, engraving and book binding.
   e. Preparation, assembly and packaging of foods.
   f. Warehousing and distribution operations.
   g. Sign manufacturing, fabricating and repair.
   h. Sawmill operations provided no retail sales are conducted on-site.
   i. Industrial research laboratories.
   j. Industrial well systems and pipelines.
   k. Corporate lodging and boarding facilities associated with an existing permitted industrial use.
   l. Building wall sign may be one (1) square foot per lineal foot of street frontage but not to exceed five hundred (500) square feet unless approved by the Plan Commission and Village Board.
   m. Ground sign may be maximum of 50 square feet and not to exceed more than 8 feet off grade height. Plan Commission and Village Board approval for additional ground signs over 1000 lineal feet of frontage.
2. CONDITIONAL USES. The following are permitted as conditional uses in the I-1 District:
   a. Municipal or Industrial Sewerage Disposal Systems.
   b. Municipal or industrial landfills.
   c. Fire Department Training Center.
3. REGULATIONS. In the Industrial District, no building shall be used, and no building or structure shall be erected, moved or structurally altered nor shall any other permitted use be allowed except with the following regulations:
   a. Lot Area. No minimum lot area, except for residential use, the residential regulations shall apply.
   b. Setback. Setback shall be at least thirty (30) feet from any street line right-of-way. No storage of material allowed where industrial zoning abuts residential zoning.
   c. Side Yards. For buildings or parts of building erected, moved or structurally altered for residential use, the side yard residential regulations shall apply. There shall be a side yard of not less than six (6) feet on each side of a building hereafter erected, moved or structurally altered for any other use, and no automobile parking lot, stockpile, waste or salvage pile, equipment storage or other accumulation in the open shall be placed or stored in such yard; provided further that such side yard which abuts a boundary of a Residence District shall be not less than twenty-five (25) feet wide.
   d. Rear Yard. There shall be a rear yard of not less than twelve (12) feet in depth, except that:
   e. Such rear yard shall be increased in depth three (3) feet for each additional five (5) feet by which the principal building on the lot exceeds thirty-five (35) feet in height.
   f. Any such rear yard which abuts a boundary of a Residence District shall be not less than twenty-five (25) in depth, unless such Residence District boundary line lies within a street, alley or railroad right-of-way; provided that no automobile parking, stockpile, etc. shall be stored or place in such rear yard, except that loading platforms may be established in rear yard if it abuts a railroad.
   g. No storage of materials, equipment, etc. or construction of parking lots shall be allowed in the required front, side or rear yard setback areas where such setback abuts a residential zoning area.

4. INDUSTRIAL BUILDING PLAN APPROVAL. No building permits shall be issued for new construction, additions, or major alternations for building or for parking lot construction and paving in the Industrial District unless plans have been reviewed and approved by the Pan Commission.

Sec. 19.10 Conservancy District Regulations

1. USE AND INTENT. This district is intended to preserve the natural state of scenic areas in the Village, and to prevent the uncontrolled, uneconomical spread of residential or other development, and to help discourage intensive development of marginal lands so as to prevent hazards to the public and private property. The following uses are permitted in this district:
   a. Harvesting of wild crops, such as wild rice, ferns, moss, berries, tree fruits, and tree seeds.
   b. Forestry and the management of forests.
   c. Wildlife preserve.
   d. The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
   e. Fishing.
   f. Public and private parks, picnic areas, and similar uses.
   g. Hiking trails and paths.
   h. Presentation of areas of scenic, historic, or scientific value.
   i. Public roads and streets.
   j. DNR offices and Maintenance Facilities.
   k. Any purpose of and by the Village of Whiting approved by the Village Board for the purposes of maintaining or improving health and safety.
   l. Uses similar and customarily incident to any of the above uses.
2. PERMITTED USES WITH CONDITIONS The following are permitted with conditions in the CON District:
   a. Dams, flowages, ponds and water storage and water pumping facilities.
   b. Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
   c. Utilities such as, but not restricted to, telephone, telegraph, power and other transmission lines.
   d. Piers and docks.
   e. Relocation of any watercourse.
   f. Filling drainage of dredging of wetlands, provided that this shall conform to any Shoreland-Wetland Zoning Ordinance enacted by the Village.
   g. Official designated county, state or local snowmobile trials.
   h. Parking lots.
3. AREA AND SETBACKS. There are no setbacks, lot size, or other dimensional standards applicable in the Conservancy District, except that no structures shall be constructed closer than thirty (30) feet to a public street right-of-way.
4. GENERAL REQUIREMENTS. Removal and Disposition of Signs:
   a. All signs are subject to Plan Commission recommendations and Village Board approval.
   b. Maintenance and repair of signs. Every sign, including those signs for which permits are required, shall be maintained in a safe and sound structural condition at all times, including replacement of defective parts, painting, repainting, cleaning, and other acts required for maintenance of said sign. The Building Inspector shall require compliance with all standards of this ordinance and shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated at the owner's expense or will be added to tax roll.
   c. Deteriorated or dilapidated signs. The Building Inspector shall cause to be removed any deteriorated or dilapidated signs under the provision of Wisconsin State Statute 66.05 at owner's expense or will be added to tax roll.
   d. The Building Inspector may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall be in writing and shall state the reasons of the Building Inspector as to why any sign owned, kept displayed or maintained by any person within the Village is in violation of this ordinance.
   e. All signs shall have a five (5) foot setback.
   f. Flashing signs are prohibited.

g. Digital and neon cascading signs are subject to review by Plan Commission and must meet all size requirements.
h. Portable signs are prohibited.
i. Sandwich signs are prohibited.
j. No off-premises signs are allowed unless approved by the Plan Commission and Village Board.
k. No sign can create a vision problem.

Sec. 19.11 MR-1 Planned Community Mobile Home Park District Regulations

1. PURPOSE. The MR-1 Planned Community Mobile Home Park Districts established to provide a regulatory framework designed to encourage and promote improved environmental design and allow for greater flexibility in the establishment and development of mobile home parks while ensuring substantial compliance with the basic intent of the zoning code and the general plan for community development. This District is further intended to encourage rational and economic development with relationship to public services and to encourage and facilitate the preservation of open spaces.
2. AREA OF APPLICABILITY. A planned community mobile home park shall be a separate residential district that is identifiable as a distinct neighborhood in the MR-1 Planned Community Mobile Home Park District.
3. PERMITTED USES. The following uses are permitted in the MR-1 Planned Community Mobile Home Park District provided that no use shall be permitted except in conformity with a specific and precise development plan subject to the procedural and regulatory and regulatory provisions as hereinafter set forth.
   a. Licensed mobile home park meeting the following criteria:
      1. The area of such park shall be not less than two (2) acres.
      2. The average density shall not exceed eight (8) mobile homes per acre.
      3. The average area for a mobile home site shall be 4,000 square feet minimum.
      4. Off-street parking shall be provided at the rate of one square for each mobile home plus an additional space for each four (4) mobile homes for guest parking, service and delivery vehicles and two-car tenants.
      5. All streets, drives, walks and ways located within the boundaries of a mobile home park shall remain private streets and any specifications set forth in the code for streets, drives, walks or ways shall not be misconstrued as being applicable to public streets, drives, walks or ways.
      6. The following documents shall be used as a guide for formulating and for the review of mobile home park plans including but not limited to such features as dimensions of yards, location of such facilities as parking areas, utilities, garbage and trash containers, service and office buildings, grading and drainage, paving, traffic circulation, storage facilities and other such improvements:
      7. Mobile Home Park Development standards HPM-FHA G-42000.7A
      8. Minimum Design Standards for Mobile Home Courts FHA-4940.5. Both published by the Federal Housing Administration, copies of which are on file in the office of the Clerk-Treasurer.
   b. Any use accessory to a mobile home park is either permitted by right or as a conditional grant under this Chapter subject to the criteria as established in this Chapter, and such requirements as are made part of an approved, precise development plan which shall be construed to be and shall be enforced as part of this Municipal Code.
4. REGULATIONS FOR DEVELOPMENT PLAN. These provisions of this Section shall apply to a planned community mobile home park plan.
   a. Criteria for Approval. As a basis for determining the acceptability of a planned community mobile home park development district application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this Chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.
   b. Character and Intensity of Land Use. In a planned community mobile home park development district, the uses proposed and their intensity and arrangement on the site shall be a visual and operational character which:
      1. Are compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth and open space.

2. Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
3. Would not create traffic or parking demand incompatible with the existing or proposed facilities to serve it.
4. Economic Feasibility and Impact. The proponents of a planned community mobile home park development district application shall provide evidence satisfactory to the Plan Commission and Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village.
5. Engineering Design Standards. The width of street right-of-way, width and location of street or other paving, outdoor lighting, location of electrical, sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific as to the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the Village.
6. Preservation and Maintenance of Open Space. In a Planned Community Mobile Home Park Development District, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public:
    a. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village as part of the conditions for project approval an open space easement over such open areas restricting the area against any further building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for non-commercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of the Village Board following approval of building, site and operational plans by the Plan Commission.
    b. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in the proposed contractual agreement, a copy of which shall be file with the Village.
    c. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the Village and made a part of the conditions of the plan approval.

5. PROCEDURE. The procedure for rezoning to a Planned Community Mobile Home Park Development District proposals shall be the same as is set forth in this Chapter.
6. FINAL DEVELOPMENT PLAN.
    a. The final development plan shall include all of the previously specified data together with any changes approved by the Village Board.
    b. Approval of the rezoning and related development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan. If the final development plan is not recorded as approved within twelve (12) months of the date of approval by the Village Board, the approval shall be null, and void and a new petition and approval process shall be required to obtain general development plan approval.
    c. In lieu of completing all of the elements in the development proposal the Village Board may accept a bond in an amount equal to the estimated costs for completing the project.
7. USE FOR DWELLING PURPOSES. Except as provided elsewhere by ordinance, no person shall place a mobile home for dwelling purposes, either temporary or permanent, within the Village except in a mobile home park approved under this Chapter.

8. USE FOR NONRESIDENT PURPOSES. No person shall hereafter place or use a mobile home or a recreational vehicle for the conduct of any business, profession, occupation, or trade or as a selling or advertising device on any land within the Village except for the following:
    a. A mobile home or recreational vehicle shall not be permissible as an accessory building.
    b. A mobile home or recreational vehicle may be used as a temporary office or shelter incidental to construction on or development of the premises on which it is located only during the time construction or developments underway.
    c. Mobile homes and recreational vehicles equipped to perform a public service function and operated or sponsored by governmental, civic or other like organizations shall be allowed within the Village as a conditional use at such locations and for such duration as shall be prescribed by the Village Board.
9. NONCONFORMING USES. A mobile home or recreational vehicle located within the Village and occupied as a permanent residence at the time of the passage of this section shall hereafter be deemed a nonconforming use and shall be allowed to continue as such provided:
    a. Such nonconforming use shall not be extended, i.e., additions or appurtenances shall not be attached to the mobile home or recreational vehicle.
    b. If damage by fire, explosion, act of God or the public enemy to the extent of more than fifty (50%) percent of its current fair market value, such nonconforming use shall not be restored.
    c. Such nonconforming use shall be treated in the same manner and under the same rules as any other nonconforming uses.
10. STORAGE. Except as provided in this section, no person shall store a mobile home on any land within the Village which is located outside a mobile home park.
11. MOBILE HOME PLACEMENT AND ANCHORAGE.
    a. The mobile home shall be properly place on its foundation and its stability shall be affirmed.
    b. The mobile home shall be properly secured against high wind velocities. Overturning, sliding or uplift shall be prevented through anchors, tie-downs or similar devices. Mobile homes shall be anchored in accordance with the minimum standards set out in the United States Department of Commerce, National Bureau of Standards, book known as “NBS Building Science Series 107, Soil and Rock Anchors for Mobile Homes — a State of the Art Report,” issued Soil and Rock anchor for Mobile Homes — a State of the Art Report,” issued October 1979. The minimum standard recommended in this Chapter of that book shall apply, unless local conditions make it impossible to comply with those standards, in which case other technique recommended elsewhere in the book shall apply.
12. SOLID WASTE HANDLING.
    a. The storage, collection and disposal of refuse in the mobile home community shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
    b. Where suitable collection service is not available from municipal or private agencies, the owners of the Mobile Home Park shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.
13. REPAIR. Mobile homes and recreational vehicles when unoccupied may be left a reasonable time for repairs at any place where such repairs are ordinarily made.
14. SALE LOTS. Mobile homes and recreational vehicles when unoccupied may be stored for the purpose of inspection and sale upon any automobile or mobile home or recreational vehicle sales lot.
15. MANUFACTURED HOMES.
    Manufactured homes are permitted uses in this district pursuant to this Section. The placement of every manufactured home shall, in addition to complying with the various requirements contained elsewhere herein, comply with all of the following requirements and limitations:

    a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (26) feet in length.
    b. The home shall be installed on an approved foundation system in conformance with the Village building codes. The wheels and axles must be removed.
    c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
    d. The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
16. DEFINITIONS.

a. Mobile Home. A mobile home within the provisions of this chapter means and includes that which is a detached single-family dwelling unit having the following characteristics:
    1. Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
    2. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
    3. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture and ready for occupancy, except for minor rand incidental unpacking and assembly operations, location of foundation supports, connections to utilities and the like.
b. Recreational Vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use which either has its own mode of power or is mounted on or drawn by another vehicle. The basic entities are Travel Trailer, Camping Trailer, Truck Camper and Motor Home.
c. Mobile Home Park. Means and includes any plot or plots of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
d. Manufactured Home. Any structure, transportable in one or more sections, which in the traveling mode is twelve (12) body feet or more in width, and eighteen (18) feet or more in length and at least eight hundred sixty-four (864) square feet when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and which complies with all manufactured home construction and safety standards established under 242 USC S 5401, et seq.
e. Other Definitions. Other provisions of this Municipal Code notwithstanding, except as provided herein, the definitions contained in Section 66.058, Wisconsin Statutes, shall apply.

Sec. 19.12 Planned Unit Development District (PUD) Regulations

1. PURPOSE. The Planned Unit Development District is established to provide a regulatory framework designed to promote improved environmental design in the Village of Whiting by allowing for greater freedom, imagination and flexibility in the development of land, while ensuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. It allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects.
2. PERMITTED USES. The following uses are permitted in the Planned Unit Development District, provided however, that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions as hereinafter set forth:
    a. Any use permitted by right or as a conditional grant in any of the other districts of this Chapter may be permitted, subject to the criteria as established herein, but such requirements as are made a part of an approved, recorded precise development plan shall be, along with the recorded plan itself, construed to be enforce as part of this Chapter.
    b. Lot area, lot width, height, floor area ratio, yard and usable open space requirements. In the Planned Unit Development District, there shall be no predetermined specific lot area, lot width, height, yard and usable open space requirements, but such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced a part of this Chapter.
    c. Off-street parking. In the Planned Unit Development District, off-street parking facilities shall be provided in accordance with applicable regulations herein set forth and such requirements are made a part of an approved recorded precise development plan.
3. CRITERIA FOR APPROVAL. As a basis for determining the acceptability of a Planned Unit Development District application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this Chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design:
    a. Character and intensity of land use. In a Planned Unit Development District, the uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:

1. Are compatible to the physical nature of the site.
2. Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality.
3. Would not adversely affect the anticipated provision for school or other municipal services.
4. Would not create traffic or parking demand incompatible with the existing or proposed facilities to serve it.

b. Economic feasibility and impact. The proponents of a Planned Unit Development District application shall provide evidence satisfactory to the Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.

c. Engineering design standards. The width of street right-of-way, width and location of the street or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific situation, provided, however, that in no case standards be less than those necessary to ensure the public safety and welfare as determined by the Village.

d. Preservation and maintenance of open space. In a Planned Unit Development District, adequate provision shall be made for the permanent preservation and maintenance of common open space by either private reservation or dedication to the public.
1. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village, as part of the conditions for project approval, an open space easement over such open areas.
2. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in the title to each property.
3. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the Village and made a part of the conditions of plan approval.

e. Implementation Schedule. The proponents of a Planned Unit Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

4. PROCEDURE. The Procedure for rezoning to a Planned Unit Development District shall be as required for any other zoning district change under this Chapter, except that in addition thereto the rezoning may only be considered in conjunction with a development plan and shall be subject to the following additional requirements:

a. General development plan, shall include the following information:
1. A statement describing the general character of the intended development.
2. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
3. A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in this Chapter:
    a. The pattern of proposed land use, including shape, size and arrangement of proposed land areas, density and environmental character.
    b. The pattern of public and private streets.
    c. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as school, park, greenway, etc.
    d. A utility feasibility study.
4. Appropriate statistical data on the size of the development ratio of various land uses, percentages of multi-family units by number of bedrooms, economic analysis of the development, expected staging and any other plans or data pertinent to evaluation by the Village under the criteria of this Chapter.
5. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision for common services.

b. Referral and hearing.
1. Within a reasonable time after completion of the filing of the petition for approval of a general development plan, the Plan Commission shall forward the petition to the Village Board, with a

recommendation that the plan be approved as submitted, approved with modifications, or disapproved.

2. Upon receipt of the Plan Commission's recommendation, the Board shall determine whether or not to initiate a proposed zoning change to permit the proposed planned community development district and to schedule the required public hearing. If the Board fails to initiate such a change within thirty (30) days, the petitioner may file a petition directly with the Village Clerk-Treasurer.
3. Approval of the rezoning and related general development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.

c. Specific implementation plan. A specific and detailed implementation plan of all or a part of a proposed Planned Unit development District must be submitted within a reasonable period of time, as determined by the Village Board. If a specific implementation plan has not been submitted within said time, which the Village Board determines to be a reasonable phase of the total plan, a petition to rezone the property back to the previous zoning from the official with the Village Clerk-Treasurer for processing. The specific implementation plan shall be submitted to the Plan Commission and shall include the following detailed construction and engineering plans and related detailed documents and schedules:
   a. An accurate map of the area covered by the plan, including the relationship to the total general development plan.
   b. The pattern of public and private roads, driveways, walkways, and parking facilities.
   c. Detailed lot layout and subdivision plan where required.
   d. The arrangement of building groups other than single family residences, and their architectural character.
   e. Sanitary sewer and water mains.
   f. Grading plan and storm drainage system.
   g. The location and treatment of open space areas and recreational or other special amenities.
   h. General location and description of any areas to be dedicated to the public.
   i. General landscape treatment.
   j. Proof of financing capability.
   k. Analysis of economic impact on the community.
   l. A development schedule indicating:
      1. The approximate date when construction of the project can be expected to begin.
      2. the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
      3. the anticipated rate of development; and
      4. The approximate date when the development of each of the stages will be completed.
   m. Agreements, bylaws, provision or covenants which govern the organizational structure, use, maintenance, and continued protection of the Planned Unit Development and any of its common services, common open areas or other facilities.
   n. Any other plans, documents or schedules requested by the Village.

d. Approval of the specific implementation plan.
   1. Following a review of the specific implementation plan, the Plan Commission shall recommend to the Board that it be approved as submitted, approved with modifications or disapproved.
   2. Upon receipt of the Plan Commission recommendations, the Board may approve the plan and authorize development to proceed accordingly or disapprove the plan and send it back to the Plan Commission for further negotiation with the developer.
   3. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the Village offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time, as determined by the Village Board, in

the County Register of Deeds office. This shall be accomplished prior to the issuance of any building permit.

4. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Village Attorney and Plan Commission and, if in the opinion of the Plan Commission such change or addition constitutes a substantial alteration of the original plan, the procedure provided in this subsection shall be required.

Sec. 19.13 Conditional Uses

1. STATEMENT OF PURPOSE.
   a. The development and execution of this Chapter is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.
   b. It is the intent that some special uses be conditionally allowed in a zoning district if they are generally compatible with the land use intent and if such special use meets or can be adjusted to meet necessary conditions or performance standards which would make such special uses basically compatible with the permitted use in the zoning district.
   c. The intent of conditional uses is to allow certain borderline uses in a district subject to performance standards or conditions without which the use would not be permissible. This provision is intended to provide such flexibility and to give the Village an opportunity to review and regulate specialized or unique uses and to decide if the borderline uses are conducive to being located in a specific proposed location.
2. AUTHORITY OF THE PLAN COMMISSION; REQUIREMENTS.
   a. The Plan Commission, within a reasonable time, shall make a recommendation to the Village Board to grant or deny any application for a conditional use. Prior to the granting of a conditional use, the Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
   b. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, type of construction planting screens, operation control, hours of operation, improved traffic circulation, deed restriction, highway access restrictions, increased yards, or parking requirements, may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
   c. Compliance with all other provisions of this Chapter, such as to width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.
3. INITIATION OF CONDITIONAL USE. Any person, firm, corporation or organization having a freehold interest, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses provided for in this Chapter in the zoning district in which such land is located.
4. APPLICATION FOR CONDITIONAL USE.
   a. FILING OF APPLICATION. An application for a conditional use shall be filed with the Clerk-Treasurer on a form prescribed by the Village. The application shall be accompanied by such plans and other information as may be prescribed by the Building Inspector, Village Board or the Plan Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in this Chapter. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetation cover, specifications for areas of proposed filing, grading, and open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.

b. APPLICATION INFORMATION. Applications for conditional use permits shall be made in duplicate to the Clerk-Treasurer on forms furnished by the Village and shall include the following:
    1. Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
    2. Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
    3. Additional Information as may be required by the Plan Commission, Village Engineer and Building Inspector.
    4. Fee Receipt from the Village Clerk-Treasurer in the amount of Seventy-Five ($75.00) Dollars.

5. HEARING ON APPLICATION.
    a. PLAN COMMISSION REVIEW. The Conditional Use Permit application shall be considered by the Village Plan Commission who shall make a recommendation to the Village Board. The Plan Commission shall specify those conditions it feels should be met as a part of its recommendation.
    b. BOARD ACTION. Upon receipt of the application and the recommendation of the Plan Commission, the Village Board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such board. The hearing shall be conducted, and a record of the proceedings shall be preserved.
6. NOTICE OF HEARING ON APPLICATION. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under the Wisconsin Statutes in the official Village paper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, members of the Village Board, and the owners of record, as listed in the office of the Assessor, who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.
7. STANDARDS — CONDITIONAL USES. No conditional use shall be recommended by the Plan Commission unless such Commission shall find all of the following conditions are present:
    a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
    b. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
    c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
    d. Those adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
    e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
    f. That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
    g. That the proposed use does not violate flood plain regulations governing the site.
    h. That when applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
    i. That in addition upon passing a Conditional Use Permit, the Plan Commission shall also evaluate the effect of the proposed use upon:
        1. The maintenance of safe and healthful conditions.
        2. The prevention and control of water pollution including sedimentation.
        3. Existing topographic, drainage features, and vegetative cover on the site.
        4. The location of the site with respect to floodplains and floodways of rivers and streams.
        5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
        6. The location of the site with respect to existing or future access roads.
        7. The need of the proposed used for a shore-land location.

8. Its compatibility with uses on adjacent land.
9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

j. That the exterior architectural appeal and functional plan of any proposed structure will not be so in variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the district so as to cause a substantial depreciation of the property values within the neighborhood.

k. That in providing ingress and egress adequate measures have been or will be taken to provide for automotive and pedestrian safety, traffic flow and control, minimization of traffic congestion and access for emergency vehicles. Special attention shall be given to consolidation of access points along main traffic arterials whenever possible.

l. That the proposed conditional use is not contrary to the objectives of any duly adopted land use plan for the Village, and of its components, and/or its environs.

8. DENIAL OF APPLICATION FOR CONDITIONAL USE PERMIT. 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.

9. CONDITIONS AND GUARANTEES. The following conditions shall apply to all conditional uses:

a. The Plan Commission, prior to recommending the granting of any conditional use, and the Village Board, when granting a conditional use, may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in this Chapter. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees it may deem necessary as proof that the conditions stipulated in the connection therewith are being and will be complied with. Such conditions may include specifications for, without limitations because of specific enumeration:
   1. Landscaping,
   2. Type of construction,
   3. Construction commencement and completion dates,
   4. Sureties,
   5. Lighting,
   6. Fencing,
   7. Operational control,
   8. Hours of operation,
   9. Traffic circulation,
   10. Deed restrictions,
   11. Access restrictions,
   12. Setback and yards,
   13. Type of shore cover,
   14. Specified sewage disposal and water supply systems,
   15. Planting screens,
   16. Piers and docks,
   17. Increased parking,
   18. Or any other requirements necessary to fulfill purpose and intent of this Chapter.

b. The Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

c. No alternation of a conditional use shall be permitted unless such alteration has been reviewed by the Plan Commission and approved by the Village Board following an appropriate public hearing.

10. VALIDITY OF CONDITIONAL USE PERMIT. Where the Village Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted.

11. COMPLAINTS REGARDING CONDITIONAL USES.
    a. The Village Board shall retain continuing jurisdiction over all conditional use for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Building Inspector to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in this Chapter, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in this Chapter.
    b. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in this Chapter or conditions previously imposed by the Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards of this Chapter will be met, the Village Board may revoke the subject conditional approval and direct the Building Inspector and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons for revocation.
12. CONDITIONAL USE CRITERIA FOR BED AND BREAKFAST ESTABLISHMENTS
    a. Intent: To provide short term, overnight lodging for out-of-town guest(s) in a home type of setting in larger historic structures and homes.
    b. Definition: Other provisions of this Municipal Code notwithstanding, bed and breakfast establishment means any place of lodging that provides four or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast. Guests shall not exceed seven consecutive days of occupancy.
    c. Zoning Districts Allowing Bed and Breakfast as a Conditional Use: R-3 Multiple Family Residential District
    d. Criteria for Approval of a Bed and Breakfast Conditional Use:
        1. Bed and breakfast establishments may be permitted in the Village of Whiting in accordance with the following restrictions. In the R-3 Multiple Family Zoning District a maximum of four rooms shall be available for rent.
        2. The owner of the bed and breakfast shall be the proprietor of the establishment and shall occupy the property as his/her main residence at the time of room rental.
        3. All residences proposed for bed and breakfast establishments shall maintain their residential appearance and nature. No alternations shall be made to such structures which will give them the appearance of being commercial establishments. No residential structures proposed for bed and breakfast shall be expanded in square footage to accommodate such proposals or development.
        4. Off street (on-site) parking area shall be provided in conformance with the Village Zoning Code at the ratio of two spaces for the resident owner, plus one space for each room available for rent as a part of the bed and breakfast operation.
13. The Plan Commission shall pay particular attention to how parking arrangements are proposed on-site, with the policy in mind that residential properties are intended to continue to look like residential properties and entire rear yards are not to be turned into parking lots for purposes of accommodating a bed and breakfast establishment. In most cases this policy will help determine how many rental rooms can be aesthetically accommodated on a particular property. Site plans shall detail the landscaping and screening proposed to buffer these parking areas from adjacent residential uses.
14. Developers proposing bed and breakfast establishments shall submit a detailed set of site and building plans showing site layout, parking, landscaping, interior and exterior renovations or improvements, locations, size and design of signage, etc. for review and approval by the Whiting Plan Commission.
15. One sign may be erected on the property of the bed and breakfast. Such sign shall not exceed four square feet in area, shall meet all other Village Zoning and Ordinance requirements, and shall receive Whiting Plan Commission review and approval.

16. Meals served at the bed and breakfast shall be established on any parcel of land which does not meet the lot and area requirements of the Village Zoning Ordinance for the zoning district in which the proposal is located.
17. No bed and breakfast operation shall be established on any parcel of land which does not meet the lot and area requirements of the Village Zoning Ordinance for the zoning district in which the proposal is located.
18. Prior to approval of a bed and breakfast, an inspection of the premises and structure shall be made by the Portage County Health Department and Village Fire Department. Such agencies and departments shall make available to staff a report indicating any code deficiencies or recommendations of these agencies concerning hazards/improvements which should be addressed prior to approving these establishments as bed and breakfast operations. All bed and breakfast establishments shall comply with all provisions of Wisconsin Administrative Code HSS 197.
19. All bed and breakfast establishments shall be subject to the Village of Whiting room tax if one exists, or if one is adopted at a later date and shall provide the quarterly report and payment as required by the Village.
20. In case of a protest against such conditional use, duly signed and acknowledged by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet there from, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such conditional use shall not become effective except by the favorable vote of three-fourths of the members of the Village Board voting on the proposed change.

Sec. 19.14 Traffic, Parking and Access

1. TRAFFIC VISIBILITY.
   a. No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two (2) feet and eight (8) feet above the plane through the mean curb-grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and line joining point on such lines located a minimum of fifteen (15) feet from their intersection.
   b. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to twenty-five (25) feet.
2. LOADING REQUIREMENTS.
   a. REQUIREMENT. In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public street.
   b. 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 vehicle clearance of fourteen (14) feet and may occupy all or any part of any required yard.
   c. REQUIRED NUMBER OF OFF-STREET LOADING SPACES.

Uses	Square Feet of Gross Floor Area	Required Off-Street Loading Spaces
School		1
Hospital	under 10,000	None
	From 10,000 - 30,000	1
	For Each Additional 30,000 or Major Fraction Thereof	1 additional
Funeral Home		1
Office, Hotel, Retail, Service, Wholesale, Warehouse, Manufacturing, Processing or Repairing Uses	Under 10,000	None
	From 10,000 – 25,000	1
	From 25, - 40,000	2
	From 40,000 - 60,000	3
	From 60,000 – 100,000	4
	50,000 or Major Fraction Thereof	1 additional

3. PARKING REQUIREMENTS. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:
   a. LOCATION. Location to be on the same lot as the principal use unless off-site parking is approved by the Plan Commission and Village Board. No commercial or industrial parking stall or driveway shall be closer than ten (10) feet to a residential district lot line.
   b. NUMBER OF SPACES. Number of parking spaces required are shown in the following table. All floor areas used in this Section are gross floor areas, which shall include the ground floor plus other floor levels where the principal activity or activities of the use are continued. Required parking space shall be located on the site of the use requiring such parking spaces unless otherwise approved by the Plan Commission and Village Board.

Use	Minimum Parking Required
Single Family, two-family, and mobile homes	2 spaces per dwelling unit
Multi-family dwellings	2 spaces per dwelling unit
Hotels, Motels	1 space for each room, plus 1 space per employee on the largest working shift, plus parking figured separately for eating, meeting, exhibition and related facilities.
Hospitals	1 space per licensed patient bed
Dormitories, sororities and fraternities	A total number of spaces equal to 75% of the designed occupancy
Lodging and boarding houses	2 spaces for the owner/occupant and 1 space for each roomer
Sanitariums, institutions, rest and nursing homes	1 space for each 5 beds, plus 1 space for each employee on the Largest working shift
Medical and dental	1 space for each 150 square feet of floor area, with a minimum of 4 spaces to be provided
Churches, theaters, Auditoriums, Community centers and other places of public assembly	1 space for each 5 seats; if benches; 20 inches shall equal one seat. The number of spaces required may be reduced by not more than 50% if the facility is located within 500 feet of any public or commercial parking lot where sufficient space are available by permission of the owner(s), without charge, to make up the

	additional spaces required.
Colleges, vocational and night schools	1 space for each 2 employees, plus 1 space for each 15 students.
Elementary and junior high schools	2 spaces per classroom or designated class area
Secondary schools	10 spaces per classroom
Restaurants, bars, clubs, cafes, cocktail lounges and lodges	1 space for each 100 square feet
Manufacturing and processing plants, laboratories, warehouse and other industrial	1 space per 1,000 square gross for warehousing and distribution; plus 2 spaces per 1,000 square feet gross area used for manufacturing; plus 2.5 spaces per 1,000 square feet of office floor area.
Financial institutions, business, government and professional offices	1 space per 200 square feet, plus 8 stacking spaces for the first drive-up window and 6 stacking spaces for each additional window
Funeral homes	1 space for each 4 seats, plus space for each vehicle used with the business
Bowling alleys	1 space for each 100 square feet plus parking figured separately for a bar, restaurant, banquet area, etc.
Barber shops and beauty salons	1 space per 100 square feet
Gas and service stations	2 spaces per each service bay, to be in addition to gas pump service area, plus one space per employee on the premises during the maximum employment period.
Department stores, retail stores including grocery, drug, pharmacy, shoes, clothing, candy, gifts, florist, jewelry, hardware, dairy products, ice cream shops, meat and fish markets, liquor stores, watch repair shops, camera shops, photographer's studios, tobacco stores, variety stores, bookstores, bakeries, sporting goods and bicycle sales and services, and coin and precious metal dealers.	1 space for each 200 square feet
Household equipment sales such as furniture stores, appliances, plumbing, lighting stores, greenhouses, irrigation equipment sales and automobile glass repair	1 space for each 300 square feet
Manufacturing, processing and warehousing of contract manufacturing products, fishing lure components, key and split-rings, and consumer accessory marine products.	.5 space per 1,000 square feet gross for warehousing and distribution; plus 1 space per 1,000 square feet gross area used for manufacturing; plus 2 spaces per 1,000 square feet of office floor area.

c. USES NOT LISTED. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply and shall be determined by the Building Inspector.
d. COMBINED USES. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
e. DEVELOPMENT AND MAINTENANCE OF PARKING SPACES AND LOTS IN THE COMMERCIAL, INDUSTRIAL AND MULTIPLE ZONING DISTRICTS. Every parcel of land

hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1. Use. Except as may otherwise be provided for the parking of trucks or other company vehicles, required accessory off-street parking facilities required to develop permitted or conditional uses, and shall be used solely for the parking of passenger automobiles of patrons, occupants or employees.
2. Location. Parking spaces shall be located on the same lot as the use served.
3. Computation. When determination of the number of off-street parking spaces required by this Chapter results in a requirement of a fractional space, any fraction of one half (1/2) or less may be disregarded, while a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.
4. In yards. Off-street parking spaces may be located in front, side and rear yard setback areas, except as otherwise stipulated in this Chapter, provided that no parking space shall be located within the required vision clearance triangles.
5. Green Space. A minimum of five (5) foot green space to be provided between the edge of the parking lot pavement and any property line. The green space shall be maintained in grass or other landscape cover that is aesthetically attractive, as approved by the Plan Commission.

f. Additionally, one of the following alternatives or combination of alternatives shall be provided to prevent vehicle encroachment onto adjacent property or street right-of-way:
   1. Wheel Stops. Wheel stops of masonry, steel, heavy timber or other acceptable material to be provided for each parking space abutting a property line at a minimum of eight (8) feet from the property line, and/or three (3) feet from landscaped green space.
   2. Continuous Curb. A continuous curb a minimum of five (5) inches in height to be provided a minimum of eight (8) feet from the property line and /or street right-of-way line.

g. Size. All required off-street parking spaces shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives, aisles, ramps, columns, and office or work area. Such spaces shall have a vertical clearance of at least seven (7) feet.

h. Access. Each required off-street parking space shall open directly upon an aisle. The width of such aisle shall be provided according to the following standards:

Angle of Parking (Degrees)	Required Minimum Aisle Width	Movement Direction Permitted
90	24’	Two-way
60	18’	One-way only
45	13’	One-way only
30	10’	One-way only

i. No driveway entrance or exit or access aisle serving an off-street parking space or lot shall be located closer than five (5) feet to a property line except in such case where a common driveway and/or access aisle system is proposed to service two (2) adjacent properties. The minimum driveway width shall be thirty (30) feet for a two-way entrance and exit, and eighteen (18) feet for a one-car driveway.

j. All parking areas shall have vehicular access to it over a street, alley or driveway containing all-weather, hard-surfaced pavement and the location and route of access to such parking area shall be clearly identified and located in a manner which will least interfere with traffic movements.

k. Surface. All open off-street parking areas shall be improved with a compacted macadam base, or equal, not less than four (4) inches thick, and surface with asphaltic concrete or comparable hard-surfaced, all-weather, dustless material.

4. SITE PLAN REVIEW ORDINANCE REQUIREMENTS. All proposed parking lots, in addition to the above requirements, shall also be developed and maintained in accordance with applicable portions of this Municipal Code dealing with Site Plan Approval.

Sec. 19.15 POST ROAD TRAFFIC AND ACCESS MANAGEMENT OVERLAY DISTRICT

The purpose of this District is to control access points along Post Road (State Highway Business 51) for development or redevelopment of property to provide for greater traffic safety for the public and Village residents. The Traffic and Access Management plan was developed in cooperation with Village of Plover and the Wisconsin Department of Transportation.

1. DEFINITIONS

a. Commercial Redevelopment. For the purposes of this section, commercial redevelopment shall be defined as any change to a commercial property that results in new construction or the expansion or addition to an existing building or alteration to the site requiring site plan review approval by the Village of Whiting. Interior renovations or improvements to buildings are exempt from this definition.
b. Residential Redevelopment. For the purposes of this section residential redevelopment shall be defined as an addition that increases square footage of the building or structure or assessed value of the building by greater than 35%.

2. APPLICATION OF REGULATIONS. The regulations specified in this Ordinance shall only apply to the lands located within the Post Road Traffic and Access Management Overlay District that lie within the Village corporate limits as shown on the attached map set forth in this chapter. The Village of Whiting Plan Commission shall review all requested access points.
3. POST ROAD TRAFFIC AND ACCESS MANAGEMENT OVERLAY DISTRICT REGULATIONS
   a. SETBACKS. Required streets setbacks for buildings, parking, signs, landscaping, drainage structures, or any other permanent structure shall be measured from the further Post Road right-of-way as depicted on the Official Map, if differed from the existing right-of-way line. Note: Post Road is depicted with a 120-foot right-of-way on the Official Map.
   b. LOT WIDTH. All lots shall have a minimum lot width of 100 feet on Post Road. If the owner of a substandard undeveloped lot owns an adjacent developed lot or lots at the time of adoption of this ordinance, the owner may combine these lots and create one or more lots with frontage of not less than 75 feet.
   c. ACCESS FOR CORNER LOTS
      1. Access for corner lots with less than 200 feet of frontage on Post Road will be permitted only on the side street.
      2. Access for corner lots with greater than 200 feet of frontage on Post Road will be permitted access as follows:
         a. Access shall be allowed on the side street. Side street access is recommended to be set back a minimum of 110 feet from the center of the existing Post Road right-of-way.
         b. Access shall be permitted on Post Road at or near the property line furthest from the intersection provided that the access shall function as a shared access with the adjacent property. Shared access locations may be allowed to be completed with the future/ultimate development of the adjacent parcel.
         c. A formal shared access agreement with the adjacent property owner must be present as part of the approval process, including agreements with respect to costs of construction and maintenance (cost sharing). The access shall also include a design of the access that meets or exceeds minimum design standards as described in (7). the access agreement, including any restrictions on access, shall be recorded the Portage County Register of Deeds Office. If the adjacent property owner has previously prepared this agreement, a copy of that agreement and concurrence to the proposed location of the access from the adjacent owner must be submitted.
   d. ACCESS FOR NON-CORNER LOTS
      1. One shared access point shall be approved at or near the property line. Shared access point will be coordinated with adjacent properties. Shared access locations may be allowed to be completed with the future/ultimate development of the adjacent parcel.
      2. A formal shared access agreement with the adjacent property owner must be presented as part of the approval process, including agreements with the respect to costs of construction and maintenance (cost sharing). The access shall also include a design of the access that meets or exceeds minimum design standards herein. The access agreement, including any restrictions on access, shall be recorded in the Portage County Register of Deeds Office. If the adjacent property owner has previously prepared this agreement, a copy of the agreement and concurrence to the proposed location of the access from the adjacent owner must be submitted.
   e. ACCESS WIDTHS. New or modified access width, including shared access, shall correspond with Wisconsin Department of Transportation statutes of 30-foot normal and 35-foot maximum width.
   f. ACCESS SEPARATION. The minimum separation for access points shall be 150 feet.

g. DRIVEWAY SPECIFICATIONS. The driveway that is located within the right-of-way shall meet or exceed the following minimum specifications: 6” of crushed aggregate base material overlayed with 4” of asphalt surface.
h. SIDEWALK LOCATION. Sidewalk shall be located within one foot of the further Post Road right-of-way as depicted on the Official Map, if different from existing right-of-way.
i. OFF-STREET LOADING. All freight deliveries and pickups, along Post Road shall be made off street. (Off street deliveries of mail services is encouraged.)
j. LOCATION OF SIGNAGE, PARKING, LANDSCAPING, AND DRAINAGE IMPROVEMENTS. All signage, parking, landscaping, and drainage improvements shall be located a minimum of 60 feet from the centerline of Post Road and/or outside of the officially mapped 120-foot further right-of-way, whichever is greater.
k. STORM-WATER DRAINAGE. Post development storm water drainage onto Post Road shall not exceed pre-development storm water drainage.
l. DEPARTMENT OF TRANSPORTATION REVIEW. The Department of Transportation shall have final approval of all access points as part of their permitting process. The DOT may consider additional traffic control measures as part of the driveway permit or subdivision review process, depending on anticipated traffic volume and its impact to adjacent properties. When necessary, the affected parties, including the Village, DOT, property owners, and adjacent property owner(s) shall meet to discuss the need for additional traffic control measures.
m. VARIANCES. Property owners may request a variance from the above requirements from the Village Plan Commission and Village Board. A variance application shall be submitted to the Village of Whiting Clerk for processing. The Village shall forward the variance application to the DOT District 4 Maintenance Supervisor and to the Village of Whiting President or designee for comment within 2 working days of submittal of the requested variance. The DOT and the Village of Whiting will have 5 working days from receiving a copy of the requested variance to make comments or request a joint review. No response within the 5 working days may be interpreted as non-objection. The Plan Commission shall then act on the variance request.

Sec. 19.16 Modification

1. MODIFICATION OF HEIGHT LIMITATIONS. The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:
   a. ARCHITECTURAL PROJECTIONS, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Chapter.
   b. SPECIAL STRUCTURES, such as elevator penthouses, gas tanks, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks, are exempt from the height limitations of this Chapter.
   c. ESSENTIAL SERVICES, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Chapter.
   d. COMMUNICATION STRUCTURE, 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.
   e. 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.
   f. Penthouses, stage towers, scenery lifts, elevators, bulkheads, clock towers, cupolas, water tanks, and similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit for the district in which the building is located, provided that no such exception shall cover, at any level, more than twenty-five (25%) percent of the area of the roof on which it is located: provided, further, that no such exception shall be used for sleeping or housekeeping purposes or for any commercial purpose other than such as may be incidental to the permitted use of the main building.
2. LOT WIDTH AND AREA.
   a. Requirements as to lot width and area for the construction of a one- and two- family dwelling shall not apply to any lot having less than the required area or width at the time of adoption of this Chapter or any amendment thereof increasing the area of width required for such lot, and held at the time in separate

ownership from that of adjoining land, provided that the area and the width of such existing lot shall be no less than seventy-five (75%) percent of the required minimum set forth in this Chapter.

b. In situations where a vacant lot is not held in separate ownership but is adjacent to an existing developed home site, the vacant parcel may only be developed if it meets the above seventy-five (75%) percent minimum lot width and area criteria and if the remaining lot area of the developed lot also meets these same standards.

3. BUILDING SETBACKS. In Residential Districts, except for corner lot, required setbacks may be modified where sixty (60%) percent or more of the frontage on a block is occupied by residences having setbacks less than that required by this Chapter, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures, which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter.
4. EXTENSIONS OF STRUCTURES INTO REQUIRED YARDS.
   a. The following extensions shall be permitted into required yards:
      1. Canopies and marquees in Business Districts, 6 feet (not permitted in interior side yards)
      2. Cornices and similar extensions, 1 foot
      3. Open fireproof fire escapes, 3 feet
      4. Eaves, 2 feet
      5. Front Yard Porches and Decks, 5 feet on existing residences only,
   b. The following restrictions shall apply to the permitted extensions:
      1. Cornices, canopies, marquees and similar extensions shall be at least ten (10) feet above ground level.
      2. Canopies shall, in no case, extends nearer than three (3) feet back of the face of a curb.
   c. Located within Residential Zoning District subject to the following conditions and restriction:
      1. The residence shall be in existence prior to the effective date of this ordinance.
      2. The porch or deck shall be allowed a maximum of a 5-foot encroachment into the required 30-foot setback from the front property line.
      3. The porch or deck shall consist of an open design and shall not have any windows or doors or a screened enclosure. Open spindle and railing designs shall be allowed to a maximum of 4 feet above the level of the porch or deck floor.
      4. A roof structure over the porch or deck is allowed but shall not extend or overhang the floor of the porch or deck more than 2 feet and no part of the structure supports of the roof shall extend more than 5 feet into the required front yard setback, the same as the floor encroachment allowed for the porch or deck.

Sec. 19.17 Nonconforming Uses, Structure and Lots

1. EXISTING NONCONFORMING USES.
   a. The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform to the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
   b. Total lifetime structural repairs or alterations shall not exceed fifty (50%) percent of the Village's assessed value of the structure at the time of it becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Chapter.
   c. Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
2. ABOLISHMENT OR REPLACEMENT. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50%) percent of its current assessed value, it shall not be restored so as to comply with the use provisions of this Chapter.

3. EXISTING NONCONFORMING STRUCTURES. The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
4. CHANGES AND SUBSTITUTIONS. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

Sec. 19.18 Fences and Hedges

1. DEFINITION FENCES AND HEDGES.
   a. DECORATIVE FENCE: A fence not exceeding a height of thirty-six (36) inches from ground level, made of material other than wire, metal, chain or poured concrete, and constructed in a substantially open pattern (such as a weave or board-and-space pattern) and not solid pattern (such as a block, concrete, or privacy pattern).
   b. FENCE: Means a vertical, freestanding barrier or enclosure constructed of wood, masonry, iron, stone, or metal which supports no load other than its own weight.
   c. SOLID FENCE: A fence having a regular pattern that has eighty percent (80%) or less of the surface which is open and unobstructed to both light and air when viewed perpendicular (right angle) to the place of the fence.
   d. OPEN FENCE: A fence having a regular pattern of which more than eighty percent (80%) of the surface will permit the unobstructed passage of light and air when viewed perpendicular (right angle) to the place of the fence.
   e. HEDGE: A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
   f. PICKET FENCE: A fence having a pointed post, stake, or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.
   g. RETAINING WALL: A solid barrier of any material constructed to hold back a mass of earth. A retaining wall shall be considered a fence for purposes of this Section.
2. RESIDENTIAL FENCES.
   a. Height: Max heights is six feet (6’-0”) in the back yard and side yards including yards adjacent to right-of-way.
   b. Setback:
      i. No fence or portion of a fence shall be constructed within the front setback area; however, a decorative fence may be constructed in the front setback area.
      ii. Fence setback along the side and rear property line is 0’ (fences are permitted on the property lines) unless they are adjacent to a right-of-way.
      iii. Fences adjacent to a right-of-way on corner lots shall be set back two feet (2’-0”).
3. SECURITY FENCES. Are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be on an open type similar to woven wire or wrought iron fencing.
   a. Municipal Buildings and Property are exempt. Security Fencing may be installed in areas zoned Residential.
4. PROHIBITED FENCES. No fence shall be constructed which conducts electricity or is designed to electrically shock or which uses barbed wire: provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or higher and project toward the fenced property and away from any public area.
   a. Municipal Buildings and Property are exempt in that barbed wire may be used for security around Municipal Owned Buildings and Property. The barbed wired may project outward toward the public area.
5. FENCES TO BE MAINTAINED. Fences in all districts of the Village shall be maintained in good repair and shall be kept vertical, uniform, and structurally sound. Fences must be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance.

6. HEDGES. The height and setback or hedges shall be the same as outlined for fences in this Chapter; provided, however, hedges three (3) feet in height or less, from sidewalk level, may be kept in the front setback area, and provided further that no hedge shall be permitted in the tree lawn area or, where no tree lawn area exists, within four (4) feet of any street or alley. Hedges shall be trimmed and maintained.
7. TEMPORARY FENCES. Fences erected for the protection of planting, or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Chapter. The issuance of a permit shall not be necessary for temporary fences as described herein but said fences shall not be erected for more than forty-five (45) days.
8. NONCONFORMING FENCES AND HEDGES. Any fence or hedge existing on the effective date of this Chapter and not in conformance with this Article may be maintained, but no alteration, modification, or improvement of same shall be permitted unless as a result of such alteration, modification or improvement said fence shall comply with this Section.
9. PRIVATE SWIMMING POOLS—FENCING AND CONSTRUCTION REQUIREMENTS.
    a. DEFINITION. A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet.
    b. EXEMPT POOLS. Storable swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity, are exempt from the provisions of this section.
    c. REQUIREMENTS. All private swimming pools shall meet the following requirements:
        1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
        2. It may not be located, including any walks, paved areas, or accessory structures adjacent thereto, closer than the minimum lot and yard setback requirements for accessory structures as specified for the district in which the pool is located.
        3. A wall or fence at least sixty (60) inches high and not more than six (6) feet from ground level shall be constructed so as to prevent uncontrolled access to the pool by children from the street or from adjacent properties. The fence material shall be a durable wood or chain-link type so as to make access difficult. The fence shall enclose all private combination, diving, swimming, and limited purpose pools. The entrance to the pool area may be provided through a bathhouse or gate.
        4. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top outer edge of the raised deck. Where pool ladders are provided, they shall be a type that can be removed when the pool is not in use.
        5. All electrical service to swimming pool areas shall be in compliance with the requirements of Section 680 (1-47) of the National Electrical Code.
        6. Water connections and all plumbing work shall be approved by the building inspector and shall comply with all requirements of the State Plumbing Code.

Sec. 19.19 Satellite Earth Stations

1. PERMIT REQUIRED. No owner shall, within the Village of Whiting, build, construct, use or place any type of satellite earth station until a permit shall have first been obtained from the Building Inspector.
2. DEFINITIONS.
    a. For purpose of this Section, a “satellite television dish” or “earth station” is defined as an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit. They are also commonly referred to as disks, satellite communications systems or home earth stations.
    b. “Owner” means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one owner shall be considered an owner.

3. APPLICATION. Application for a Satellite Earth Station permit shall be made in writing to the Building Inspector. With such application there shall be submitted a fee of Ten ($10.00) Dollars and a complete set of plans and specifications, including a plot plan showing the location of the proposed Satellite Earth Station with respect to adjoining alleys, lot lines, and buildings. If such application meets all requirements of this Section, the application shall be approved by the Building Inspector.
4. INSTALLATION RESTRICTIONS. Satellite Earth Stations installed in any zoning district within the Village shall comply with the following provisions:
   a. Number of units. Not more than one satellite earth station may be allowed per individual recorded lot except addition station may be permitted upon application for a variance in non-residential zones.
   b. Location and Setbacks.
      1. Any satellite dish shall only be located in the rear yard of a residential lot and at least fifteen (15) feet from any property line. Placement of a satellite dish in a Business or Industrial District shall not be allowed unless a special exception is granted by the Plan Commission.
      2. If the dish cannot receive a usable satellite signal in the rear yard of any residential lot but can receive such a signal while located in a side yard, it may be located only in a side yard after receiving approval from the Board of Appeals. For corner lots, a side yard is only a yard that does not face a street.
      3. If the dish cannot receive a usable satellite signal from either the rear or side yards, it may be located only on the roof of any main or accessory building on the lot. Attachment to the roof shall be subject to engineering calculations being prepared by a registered professional engineer certifying that the proposed satellite television dish installation is structurally sound and will not interfere with the use of adjoining property.
      4. No dish shall be placed in the front yard of any residential, business or industrial lot in the Village.
      5. The Plan Commission shall determine whether a signal constitutes a usable satellite signal, based on evidence provided by the person seeking a permit to erect or construct the dish.
   c. Mounting. Satellite earth stations located in agricultural or residential districts shall be ground mounted only. Satellite earth stations may be wall or roof mounted in business or industrial districts only. Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be subject to the structure being constructed to carry all imposed loading. The Building Inspector may require engineering calculations.
   d. Diameter. The diameter of the satellite television dish shall not exceed ten (10) feet from the ground-mounted dish or roof-mounted dish, except for stations used to provide community antenna televisions services.
   e. Height.
      1. A ground-mounted satellite dish may not exceed ten (10) feet in height, as measured from the ground to the highest point of the dish.
      2. A roof-mounted satellite dish may not exceed eight (8) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
   f. Wind Pressure. All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
   g. Electrical Installations. Electrical installations in connection with earth satellite receiving stations, including grounding of the system, shall be in accordance with National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer, in cases of conflict the stricter requirements shall govern. All cable used to conduct current or signals from the satellite earth station to receivers shall be installed underground unless installation site conditions preclude underground. If a satellite earth station is to be used by two or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for permit. All satellite earth stations shall be grounded against direct lightning strikes.
   h. Temporary Placement. No portable or trailer-mounted satellite earth station shall be allowed, except for temporary installation for on-site testing and demonstration purpose for period not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to

comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall give written notice to Building Inspector of the date when such placement shall begin and end.

i. Advertising. No form of advertising or identification, sign or mural are allowed on the dish or framework other than the customary manufacturer's identification plates.

j. Interference with Broadcasting. Satellite earth stations shall be filtered and/or shielded so as to prevent the emission or refection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the satellite earth stations shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission Regulations.

k. Compliance with Federal Regulation. The installation and use of every satellite earth station shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted there under.

l. Color. The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Building Inspector as part of the application.

5. VARIANCES. Requests for variances from the standards established by this section may be made to the Zoning Board of Appeals pursuant to this Chapter.
6. ENFORCEMENT.
   a. It shall be unlawful to construct, use, build or locate any satellite television dish in violation of any provisions of this Section. In the event of any violation, the Building Inspector or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
   b. Any person, firm or corporation who fails to comply with the provisions of these Sections shall upon conviction be subject to the general penalty found in this Municipal Code.

Sec. 19.20 Radio or Television Antenna Towers

1. No radio or television antenna tower shall be erected or installed within the front yard or side yard. The rear setback and the side setback in rear yards shall be that for the principal structure within the respective zoning district. The exact location of the antenna tower shall be subject to approval by the Village Board.
2. No radio or television tower shall exceed a height of twenty (20) feet above the roof line of the building on the property upon which the antenna is located or sixty (60) feet above the ground measured at grade level, whichever is the minimum.
3. Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code and the instructions of the manufacturer, in cases of conflict the stricter requirements shall govern.

Sec. 19.21 Wind Energy Systems.

1. APPROVAL REQUIRED. No owner shall, within the Village of Whiting, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system.
2. SEPARATE PERMIT REQUIRED FOR EACH SYSTEM. A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.
3. BASIS OF APPROVAL. The Village Board shall base their determination on general consideration as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and specifically of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive, or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carrying out the intent of the Zoning Code.
4. FEES. The Village Board shall establish fees for the processing and issuance of conditional use permits under this Chapter.
5. DEFINITIONS. "Wind Energy Systems" shall mean "windmills" which are used to produce electrical power.

6. PERMIT PROCEDURE—WIND ENERGY SYSTEMS.
    a. APPLICATION. The permit application for a wind energy system shall be made to the Building Inspector on forms provided by the Village. The application shall include the following information:
        1. The name and address of the applicant.
        2. The address of the property on which the system will be located.
        3. Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premise, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users of the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
        4. An accurate and complete written description of the use for which special grant is being requested including pertinent statistics and operational characteristics.
        5. Plans and other drawings showing proposed development of the site and building including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable.
        6. Any other information which the Village Board or Building Inspector may deem to be necessary to the proper review of the application.
    b. The Building Inspector shall review the applicant and, if the application is complete and contains all required information, shall refer it to the Village Board.
7. HEARING. Upon referral of the application, the Village Board shall schedule a public hearing thereon as soon as practical, and the Village Board shall notice said hearing as deemed appropriate.
8. DETERMINATION. Following public hearing and necessary study and investigation the Village Board shall, as soon as practical, render its decision in writing and a copy made a permanent part of the Board's minutes. Such decision shall include an accurate description of the special 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 Village Board may impose any conditions or exemptions necessary to minimize any burden on any persons affected by granting the special use permit.
9. TERMINATION. When a special use 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 Village Board following a public hearing thereon.
10. CHANGES. Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Village Board and if in the opinion of the Board such change or addition constitutes a substantial alteration, a public hearing before the Board shall be required and notice thereof be given.
11. APPROVAL DOES NOT WAIVE PERMIT REQUIREMENTS. The approval of a permit under this article shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.
12. ADDITIONAL STANDARDS. Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section, in addition to those found elsewhere in this Chapter.
    a. CONSTRUCTION. Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of no less than forty (40) pounds per square foot in area.
    b. NOISE. The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB (A) scale, measured at the lot line.
    c. ELECTRO-MAGNETIC INTERFERENCE. Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

d. LOCATION AND HEIGHT. Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located no closer to a property boundary than a distance equal to their height. Wind energy conversion systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as part of the wind energy conversion system conditional use permit application.
e. FENCE REQUIRED. All wind energy conversion system shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted in the fence warning of high voltages.
f. UTILITY COMPANY NOTIFICATION. The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

Sec. 19.22 Wireless Communication Tower/Facilities

1. PURPOSE. This section is intended for the purpose of establishing regulations for wireless communication facilities that minimize adverse impacts to the community as follows:
   a. Encourage the location of antenna support structures in non-residential zoning districts.
   b. Minimize the total number of antenna support structures within the community.
   c. Encourage the joint use of new and existing antenna support structures.
   d. Encourage the attachment of antennas to existing structures.
   e. Identify appropriate locations for wireless communication facilities.
   f. Ensure that antennas and antenna support structures are configured in a way that minimizes adverse visual impacts by careful design, appropriate sitting, and landscape screening and innovative camouflaging techniques.
   g. Avoid damage to adjacent properties from antenna support structure failure through careful engineering and locating of such structures.
   h. Facilitate the provision of wireless communication facilities.
   i. Enhance the ability to provide wireless communication facilities to the community quickly, effectively and efficiently.
2. EXCEPTIONS. The provisions of this section do not apply to radio or television reception antennas, satellite or microwave parabolic antennas not used by wireless communications service providers, receive-only antennas, antennas less than 70 feet in height and owned and operated by a federally-licensed amateur radio station operator, towers or antennas lawfully in existence in the Village on the date this Section becomes effective, facilities of any cable television company holding a valid and current franchise or commercial radio and/or television broadcasting facilities.
3. BUILDING CODE. The construction and installation of antenna support structures, antennas, antenna arrays, the installation or placement of antenna arrays on buildings and the placement of antennas on alternative support structures shall be subject to requirements of the Electronics Industries Association/Telecommunications Industries Association and any additional standard applicable thereto published by the Electronics Industries Association.
4. SITE PLAN REVIEW BY PLAN COMMISSION. All antenna support structures, antennas, antenna arrays and wireless communication facilities shall be subject to Site Plan Review. The following requirements are in addition to the requirements for Site Plan Approval outlined in this Municipal Code:
   a. LIGHTING. No antenna support structure shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.
   b. SIGNAGE. There shall be no signs, symbols, flags, banners, devices or effects attached to or painted thereon or inscribed upon any antenna support structures or antennas, except safety related signage as approved by the Village.
   c. FINISH. All lattice towers and monopole towers shall be finished in a non-reflective neutral color or otherwise as directed by the Plan Commission.
   d. SUPPORT FACILITY REQUIREMENTS.
      1. All support facilities, including buildings used for switching and other support functions, shall be placed in close proximity to the support structure on which the antennas are proposed.

2. Support facilities, including all equipment enclosures, shelters, cabinets, boxes or vaults designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, and provisions for air conditioning, ventilation or auxiliary electrical generators, shall be completely screened with trees, shrubs, fences or other decorative materials planted to a minimum width of 5 feet so as to be obscured from view from adjacent properties and from the street. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
3. Support facilities shall be kept locked at all times and shall be clearly labeled as to the owner, operator or person to be contacted in the event of an emergency.

e. CO-LOCATION. All wireless communication service providers shall cooperate with each other in co-locating additional antennas on antenna support structures and/or on existing buildings or other alternative antenna support structures. Wireless communications service providers shall exercise good faith in co-locating with other providers and sharing antenna sites, provided that such shared use does not give rise to a substantial technical level impairment of the ability to provide wireless communications service. Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. All antenna support structures shall be available for use by the owner or initial user thereof, together with as many other wireless communication service providers as may be technically accommodated. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating with other providers, the Village may require a third-party technical study at the expense of either or both of such providers.

f. LOCATION OF ANTENNAS FOR WIRELESS COMMUNICATION SERVICES.
1. ANTENNAS ATTACHED TO EXISTING TOWER OR STRUCTURE. Antenna arrays may be mounted on the top and attached to roofs of existing buildings or structures that are at least 30 feet or more in height above the street grade upon which such building fronts or may be attached to the facades of buildings, existing towers, or other structures; provided however, that such antenna structure and arrays shall not add more than 20 feet to the total height or elevation of such building or structure from the street grade. Antenna arrays so mounted shall be obscured from view from the street upon which such building or structure fronts by the use of screening materials designed, painted and maintained in such a manner that will blend with the appearance of the building or structure.

ANTENNA ATTACHED TO EXISTING TOWER OR STRUCTURE

Zoning District	Manufacturing I-1	Business C-1	Residential R-1, R-2, R-3	Other MR-1, PUD	Conservancy CON
Attached Antenna	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use
Height Maximum	Underlying Zone	Not greater than 20’ above existing structure			
Minimum Setback	Structure setback limits of District				

2. ANTENNA ATTACHED to NEW TOWER or STRUCTURE. No new antenna support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Plan Commission that no existing antenna support structure, alternative support structure or alternative technology that does not require the use of towers or structure, can accommodate the applicant’s wireless communication needs. An applicant shall provide the information requested by the Building Inspector for submittal to the Plan Commission relating to the availability of suitable existing antenna support structures, alternative antenna support structures or alternative technology. Evidence submitted to demonstrate facts may consist of the following:
   a. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant’s engineering requirements; and/or
   b. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the applicant’s engineering requirements; and/or

c. That existing antenna support structures and alternative antenna support structures do not have sufficient structural strength to support the applicant's proposed antennas and related equipment; and/or
d. That the applicant's proposed antennas would cause electromagnetic interference with the antennas on the existing antenna support structure or alternative antenna support structure, or the antennas on the existing antenna support structure or alternative support structure would cause interference with the applicant's proposed antennas; and/or
e. That the fees, costs or contractual provisions required by the owner in order to share an existing antenna support structure or alternative antenna support structure or to adapt an existing antenna support structure or alternative support structure for co-location sharing is unreasonable. Costs exceeding new antenna support structure development are presumed to be unreasonable; and/or
f. That an alternative technology that does not require the use of towers or buildings for height, such as cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs for alternative technology that exceed new antenna support structure development shall be presumed to render the technology unsuitable.

ANTENNA ATTACHED TO NEW TOWER OR STRUCTURE

Zoning District	Manufacturing I-1	Business C-1	Residential R-1, R-2, R-3	Other MR-1, PUD	Conservancy CON
> 300' from residential zone	Permitted		Prohibited	Conditional Use	
< 300' from residential zone	Conditional Use		Prohibited	Conditional Use	
Height (Maximum)	125 feet			125 feet	
Setback (Minimum)	Height of Tower			Height of Tower	

3. PUBLIC OWNED PROPERTY. In addition to all other locations allowed or allowed as a conditional use, antenna and appurtenant structures may be permitted on all publicly owned property including land owned by the Village of Whiting, the Stevens Point School District and Portage County, subject to a recommendation of approval by the Plan Commission and approval by the Village Board. Wireless communication facilities on publicly owned property shall be subject to all provisions of this Municipal Code.

5. REMOVAL OF ABANDONED ANTENNA SUPPORT STRUCTURES.
   a. Any antenna support structure that has had no antenna mounted upon it for a period of 180 successive days or if the antenna(s) mounted thereon are not operated for a period of 180 successive days, shall be considered abandoned. The owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days after the receipt of notice from the Village to do so. During the 90 days the owner may apply, and for good reason, be granted an extension of time for such terms as the Plan Commission shall determine. If such structure and equipment enclosure are not removed within the allowed 90 days, the Village may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such structures are situated in an amount equal to the cost of removal. Any notice given under the Section is subject to appeal to the Village Board.
   b. In the event more than one wireless communication service provider is using the support structure, this provision shall not become effective until all users cease use of such structure.
6. MAINTENANCE AND REPAIR OF ANTENNA SUPPORT STRUCTURES AND SUPPORT FACILITIES. All antenna support structures and facilities shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning and other acts required for maintenance of said facilities. The Building Inspector shall require compliance with all

standards of this ordinance and shall have the right to order the repair or removal of any antenna support structures and support facilities which are defective, damaged, or substantially deteriorated.

7. VALIDITY. Should any section or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the portion so declared to be invalid.

Sec. 19.23 Zoning Board of Appeals

1. MEMBERSHIP. The Zoning Board of Appeals shall be appointed pursuant to Chapter 5 of this Municipal Code.
2. MEETING AND RULES. All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the board and shall be public record. The Board of Appeals shall adopt its own rules of procedure not in conflict with the Municipal Code or with the applicable Wisconsin Statues.
3. OFFICES. The Village Board shall provide suitable offices for the Board of Appeals for holding of hearings and the presentation of records, documents, and accounts.
4. APPROPRIATIONS. The Village Board shall appropriate funds to carry out the duties of the Board of Appeals and the Board of Appeals shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.
5. JURISDICTION AND AUTHORITY. The Board of Appeals shall have the jurisdiction and authority as specified in Sec. 62.23(7), Wis. Stats.
    a. SCOPE OF APPEALS. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village, affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question.
    b. STAY OF PROCEEDINGS. An appeal shall stay all legal proceedings in furtherance of the action appeals from, unless the officer from whom the appeal is taken certified to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
    c. CONCURRING VOTE. The concurring vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility temporary, unclassified, or substituted use.
6. HEARING OF APPEALS. The Board of Appeals shall fix a reasonable time, not more than thirty (30) days from the date of filing, for the hearing of an appeal and shall give due notice thereof to all the parties involved. The Board or any of its officers it shall designate shall cause such hearings to be published in the local newspapers.
7. POWERS OF ZONING BOARD OF APPEALS. In addition to these powers enumerated in Sec, 62.23(7), Wis. Stats., the Board of Zoning Appeals shall have the following powers.
    a. ERRORS. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a person administering this Chapter.
    b. VARIANCES. To hear and grant appeals for variances as will not be contrary to the public interest, where owing to practical difficulty or unnecessary hardship, so that the spirit and purpose of this Chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
    c. INTERPRETATIONS. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
    d. SUBSTITUTIONS. To hear appeals over the granting of applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provides no structural alterations are to be made and after the Plan Commission has made a review and recommendation. Wherever the Board permits such a substitution, the use may not thereafter be changed without application.

e. TEMPORARY USES. To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required. Use variances shall not be approved.

f. PERMITS. The Board may reverse, affirm wholly or partly, modify the requirement appealed from, and may issue or direct the issue of a permit.

8. VARIATIONS.

a. PURPOSE.

1. A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
2. The Board of Appeals may authorize upon appeal, in specific cases, such variances from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Chapter will result in unnecessary hardship and so that the spirit of this Chapter shall be observed and substantial just done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit stands lower than those required by state law.
3. For the purposes of this section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.

b. APPLICATION FOR VARIATION. The application for variation shall be filed with the Clerk-Treasurer. Applications may be made by the owner or lesser of the structure, land or water to be affected. The application shall contain the following information:

1. Name and address of applicant and all abutting and opposite property owners of record.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property.
3. Address and description of the property.
4. A map or plat of survey showing all of the information otherwise required for a Zoning Permit.
5. Additional information required by the Plan Commission, Village Engineer, or Board of Zoning Appeals.
6. Fee receipt from the Clerk-Treasurer in the amount of ~~fifty ($50.00)~~ One Hundred ($100.00) Dollars.

c. PUBLIC HEARING OF APPLICATION. The Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one or more of the newspapers in general circulation in the Village. At the hearing the appellant or applicant may appear in person, by agent, or by attorney. The Board shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Village Board and Plan Commission.

d. ACTION OF THE BOARD OF APPEALS. For the Board to grant a variance it must find that:

1. Denial of variation may result in hardship to the property owner due to physiographical considerations. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that this Zoning Chapter should be changed.
2. The conditions upon which a petition for variation is based are unique to the property, for which variation is being sought, and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
3. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

4. The granting of the variation will not be detrimental to the public welfare or injurious to the other property, or improvements in the neighborhood in which the property is located.
5. The proposed variation will not undermine the spirit and general or specific purposes of the Chapter.

e. CONDITIONS. The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.
f. EXPIRATION. Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
g. REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals.

Sec. 19.24 Changes and Amendments to the Zoning Code

1. AUTHORITY.
   a. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Chapter or amendments thereto.
   b. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.
2. INITIATION. A change or amendment may be initiated by the Village Board, Building Inspector, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
3. PETITIONS. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Clerk-Treasurer, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
   a. Plot Plan drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two hundred (200) feet of the areas proposed to be rezoned.
   b. Owners' Names and Addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
   c. Additional Information required by the Plan Commission or Village Board.
   d. Fee receipt from the Clerk-Treasurer in the amount of ~~fifty ($50.00)~~ Two Hundred Fifteen ($215.00) Dollars.
4. RECOMMENDATIONS. The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board.
5. HEARINGS. The Village Board shall hold a public hearing upon each recommendation, giving at least ten (10) days' prior notice by publication at least two (2) times prior to amendments proposed. The Village Board shall also give at least ten (10) days' prior written notice to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
6. BOARD'S ACTION.
   a. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.
   b. The Plan Commission's recommendations may only be overruled by the full Village Board's membership voting at the meeting at which the request is acted upon.
7. PROTEST. In the event of a protest against such district change or amendment to the regulations of this Chapter, duly signed and acknowledged by the owners of twenty (20%) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20%) percent or more of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty (20%) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

8. PENALTIES. Failure to comply with the provisions of this Chapter shall be regarded as violation and any person who commits such violation shall be liable to a forfeiture of not less than One Hundred ($100.00) Dollar or not more than Five Hundred ($500.00) Dollars, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned up to ninety (90) days in the County Jail, or in the alternative, have such costs added to their real property as a lien against the property. Each day a violation is continued shall be considered a separate offense.