



Zoning Code
CHAPTER 66
OF THE
MUNICIPAL CODE
OF THE
VILLAGE OF
SISTER BAY, WISCONSIN

Last Text Amendment: February 17, 2026
Last Zoning Map Amendment: April 21, 2026

VILLAGE OF SISTER BAY ZONING CODE

1 IF YOU ARE ATTEMPTING TO LOCATE THE REGULATIONS THAT PERTAIN TO A
2 PARTICULAR PROPERTY, PLEASE INITIALLY DETERMINE WHAT ZONING DISTRICT THE
3 PROPERTY IS ACTUALLY LOCATED IN. TO DO THAT, PLEASE REFER TO THE ZONING MAP
4 THAT IMMEDIATELY FOLLOWS THIS PAGE. AFTER THAT, REFER TO THE INFORMATION
5 THAT IS CONTAINED IN THIS TABLE AS WELL AS THE TABLE OF CONTENTS, AND THEN GO
6 TO THE APPLICABLE PAGE(S) OF THE ZONING CODE.

7
8 IF YOU HAVE ANY QUESTIONS ABOUT THE VILLAGE'S ZONING REGULATIONS, PLEASE
9 DON'T HESITATE TO CONTACT THE EMPLOYEES IN THE VILLAGE OFFICE.



10
11 **R-1 Single Family District Regs. - Page 11**
12 **R-1 Dimensional Lot Standards Table – Page 12**
13 **R-2 Multiple Family Res. District Regs. - Page 15**
14 **R-2 Dimensional Lot Standards Table - Page 16**
15 **R-3 Large Lot Residence District Regs. - Page 19**
16 **R-3 Dimensional Lot Standards Table - Page 20**
17 **R-4 Small Lot Residence District Regs. - Page 23**
18 **R-4 Dimensional Lot Standards Table - Page 23 & Page 24**
19 **CS-1 Countryside District Regs.- Page 27**
20 **CS-1 Dimensional Lot Standards Table - Page 28 & Page 29**
21 **B-1 General Business District Regs. - Page 31**
22 **B-1 Dimensional Lot Standards Table - Page 32 & Page 33**
23 **Mobile Food Vendor Court Regs. (Allowed in B-1 Dist. Only) – Page 34 & Page 35**
24 **B-2 Downtown Business Trans. District - Page 37**
25 **B-2 Dimensional Lot Standards Table – Page 38 & Page 39**
26 **B-3 Downtown Business District Regs. – Page 43**
27 **B-3 Dimensional Lot Standards Table – Page 44 & Page 45**
28 **I-1 Institutional District Regs. – Page 49**
29 **P-1 Park District Regs. – Page 51**
30 **W-1 Wetland Overlay District Regs. – Page 55**
31 **PUD - Planned Unit Dev. Overlay District Regs. – Page 57**
32 **HL – Highway 42 & 57 Landscape Setback Overlay District – Page 63**
33 **B-2 Historic Overlay District – Page 65**
34 **BP – Bluff Protection Overlay District – Page 69**
35 **WHP – Wellhead Protection District – Page 71**
36 **RS – Ridges & Swales Overlay District – Page 75**
37 **RO-1 – Restaurant Overlay District – Page 77**
38 **Parking Regulations – Page 81**
39 **Accessory Uses, Home Occupations Fences & Antennas – Page 93**
40 **Sign Regulations – Page 117**

VILLAGE OF SISTER BAY ZONING CODE

VILLAGE OF SISTER BAY ZONING CODE

Table of Contents

| | | |
|----|--|----|
| 1 | | |
| 2 | SECTION 100 — Statutory Authority and Purpose | 1 |
| 3 | Sec. 66.0101 Authority | 1 |
| 4 | Sec. 66.0102 Purpose..... | 1 |
| 5 | Sec. 66.0103 Intent | 1 |
| 6 | Sec. 66.0104 Abrogation and Greater Restrictions | 1 |
| 7 | Sec. 66.0105 Interpretation..... | 1 |
| 8 | Sec. 66.0106 Severability | 1 |
| 9 | Sec. 66.0107 Title..... | 2 |
| 10 | Sec. 66.0108 Adoption..... | 2 |
| 11 | | |
| 12 | SECTION 200 — Jurisdiction | 3 |
| 13 | Sec. 66.0201 Jurisdiction | 3 |
| 14 | Sec. 66.0202 Compliance..... | 3 |
| 15 | Sec. 66.0203 Municipalities and State Agencies Regulated | 3 |
| 16 | Sec. 66.0204 Annexation | 3 |
| 17 | | |
| 18 | SECTION 300 — Zoning Districts | 5 |
| 19 | Sec. 66.0300 Establishment..... | 5 |
| 20 | Sec. 66.0301 Zoning Map..... | 6 |
| 21 | Sec. 66.0302 Use Restrictions..... | 6 |
| 22 | Sec. 66.0303 Site and Lot Restrictions..... | 7 |
| 23 | Sec. 66.0304 Setback Requirements from the Water | 9 |
| 24 | Sec. 66.0305 Reduction | 9 |
| 25 | Sec. 66.0306 Additions | 9 |
| 26 | Sec. 66.0307 Special Setback Requirements | 9 |
| 27 | | |
| 28 | Residential Districts | |
| 29 | Sec. 66.0311 R-1 Single-Family Residence District | 11 |
| 30 | Sec. 66.0312 R-2 Multiple-Family Residence District | 15 |
| 31 | Sec. 66.0313 R-3 Large Lot Residence District..... | 19 |
| 32 | Sec. 66.0314 R-4 Small Lot Residence District..... | 23 |
| 33 | Sec. 66.0315 CS-1 Countryside District..... | 27 |
| 34 | | |
| 35 | Business Districts | |
| 36 | Sec. 66.0320 B-1 General Business District | 31 |
| 37 | Sec. 66.0322 B-2 Downtown Business Transition District..... | 37 |
| 38 | Sec. 66.0323 B-3 Downtown Business District | 43 |
| 39 | | |
| 40 | Other Districts | |
| 41 | Sec. 66.0330 I-1 Institutional District..... | 49 |
| 42 | Sec. 66.0331 P-1 Park District..... | 51 |
| 43 | | |
| 44 | Overlay Districts | 53 |
| 45 | Sec. 66.0340 W-1 Wetland Overlay District | 55 |
| 46 | Sec. 66.0341 PUD Planned Unit Development Overlay District | 57 |

VILLAGE OF SISTER BAY ZONING CODE

| | | |
|----|---|------------|
| 1 | Sec. 66.0342 HL Highway 42 and 57 Landscape Setback Overlay District | 63 |
| 2 | Sec. 66.0343 B-2 Historic Overlay District | 65 |
| 3 | Sec. 66.0344 BP Bluff Protection Overlay District | 69 |
| 4 | Sec. 66.0345 WHP Wellhead Protection District | 71 |
| 5 | Sec. 66.0346 RS Ridges and Swales | 75 |
| 6 | Sec. 66.0350 RO Restaurant Overlay District RO-1 | 77 |
| 7 | | |
| 8 | SECTION 400 — Traffic, Loading, Parking and Access | 81 |
| 9 | Sec. 66.0401 Traffic Visibility | 81 |
| 10 | Sec. 66.0402 Loading Requirements | 81 |
| 11 | Sec. 66.0403 Parking Requirements | 81 |
| 12 | Sec. 66.0404 Adjustments to Required Parking | 87 |
| 13 | Sec. 66.0405 Parking of Vehicles in Residential Districts | 89 |
| 14 | Sec. 66.0406 Highway Access | 90 |
| 15 | Sec. 66.0407 Other Parking Restrictions | 91 |
| 16 | | |
| 17 | SECTION 500 — Accessory Uses, Home Occupations, Fences, and Antennas | 93 |
| 18 | Sec. 66.0501 Accessory Uses and Structures | 93 |
| 19 | Sec. 66.0502 Fences | 97 |
| 20 | Sec. 66.0503 Antennas | 98 |
| 21 | Sec. 66.0504 Wireless Telecommunication Sites | 99 |
| 22 | Sec. 66.0505 Wind Power Generating Towers | 113 |
| 23 | Sec. 66.0506 Outdoor Displays | 13 |
| 24 | | |
| 25 | SECTION 600 — Modifications | 115 |
| 26 | Sec. 66.0601 Height Modifications | 115 |
| 27 | Sec. 66.0602 Setback Modifications | 115 |
| 28 | | |
| 29 | SECTION 700 — Signs | 117 |
| 30 | Sec. 66.0700 Purpose and Intent | 117 |
| 31 | Sec. 66.0701 Design Guidelines | 117 |
| 32 | Secs. 66.0702 – 66.0709, Reserved | 118 |
| 33 | Sec. 66.0710 Business District Signage with Permit | 118 |
| 34 | Sec. 66.0711 Shopping Center/Commercial Center Signage with Permit | 120 |
| 35 | Sec. 66.0712 Multi-Use Development with Permit | 120 |
| 36 | Sec. 66.0713 Business Off-Premise Signage with Permit | 121 |
| 37 | Sec. 66.0714 Sandwich Board Signage with Permit | 121 |
| 38 | Secs. 66.0715 – 66.0719, Reserved | 122 |
| 39 | Sec. 66.0720 On-Premise Signs without Permit | 122 |
| 40 | Sec. 66.0721 On/Off-Premise Signs without Permit..... | 123 |
| 41 | Sec. 66.0722 Other On/Off-Premise Signs with Permit..... | 123 |
| 42 | Secs. 66.0723 – 66.0729, Reserved | 123 |
| 43 | Sec. 66.0730 Residential Districts Signage with Permit | 123 |
| 44 | Sec. 66.0731 Countryside District Signage with Permit | 124 |
| 45 | Sec. 66.0732 Institutional and Park Districts Signage with Permit..... | 124 |
| 46 | Sec. 66.0750 Sign Permit | 124 |

VILLAGE OF SISTER BAY ZONING CODE

| | | |
|----|--|------------|
| 1 | Sec. 66.0751 Construction Standards..... | 125 |
| 2 | Sec. 66.0752 Color and Lighting | 126 |
| 3 | Sec. 66.0753 Measuring Signs | 126 |
| 4 | Sec. 66.0754 Maintenance of Signs | 127 |
| 5 | Secs. 66.0755 – 66.0709, Reserved | 127 |
| 6 | Sec. 66.0770 Prohibited Signs..... | 127 |
| 7 | Secs. 66.0771 – 66.0779, Reserved | 128 |
| 8 | Sec. 66.0780 Legal Non-conforming Signs..... | 128 |
| 9 | Secs. 66.0781 – 66.0789, Reserved | 129 |
| 10 | Sec. 66.0790 Historic Signs | 129 |
| 11 | Sec. 66.0791 Compliance..... | 129 |
| 12 | | |
| 13 | SECTION 800 — Performance Standards | 131 |
| 14 | Sec. 66.0801 Compliance..... | 131 |
| 15 | Sec. 66.0802 Air Pollution..... | 131 |
| 16 | Sec. 66.0803 Fire and Explosive Hazards..... | 131 |
| 17 | Sec. 66.0804 Heat | 131 |
| 18 | Sec. 66.0805 Water Quality Protection | 131 |
| 19 | Sec. 66.0806 Radioactivity and Electrical Disturbances | 132 |
| 20 | Sec. 66.0807 Vibration..... | 132 |
| 21 | Sec. 66.0808 Noise..... | 132 |
| 22 | Sec. 66.0809 Outdoor Lighting | 132 |
| 23 | Sec. 66.0810 Outdoor Entertainment Facilities..... | 135 |
| 24 | | |
| 25 | SECTION 900 — Non-Conforming Uses, Structures and Lots..... | 137 |
| 26 | Sec. 66.0900 Non-Conforming Use Definitions | 137 |
| 27 | Sec. 66.0901 Existing Non-Conforming Uses..... | 137 |
| 28 | Sec. 66.0902 Conforming Structures on Non-Conforming Lots | 138 |
| 29 | Secs. 66.0903 – 66.0909, Reserved | 138 |
| 30 | Sec. 66.0910 Non-Conforming Structure Definitions | 138 |
| 31 | Sec. 66.0911 Non-Conforming Structures | 139 |
| 32 | Secs. 66.0912 – 66.0919, Reserved | 140 |
| 33 | Sec. 66.0920 Existing Non-Conforming Lots..... | 140 |
| 34 | Sec. 66.0921 Wetland Non-Conforming Uses | 140 |
| 35 | Sec. 66.0922 Interpretation and Proof of Uses | 140 |
| 36 | Sec. 66.0923 Intensification of Non-Conforming Uses..... | 140 |
| 37 | | |
| 38 | SECTION 1000 — Other Permits and Regulations | 143 |
| 39 | Sec. 66.1000 Tree Cutting Regulations..... | 143 |
| 40 | Secs. 66.1001 – 66.1014, Reserved | 145 |
| 41 | Sec. 66.1015 Land Disturbance Regulations..... | 145 |
| 42 | Secs. 66.1016 – 66.1019, Reserved | 146 |
| 43 | Sec. 66.1020 Pier Permits | 146 |
| 44 | Secs. 66.1021 – 66.1024, Reserved | 148 |
| 45 | Sec. 66.1025 Impact on Housing Stock..... | 148 |
| 46 | Secs. 66.1026 – 66.1029, Reserved | 149 |

VILLAGE OF SISTER BAY ZONING CODE

| | | |
|----|---|------------|
| 1 | Sec. 66.1030 Impact on Workforce Housing | 149 |
| 2 | Secs. 66.1031 – 66.1034, Reserved | 149 |
| 3 | Sec. 66.1035 Property Addressing | 149 |
| 4 | Sec. 66.1036 Criteria for Address Number Assignment | 150 |
| 5 | Sec. 66.1037 Address Sign Criteria and Placement | 151 |
| 6 | Sec. 66.1038 Street and Road Naming | 151 |
| 7 | Sec. 66.1039 County Administration of Village Numbering | 152 |
| 8 | Sec. 66.1040 Property Address Reassignment Implementation | 152 |
| 9 | | |
| 10 | SECTION 1050 — Site Plan and Architectural Review | 153 |
| 11 | Sec. 66.1050 Site Plan and Architectural Review | 153 |
| 12 | Secs. 66.1051 – 66.1054, Reserved | 156 |
| 13 | Sec. 66.1055 Architectural Review Criteria | 156 |
| 14 | Secs. 66.1056 – 66.1059, Reserved | 161 |
| 15 | Sec. 66.1060 Landscaping | 161 |
| 16 | Secs. 66.1061 – 66.1064, Reserved | 163 |
| 17 | Sec. 66.1065 Utilities in Rights-of-Way..... | 163 |
| 18 | | |
| 19 | SECTION 1500 — Administration | 165 |
| 20 | Sec. 66.1500 Plan Commission | 165 |
| 21 | Secs. 66.1501 – 66.1504, Reserved | 165 |
| 22 | Sec. 66.1505 Public Information..... | 165 |
| 23 | Secs. 66.1506 – 66.1509, Reserved | 165 |
| 24 | Sec. 66.1510 Zoning Administrator Designated | 165 |
| 25 | Secs. 66.1511 – 66.1519, Reserved | 166 |
| 26 | Sec. 66.1520 Development Agreement Required | 166 |
| 27 | Secs. 66.0521 – 66.1524, Reserved | 167 |
| 28 | Sec. 66.1525 Terms of Development Agreement..... | 167 |
| 29 | Secs. 66.1526 – 66.1529, Reserved | 167 |
| 30 | Sec. 66.1530 Zoning Permit Required | 168 |
| 31 | Sec. 66.1531 Zoning Permit Not Required..... | 171 |
| 32 | Sec. 66.1532 Certificates of Occupancy and Compliance Required..... | 171 |
| 33 | Secs. 66.1533 – 66.1534, Reserved | 172 |
| 34 | Sec. 66.1535 Conditional Use Permit | 172 |
| 35 | Secs. 66.1536 – 66.1539, Reserved | 175 |
| 36 | Sec. 66.1540 Other Permits | 175 |
| 37 | Secs. 66.1541 – 66.1544, Reserved | 175 |
| 38 | Sec. 66.1545 Permit Fees..... | 175 |
| 39 | Secs. 66.1546 – 66.1549, Reserved | 176 |
| 40 | Sec. 66.1550 Violations..... | 176 |
| 41 | Sec. 66.1560 Remedial Action | 176 |
| 42 | Sec. 66.1570 Penalties | 176 |
| 43 | Sec. 66.1575 Renewal of Permits | 176 |
| 44 | | |
| 45 | SECTION 1600 — Zoning Board of Appeals..... | 177 |
| 46 | Sec. 66.1601 Establishment..... | 177 |

VILLAGE OF SISTER BAY ZONING CODE

| | | |
|----|--|------------|
| 1 | Sec. 66.1602 Organization | 177 |
| 2 | Sec. 66.1603 Powers | 177 |
| 3 | Sec. 66.1604 Appeals and Applications | 177 |
| 4 | Sec. 66.1605 Hearings..... | 178 |
| 5 | Sec. 66.1606 Notice to DNR..... | 178 |
| 6 | Sec. 66.1607 Findings | 179 |
| 7 | Sec. 66.1608 Wetland Mapping Disputes..... | 179 |
| 8 | Sec. 66.1609 Decision | 179 |
| 9 | Sec. 66.1610 Review by Court of Record..... | 179 |
| 10 | | |
| 11 | SECTION 1700 — Changes and Amendments | 181 |
| 12 | Sec. 66.1701 Authority | 181 |
| 13 | Sec. 66.1702 Initiation | 181 |
| 14 | Sec. 66.1703 Applications..... | 181 |
| 15 | Sec. 66.1704 Review and Recommendations..... | 181 |
| 16 | Sec. 66.1705 Hearings..... | 181 |
| 17 | Sec. 66.1706 Village Board’s Action | 181 |
| 18 | Sec. 66.1708 Wetland Amendments | 181 |
| 19 | Sec. 66.1709 Protest | 182 |
| 20 | Sec. 66.1710 Map and Text Amendments..... | 182 |
| 21 | | |
| 22 | SECTION 1800 — Public Hearings | 189 |
| 23 | Sec. 66.1801 Public Hearings..... | 189 |
| 24 | | |
| 25 | SECTION 2000 — Definitions | 187 |
| 26 | Sec. 66.2001 General Definitions | 187 |
| 27 | Sec. 66.2100 Specific Words and Phrases | 187 |
| 28 | | |
| 29 | SECTION 4000 — Architectural Guide | 223 |
| 30 | SECTION 4200 — Sandwich Board Guide | 229 |
| 31 | SECTION 4300 — Appendix of Zoning Illustrations | 233 |
| 32 | Sec. 66.4300 Zoning Illustrations..... | 233 |

VILLAGE OF SISTER BAY ZONING CODE

VILLAGE OF SISTER BAY ZONING CODE

SECTION 100 - STATUTORY AUTHORITY AND PURPOSE

Sec. 66.0101 Authority

These regulations are adopted under the authority granted by Wis. Stats. §61.35, 62.23(7), 62.231 and 87.30. Therefore, the Village Board of the Village of Sister Bay, Wisconsin does hereby ordain as follows:

Sec. 66.0102 Purpose

The purpose of this chapter is to promote the health, safety, aesthetics and general welfare of this community.

Sec. 66.0103 Intent

(1) It is the general intent of this chapter to regulate and restrict the use of all structures, lands, and waters; and to:

- (a) Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- (b) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services and utilities;
- (c) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of the streets, highways and waterways;
- (d) Secure safety from fire, flooding, panic, pollution, contamination and other dangers;
- (e) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (f) Provide adequate light and air, including access to sunlight for solar collectors;
- (g) Assure the protection of groundwater;
- (h) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (i) Stabilize and protect existing property values;
- (j) Further the appropriate use of land and conservation;
- (k) Preserve and promote the beauty of the community;
- (l) Implement those municipal, county, watershed, and regional comprehensive plans or plan components adopted by the Village of Sister Bay; and,
- (m) Provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Sec. 66.0104 Abrogation and Greater Restrictions

This chapter is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Except as otherwise provided in this chapter, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

Sec. 66.0105 Interpretation

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

Sec. 66.0106 Severability

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

Sec. 66.0107 Title

This chapter shall be known as, referred to or cited as the “Zoning Chapter of the Municipal Code of Ordinances (Zoning Code), Village of Sister Bay, Door County, Wisconsin.”

VILLAGE OF SISTER BAY ZONING CODE

- 1 **Sec. 66.0108 Adoption**
- 2 The Zoning Code was originally adopted in 1974, redrafted and adopted as Ordinance No. 102-110904
- 3 on November 9, 2004, and the comprehensive revision was effective upon publication on November 16,
- 4 2004.

VILLAGE OF SISTER BAY ZONING CODE

SECTION 200 - JURISDICTION

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Sec. 66.0201 Jurisdiction

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Sister Bay.

Sec. 66.0202 Compliance

The use of any land or water; the size, shape and placement of lots; the use, size, type and location of structures on lots; the filling and grading of any land; the cutting of shore land cover; the regulation of signs, manufactured homes, trailers and parking lots; the consolidation or splitting of parcels; and the subdivision of lots shall be in full compliance with the terms of this chapter and other applicable regulations. The construction of buildings and structures, or any addition thereto, and the changing of any land use shall require a Zoning Permit unless otherwise expressly excluded from the requirement of this chapter. No structure, land, or water shall hereafter be used or developed (as "development" is defined in Sec. 66.2100 of this chapter) and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located, but in residential districts, a lot of record as of November 16, 1973, even though not meeting the requirements of this chapter as to area and width, may be used for single family residence purposes.

Sec. 66.0203 Municipalities and State Agencies Regulated

Unless specifically exempted by law all cities, villages, towns, counties, school districts, vocational school districts and other public entities are required to comply with this chapter and obtain all required permits. State agencies are required to comply if Wis. Stats. §13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Wis. Stats. §30.12(4)(a) applies, including subsequent amendments to those rules.

Sec. 66.0204 Annexation

All territory annexed by the Village shall become part of the CS-1 District until definite boundaries and regulations are recommended by the Plan Commission and adopted by the Village Board; such adoption to be completed within ninety (90) days of the annexation.

VILLAGE OF SISTER BAY ZONING CODE

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VILLAGE OF SISTER BAY ZONING CODE

SECTION 300 – ZONING DISTRICTS

Several Portions of This Section of the Zoning Code Have Been Amended in Accord With The Provisions of Ordinance No. 288, Which Was Passed and Adopted on November 9, 2021.

Sec. 66.0300 Establishment

For the purpose of this chapter, the Village of Sister Bay is hereby divided into ten (10) basic use districts and nine (9) overlay districts. The names of those districts follows:

Use Districts

Countryside - CS-1
Single-Family Residence District - R-1
Multiple-Family Residence District - R-2
Large Lot Residence District - R-3
Small Lot Residence District - R-4
General Business District - B-1
Downtown Business Transition District - B-2
Downtown Business District - B-3
Institutional District - I-1
Park/Recreation District - P-1

Overlay Districts

Woodland Overlay District
Wetland Overlay District - W-1
Bluff Protection Overlay District - BP
Planned Unit Development Overlay District – PUD
Hwy. 42/Hwy. 57 Landscape Setback Overlay District - HL
Historic Overlay District – B-2
Ridges and Swales Overlay District - RS-1
Restaurant Overlay District - RO-1
Wellhead Protection Overlay District - WHP

(1) Boundaries. The boundaries of the previously mentioned districts are hereby established as shown on the map that is entitled “Village of Sister Bay Official Zoning Map”, which map accompanies and is herein made a part of this chapter. All notations and references shown on the Zoning Map are as much a part of this chapter as though they were specifically described herein. This chapter hereby incorporates any future Zoning Map amendments or any later Zoning Maps that may be adopted by ordinance of the Village Board.

(a) The district boundaries in all districts, except the overlay districts, shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys and easements. Where a district boundary is parallel to corporate limits or the centerline or right-of-way of a street, the district boundary shall be determined by the dimension noted on the Zoning Map or where said dimension is not noted, by the scale contained on the Zoning Map.

(b) The boundaries of the Wetland Overlay District (W-1) are based on the Wisconsin Wetland Inventory Maps for the Village, dated July 1, 1992 or the most current map. The wetlands included as W-1 are those wetlands that are two or more acres in area; and are located

VILLAGE OF SISTER BAY ZONING CODE

1 within 300 feet of a navigable river, within 1,000 feet of a lake, or within the 100-year
2 recurrence interval floodplain. These boundaries are for illustrative purposes only.

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5 The actual boundaries shall be those established by a field staking of the particular wetland,
6 followed by a survey and legal description of the wetland.

7 (c) Vacation of public streets and alleys shall cause the vacated land to be automatically placed
8 in the same district as the abutting property to which the vacated land reverts.

9 (d) Annexations subsequent to the effective date of this chapter shall be placed in the
10 Countryside District (CS-1), unless the annexation chapter temporarily places the land in
11 another district. Within one year, the Plan Commission shall evaluate and recommend a
12 permanent classification to the Village Board. Annexations containing shore lands shall be
13 governed in the following manner: Pursuant to Wis. Stats. §59.971(7), and any
14 annexation of land after May 7, 1982, which lies within shorelands, as defined herein, shall
15 be governed by the provisions of the Door County Zoning Ordinance until such time that
16 the Village adopts an Ordinance that is at least as restrictive as the Door County Zoning
17 Ordinance. Said regulations shall be administered and enforced by the Village of Sister Bay
18 Zoning Administrator.

19 **Sec. 66.0301 Zoning Map**

20 A certified copy of the Zoning Map shall be adopted and approved as part of this chapter and shall bear
21 upon its face the attestation of the Village President and the Village Clerk, and shall be available to the
22 public in the office of the Village Clerk. Changes thereafter, to the general zoning districts, shall not
23 become effective until entered and attested to on the certified copy and/or approved by the Village
24 Board.

25 **Sec. 66.0302 Use Restrictions**

26 The following use restrictions and regulations shall apply:

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

29 (2) Accessory Uses. Accessory uses and structures are permitted in any district, but not until their
30 principal structure is present or under construction. Residential accessory uses shall not involve
31 the conduct of any business, trade, or industry, except home occupations and professional home
32 offices as defined in this chapter.

33 (3) Conditional Uses. Conditional uses and their aAccessory uses require review, public hearing and
34 approval by the Plan Commission in accord with the provisions of Sec. 66.1535 of this chapter.

35 (4) Temporary uses. The Following Are Examples of Temporary Uses that may be permitted by the
36 Zoning Administrator, the Plan Commission Chair and/or the Village President for a period of
37 fourteen (14) days or as hereinafter provided. Temporary use permits for longer periods of time
38 may be issued by the Plan Commission after review of site and operation plans. Special
39 requirements may be imposed, and are not limited to ensuring that there is sufficient parking,
40 the provision of sanitary facilities, lighting, and hours of operation. No temporary use listed herein
41 shall be conducted within the street right-of-way. Temporary uses permitted under this section
42 may be allowed one temporary sign not to exceed twenty-four (24) square feet in area on one
43 side and forty-eight (48) square feet in area on all sides; a Sign Permit is required, and the sign
44 shall not be located in a public right-of-way. All buildings, tents, equipment, supplies and debris
45 shall be removed from the site within 48 hours following the temporary activity.

46 (a) Temporary structures, including mobile home units, may be permitted in any business or
47 institutional district. Such temporary structure may be used as a business, institutional or

VILLAGE OF SISTER BAY ZONING CODE

- 1 professional office during or immediately prior to the construction of a permanent
2 structure.
- 3 (b) Shelters for materials and equipment being used in the construction of a permanent
4 structure or public utility may be permitted in any district. The Zoning Administrator or the
5 Plan Commission may require that storage areas be screened to prevent a view of materials
6 or equipment from adjacent properties.
- 7 (c) Farmers markets, flea markets, concerts and festivals may be permitted in the B-1, B-2 or
8 B-3 Districts.
- 9 (d) Carnivals may be permitted in the B-1, B-2 or B-3 Districts.
- 10 (e) Christmas tree sales may be permitted in the B-1, B-2 or B-3 Districts for not more than
11 forty-two (42) days.
- 12 (f) Unless authorized elsewhere in this chapter, the temporary sale of goods from a truck,
13 trailer, mobile food vendor unit, table or tent shall only be permitted as part of a Festival
14 Permit that has been authorized by the Village Board and/or the Parks, Properties & Streets
15 Committee. Such permits must be obtained from the Village Clerk.
- 16 (g) Temporary tents that will be utilized to provide shade or shelter from the elements may be
17 erected on privately owned property in the Village for no more than fifteen (15) days in a
18 calendar year, as long as the property owner(s) obtain a Tent Permit from the Village Clerk,
19 but the Wednesday before Columbus Day through the Wednesday after Fall Fest weekend
20 will be excluded from any time limit calculations.
- 21 (h) A property owner may allow camping on their land for up to seventy-two (72) hours in a
22 calendar year as long as bathroom facilities are available on the premise. The camping unit
23 shall be removed from the property after each camping stay.
- 24 (i) Because it is difficult to enumerate all temporary uses that may occur in the Village, any
25 other use which the Plan Commission finds to be similar to other temporary uses permitted
26 in a given district that will not be disruptive to the neighborhood, and will not create a
27 hazard to traffic in a neighborhood may be permitted. The Plan Commission may impose
28 additional operational or construction conditions on such temporary uses when it is
29 deemed necessary.

30 Sec. 66.0303 Site and Lot Restrictions

- 31 (1) Suitability. No land shall be used or structure erected where the land is unsuitable for such use or
32 erection of such structure by reason of flooding, concentrated run-off, inadequate drainage,
33 adverse soil or rock formations, unfavorable topography, low percolation rate or load bearing
34 strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety,
35 prosperity, aesthetics, and general welfare of the community. The Village Zoning Administrator,
36 in cooperation with the Village Engineer, shall, in applying the provisions of this section, recite in
37 writing the particular facts upon which they base their conclusion that the land is not suitable for
38 certain uses. The applicant shall have an opportunity to present evidence contesting such
39 unsuitability if they so desire. Thereafter the Plan Commission may affirm, modify or withdraw
40 the determination of unsuitability.
- 41 (2) Minimum Lot Sizes. Lots created after the adoption of the ordinance from which this chapter is
42 derived shall meet the minimum area requirements for each District as defined in Secs. 66.0311
43 through 66.0331.
- 44 (3) Minimum Lot Width. The minimum lot width requirement shall apply at the building
45 setback line and at the ordinary high-water mark.
- 46 (4) Lot Dimensional Standards. The dimensional standards for lots in each of the Zoning Districts in
47 the Village are delineated in the tables that appear in the applicable sections of this Code.
- 48 (5) Public Improvements on Private Land Installed After Adoption of This Section of the Code. No
49 Village Board approved public improvement on private land, installed after the adoption of this

VILLAGE OF SISTER BAY ZONING CODE

1 section of the code, shall deem the lot non-conforming in size as a result of the public
2 improvement, nor shall any publicly installed impervious surface be counted toward the
3 impervious surface or green space limitations in this code.

4 (6) Substandard Lots. Any lot that does not meet the required lot width and area requirements of
5 this chapter, but is at least 65' in width at the building line and 10,000 square feet in area as of
6 November 16, 1973, shall be considered an individual parcel for the purposes of this chapter and
7 may be utilized for development provided all setback and green space requirements can be
8 satisfied.

9 (7) Public Streets. All lots shall abut upon a public street, and each lot shall have a minimum lot
10 width measured at the street setback line as specified in each district, but that width may not be
11 less than 65 feet. The required minimum lot width shall be maintained for at least 30 feet beyond
12 the street setback line for construction of the principal structure.

13 (8) Principal Structure Location. All principal structures shall be located on a lot; and only one
14 principal structure shall be located, erected or moved onto a lot in single-family residential
15 districts. The Plan Commission may permit more than one structure per lot in other districts
16 where more than one structure is needed for the orderly development of the parcel. Where
17 additional structures are permitted, the Plan Commission may impose additional yard
18 requirements, landscaping requirements or parking requirements, or require a minimum
19 separation distance between principal structures.

20 (9) Lots Abutting Other Districts. Lots abutting more restrictive district boundaries shall provide side
21 and rear yards not less than those required in the more restrictive abutting district. The street
22 yards on the less restrictive district shall be modified for a distance of not more than 60 feet from
23 the district boundary line so that the street yards are equal to the average of the street yards
24 required in both districts.

25 (10) Buffer Yard. A buffer yard shall be created and maintained around all business districts which
26 abut upon residential districts and/or which are adjacent to limited access arterial streets and
27 highways which abut upon residential districts. The Plan Commission may also require a buffer
28 yard around business districts abutting Park and Institutional Districts. Buffer yards shall be a
29 minimum of 20 feet in width; shall be in addition to the required street yards, side yards, and rear
30 yards; and shall, if composed entirely of plant materials, be of sufficient initial depth and
31 height, and comprised of such varieties of plants as to provide adequate visual screening within
32 no more than two (2) years and during all seasons of the year.

33 (a) Where architectural walls or fences are used, sufficient landscaping shall be used in
34 conjunction with such wall or fence to create an attractive view from the residential side,
35 and all walls and fences shall be maintained in a structurally sound and attractive condition.
36 Any architectural wall or fence shall be not less than 6 feet in length nor more than 6 feet
37 in height. All landscaping shall be maintained by the owner or operator to the satisfaction
38 of the Zoning Administrator. Where the land adjacent to the buffer yard is a parking lot, the
39 buffer yard shall be sufficient to prevent the penetration of headlight glare. Overhead
40 lighting installed in or adjacent to a buffer yard shall not throw any rays onto adjacent
41 residential properties.

42 (b) No signs shall be permitted on or in any part of the buffer yard.

43 (11) Structures Not Buildings. Structures that are not considered buildings and which are 6 inches or
44 more in height from the surface of the ground shall be subject to the setback and other
45 dimensional requirements of this chapter. Excluded are fences up to 6 feet in height, and public
46 utility poles and signs, except where provisions of this chapter specifically apply. For the purposes
47 of this chapter, decks, tennis courts, parking lots, outdoor seating for taverns or general
48 restaurants, fast food restaurants, drive-in restaurants and take-out restaurants, swimming pools
49 (above-ground and in-ground), basketball courts and other similar uses shall be considered

VILLAGE OF SISTER BAY ZONING CODE

1 structures, shall require a permit, and shall be subject to the yard and setback requirements for
2 accessory buildings.

3 **Sec. 66.0304 Setback Requirements from the Water**

4 For lots that abut on navigable waters, there shall be setbacks from the ordinary high-water mark of
5 such waters.

6 (1) Setback from Ordinary High Water Mark. Except as restricted in NR 117, Shoreland-Wetland
7 areas, and except as allowed in (2) below, all portions of a structure shall be located at least 50
8 feet from the ordinary high water mark.

9 (2) Exceptions.

10 (a) Decks are allowed provided they do not extend waterward more than twenty percent (20%)
11 of the required setback and no trees are removed to accommodate the erection of the
12 deck.

13 (b) (Boathouses shall not project waterward beyond the ordinary high-water mark.)

14 (c) Stairways, elevated walkways, ramps, lifts, fences, flagpoles, piers, and boat hoists.

15 (d) Utility poles, lines and related equipment without permanent foundations.

16 (e) Structures not buildings exempt from setbacks per Sec. 66.0303(9).

17 (f) Signs as permitted starting with Sec. 66.0701.

18 (3) Parking lots. Parking lots shall be set back at least 125 feet from all points along the ordinary high-
19 water mark of Green Bay.

20 **Sec. 66.0305 Reduction**

21 No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not
22 to meet the provisions of this chapter.

23 **Sec. 66.0306 Additions**

24 Additions in the front yard of existing structures shall not project beyond the required setback for the
25 district in which they are located, subject to the limitations for averaging front setbacks as set forth
26 below.

27 **Sec. 66.0307 Special Setback Requirements**

28 (1) Average Front Setbacks. The required front setback shall not be decreased below the minimum
29 setback for the district in which it is located.

30 (2) Corner Lot Setbacks. On a vacant through or corner lot, either of the lot lines abutting the street
31 right-of-way lines may be established as its front lot line, except that where two or more through
32 lots are contiguous and a front lot line has been duly established, the same street lot line shall
33 thereafter be deemed to be the front lot line of all such contiguous lots. On a through lot, a front
34 yard shall be provided along any lot line abutting a street. On a corner lot, the owner has the
35 option of designating a side yard and a rear yard of the two remaining yards after the front yard
36 and side yard abutting a street have been identified; as long as one is at least equal to the required
37 side setback and the other is at least equal to the required rear setback.

38 (3) Double Frontage Lot. Structures on lots abutting two opposite streets shall be provided with a
39 front setback and a rear setback. The Zoning Administrator shall select where the front
40 setback shall be applied and where the rear setback shall be applied in a manner that prohibits
41 access to a double frontage lot from arterial streets. The selected front setback area shall be
42 required to comply with the front setback requirements for the district in which the lot is
43 located. The selected rear setback area shall be required to comply with the rear setback
44 requirements for the district in which the lot is located, and the rear setback area shall be
45 screened from arterial streets with fencing or landscaping, as may be appropriate. Accessory
46 structures may be placed in the designated rear setback area, but shall be located no closer to
47 the street right-of-way than the required setback for accessory structures.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (4) Large Project Setbacks. The Plan Commission may establish the front yard, side yard, street yard,
- 2 and rear yard setbacks for projects built in the R-2 District, all PUD projects, and projects involving
- 3 multiple buildings on a single parcel in the B-1 District. The various setbacks shall complement
- 4 the adjacent properties' setbacks.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0311 – R1 SINGLE FAMILY RESIDENCE DISTRICT

SEC. 66.0311 – R1 SINGLE FAMILY DISTRICT

1

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0311 – R1 SINGLE FAMILY RESIDENCE DISTRICT

Sec. 66.0311 R-1 Single-Family Residence District

The Single-Family Residence (R-1) District is intended to provide a pleasant, safe, and quiet residential environment of moderate density (minimum 20,000 square foot lots) free from traffic hazards or public annoyances. The district is only allowed in areas where public sewer and water services are available.

(1) Permitted Uses.

- (a) Single-family dwellings, including short-term rentals.
- (b) Licensed community and other living arrangements, which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Wis. Stats. §62.23(7)(i).
- (c) Public parks.
- (d) Essential services, municipal buildings and facilities.

(2) Permitted Accessory Uses.

[See Sec. 66.0501, Accessory Uses and Structures]

- (a) Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property.
- (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (c) Home occupations and professional home offices. *[See Sec. 66.0501(4)]*
- (d) Private swimming pools.
- (e) Private tennis courts.
- (f) Solar collectors attached to the principal structure.
- (g) Any use customary and incidental to the above permitted uses as determined by the Zoning Administrator and the Plan Commission Chair.

(3) Conditional Uses.

- (a) Bed and breakfast establishments as provided for in Wis. Stats. §50.51(b) and Chapter HSS 197 of the Wisconsin Administrative Code, or its successor code.
- (b) Licensed community and other living arrangements, which have a capacity of at least nine (9) persons.
- (c) Private parks and playgrounds.
- (d) Utility substations, municipal wells, pumping stations and towers; provided that those structures are a minimum of 50 feet from any side or rear lot line.
- (e) Solar energy collectors erected as an accessory structure.
- (f) Utilities requiring a building.
- (g) Antennas over 35 feet tall.
- (h) Accessory structures in the front yard.

(4) Dimensional Lot Standards.

| R-1 District Dimensional Lot Standards Table | | |
|---|----------------------------------|--|
| Lot | Minimum Area | 20,000 square feet |
| | Minimum Width (interior lot) | 75 feet |
| | Minimum Width (corner lot) | 110 feet |
| | Minimum Green Space | 50% of lot must be left as green space |
| Structural Standards | | |
| | Maximum Height | 35 feet |
| | Minimum Width | 24 feet [1] |
| | Minimum Floor Area (one bedroom) | 900 square feet |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0311 – R1 SINGLE FAMILY RESIDENCE DISTRICT

SEC. 66.0311 – R1 SINGLE FAMILY DISTRICT

| | | |
|--|---|---|
| | Minimum Floor Area (two bedrooms) | 1,000 square feet |
| | Minimum Floor Area (three or more bedrooms) | 1,200 square feet |
| Accessory Structures | Maximum Height | 35 feet, but shall not exceed height of principal structure |
| Minimum Setbacks | | |
| Principal Structure | Front Yard (on public street) | 70 feet from centerline of street right-of-way |
| | Front Yard (not on public street) | 40 feet from edge of easement or edge of pavement |
| | Side Yard | 10 feet one side; 25 feet total [2] |
| | Rear Yard | 40 feet |
| Accessory Structures | Side Yard | 10 feet one side; 25 feet total [2] |
| | Rear Yard | 40 feet |
| <ol style="list-style-type: none"> 1. Excluding attached garages. 2. Where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line | | |

- 1 (5) Building Design Standards.
- 2 (a) The exterior walls of all principal residential buildings shall be covered by either stucco,
- 3 cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled
- 4 siding, brick, stone or other masonry-type veneer or other similar materials.
- 5 (b) All principal residential buildings shall be placed on, and be attached to a permanently
- 6 enclosed foundation in accord with the standards set forth in Wis. Stats. §70.043(1) and
- 7 Chapter ILHR 21 of the Wisconsin Administrative Code, or its successor code.
- 8 (6) Other Architectural Standards.
- 9 (a) The Plan Commission shall approve the style and exterior design of dwellings in a
- 10 development. The developer shall designate specific lots for certain building designs to
- 11 ensure that no two adjacent dwelling units/buildings will look identical.
- 12 (b) If a wall that is visible from a public street exceeds 50 feet in length, 20% of the length of
- 13 that wall shall project or recess at a minimum depth of 3%, and there must be a change in
- 14 the materials and texture utilized, or a permanent architectural feature must be provided.
- 15 (c) A detached garage shall be visually compatible and complementary to the residential
- 16 building it serves, and it shall be designed and oriented to minimize the visual effect of the
- 17 scale or mass of the garage. Visual interest shall be created on all sides of the garage that
- 18 are visible from a public street through the use of landscaping, berms, architectural
- 19 features, building materials, and/or orientation.
- 20 (d) Attached garages for single family homes shall be designed and oriented so that they do
- 21 not dominate the front facade of the building to which they are attached.
- 22 (e) Street trees shall be planted by the property owner along all existing and new public rights-
- 23 of-way at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is
- 24 longer than 100 feet, trees shall also be planted along at least one side of such driveway at
- 25 the rate specified. All tree species shall be approved by the Zoning Administrator and the
- 26 Plan Commission Chair.
- 27 (f) All dwelling units must be served by public streets and not private roads. In the R-1 District
- 28 all driveways must be paved from the edge of abutting street pavement to the edge of the
- 29 right-of-way or easement.

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0312 – R-2 MULTIPLE-FAMILY RESIDENCE DISTRICT

Sec. 66.0312 R-2 Multiple-Family Residence District

The Multiple-Family Residence (R-2) District is intended to provide a housing area less spacious than the R-1 District by allowing multiple-family residences to be mixed with single-family residences and certain forms of institutional housing arrangements. The district is only allowed in areas where public sewer and water services are available.

(1) Permitted Uses.

- (a) Single-family dwellings, including short-term rentals.
- (b) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in Wis. Stats. §62.23(7)(i).
- (c) Public parks.
- (d) Essential services, municipal buildings and facilities.
- (e) Residential condominiums, and multiple family dwelling units.
- (f) Boarding houses.
- (g) Licensed family day care homes subject to the regulations set forth in Wis. Stats. §48.65.
- (h) Duplexes.

(2) Permitted Accessory Uses.

[See Sec. 66.0501, Accessory Uses and Structures]

- (a) Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property.
- (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (c) Home occupations and professional home offices. *[See Sec. 66.0501(d)]*
- (d) Private swimming pools.
- (e) Private tennis courts.
- (f) Solar collectors attached to the principal structure.
- (g) Any use customary and incidental to the above-mentioned permitted uses as determined by the Zoning Administrator and the Plan Commission Chair.

(3) Conditional Uses.

- (a) Bed and breakfast establishments as provided for in Wis. Stats. §50.51(b) and Chapter HSS 197 of the Wisconsin Administrative Code, or its successor code.
- (b) Licensed community and other living arrangements which have a capacity of at least nine (9) persons.
- (c) Private parks and playgrounds.
- (d) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.
- (e) Solar energy collectors erected as an accessory structure.
- (f) Utilities requiring a building.
- (g) Antennas over 35 feet tall.

(4) Dimensional Lot Standards.

| R-2 District Dimensional Lot Standards Table | | |
|--|------------------------------|--|
| Lot | Minimum Area | 20,000 square feet |
| | Minimum Width (interior lot) | 75 feet |
| | Minimum Width (corner lot) | 110 feet |
| | Minimum Green Space | 40% of lot must be left as green space |
| Structure Standards | | |
| Principal Structure | Maximum Height | 35 feet |
| | Minimum Width | 24 feet [1] |

VILLAGE OF SISTER BAY ZONING CODE

| | | |
|--|---|--|
| | Minimum Floor Area (one bedroom) | 900 square feet |
| | Minimum Floor Area (two bedrooms) | 1,000 square feet |
| | Minimum Floor Area (three or more bedrooms) | 1,200 square feet |
| Minimum Setbacks | | |
| Principal Structure | Front Yard (on public street) | 60 feet from the centerline of street right-of-way |
| | Front Yard (not on public street) | 40 feet from edge of easement or edge of pavement |
| | Side Yard | 10 feet one side; 25 feet total [2] |
| | Rear Yard | 30 feet |
| Accessory Structures | Side Yard | 10 feet one side; 25 feet total [2] |
| | Rear Yard | 30 feet |
| <p>1. Excluding attached garages.</p> <p>2. Where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line.</p> | | |

- 1 (5) Building Design Standards.
- 2 (a) The exterior walls of all principal residential buildings shall be covered by either stucco,
- 3 cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled
- 4 siding, brick, stone or other masonry-type veneer or other similar materials.
- 5 (b) All principal residential buildings shall be placed on, and be attached to a permanently
- 6 enclosed foundation in accord with the standards set forth in Wis. Stats. §70.043(1) and
- 7 Chapter ILHR 21 of the Wisconsin Administrative Code, or its successor code.
- 8 (6) Unit Densities. The maximum dwelling unit density shall be six (6) units per acre. The Plan
- 9 Commission may modify the density standard by a ¾-majority vote of the Commissioners, but
- 10 only if supplemental design elements or improvements are incorporated into the project which
- 11 compensate for the increased density.
- 12 (7) Other Architectural Standards.
- 13 (a) The Plan Commission shall approve the style and exterior design of all buildings in R-2
- 14 projects. The developer shall designate specific lots for certain building designs to ensure
- 15 that no two adjacent dwelling units/buildings shall look identical.
- 16 (b) If a wall that is visible from a public street exceeds 50 feet in length, 20% of the length of
- 17 that wall shall project or recess at a minimum depth of 3%, and there must be a change in
- 18 the materials and texture utilized, or a permanent architectural feature must be provided.
- 19 (c) A detached garage shall be visually compatible and complementary to the residential
- 20 building it serves, and it shall be designed and oriented to minimize the visual effect of its
- 21 scale or mass. Visual interest shall be created on all sides of the garage that are visible from
- 22 a public street through the use of landscaping, berms, architectural features, building
- 23 materials, and/or orientation.
- 24 (d) In the R-2 District, attached garages for multi-family developments shall be designed and
- 25 oriented so that they do not dominate the front facade of the building to which they are
- 26 attached. Attached garages shall not occupy more than 30% of the front facade of the
- 27 building. Not more than six (6) garage doors may appear on any multifamily building facade
- 28 containing front doors, and the plane along such garage doors shall be broken by an offset
- 29 of at least 2 feet if more than two (2) garage doors are in a row.
- 30 (e) Sidewalks not less than 3 feet in width shall be provided to all building entrances connecting
- 31 the building to the required parking areas or driveways.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (f) If a sidewalk exists along the public street(s) abutting the lot, then a sidewalk(s) shall be
2 provided connecting all the buildings to the public street.
- 3 (g) Street trees shall be planted by the property owner along all existing and new public rights-
4 of-way at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is
5 longer than 100 feet, trees shall also be planted along at least one side of such driveway at
6 the rate specified. All tree species shall be approved by the Plan Commission.
- 7 (h) All dwelling units must be served by public streets and not private roads. In the R-
8 2 district, all driveways and parking spaces must be paved.
9

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0313 – R-3 LARGE LOT RESIDENCE DISTRICT

Sec. 66.0313 R-3 Large Lot Residence District

The Large Lot Residence (R-3) District is intended to accommodate the development of residential uses in a manner which protects the natural environment and reflects the open, country character of development found at the fringe of the community. This district is intended to be utilized in areas of the Village not served by public sewer and water and where future higher density residential and business development is not planned.

(1) Permitted Uses.

- (a) Single-family dwellings, including short-term rentals.
- (b) Licensed community and other living arrangements, which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Wis. Stats. §62.23(7)(i).
- (c) Public parks.
- (d) Essential services, municipal buildings and facilities.

(2) Permitted Accessory Uses.

[See Sec. 66.0501, Accessory Uses and Structures]

- (a) Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property.
- (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (c) Home occupations and professional home offices. *[See Sec. 66.0501(4)]*
- (d) Private swimming pools.
- (e) Private tennis courts.
- (f) Solar collectors attached to the principal structure.
- (g) Any use customary and incidental to the above permitted uses as determined by the Zoning Administrator and the Plan Commission Chair.

(3) Conditional Uses.

- (a) Bed and breakfast establishments as provided for in Wis. Stats. §50.51(b) and Chapter HSS 197 of the Wisconsin Administrative Code, or its successor code.
- (b) Licensed community-based residential living facilities, which have a capacity of at least sixteen (16) but no more than twenty (20) persons.
- (c) Licensed family day care homes subject to the regulations set forth in Wis. Stats. §48.65.
- (d) Private parks and playgrounds.
- (e) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.
- (f) Solar energy collectors erected as an accessory structure.
- (g) Utilities requiring a building.
- (h) Parking of a semi-tractor or other large trucks in accord with Sec. 66.0405(b).
- (i) Antennas over 35 feet tall.
- (j) Keeping and raising of non-domestic animals incidental to the principal use of the premises may be permitted, on a non-commercial basis, subject to the following limitations: *1310*
 - 1. No endangered species, exotic species or wild animals shall be permitted.
 - 2. No hooved animals or roosters are permitted.
 - 3. No more than six (6) poultry/fowl per five acres.
 - 4. No more than six (6) fur bearing animals per five acres.
 - 5. The progeny of permitted non-domestic animals, which exceed the permitted number, may remain on the property for up to nine (9) months.
 - 6. All non-domestic animals shall be housed or confined a minimum of at least 100 feet from all property lines.

VILLAGE OF SISTER BAY ZONING CODE

- 7. All structures, fences, coops or yards where non-domestic animals are kept shall be maintained in a clean and sanitary manner; devoid of rodents and vermin and free of objectionable odors.
- 8. The Plan Commission may establish further restrictions on animals that create excessive noise.

(5) Dimensional Lot Standards.

| R-3 District Dimensional Lot Standards Table | | |
|---|---|--|
| Lot | Minimum Area | 5 acres |
| | Minimum Width (interior lot) | 300 feet |
| | Minimum Width (corner lot) | 90 feet |
| | Minimum Green Space | 80% of the lot must be left as green dpace |
| Structure Standards | | |
| Principal Structure | Maximum Height | 35 feet |
| | Minimum Width | 24 feet [1] |
| | Minimum Floor Area (one bedroom) | 900 square feet |
| | Minimum Floor Area (two bedrooms) | 1,000 square feet |
| | Minimum Floor Area (three or more bedrooms) | 1,200 square feet |
| Minimum Setbacks | | |
| Principal Structure | Front Yard (on public street) | 80 feet from centerline of street right-of-way |
| | Side Yard | 10 feet one side; 25 feet total [2] |
| | Rear Yard | 50 feet |
| Accessory Structures | Side Yard | 10 feet one side; 25 feet total [2] |
| | Rear Yard | 50 feet |
| 1. Excluding attached garages. 2. Where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line. | | |

(6) Building Design Standards.

- (a) The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer or other similar materials.
- (b) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accord with the standards set forth in Wis. Stats. §70.043(1) and Chapter ILHR 21 of the Wisconsin Administrative Code, or its successor code.

(7) Other Architectural Standards.

- (a) The Plan Commission shall approve the style and exterior design of dwellings in a development. The developer shall designate specific lots for certain building designs to ensure that no two adjacent dwelling units/buildings shall look identical.
- (b) If a wall that is visible from a public street exceeds 50 feet in length, 20% of the length of that wall shall project or recess at a minimum depth of 3%, and there must be a change in the materials and texture utilized, or a permanent architectural feature must be provided.
- (c) A detached garage shall be visually compatible and complementary to the residential building it serves. It shall be designed and oriented to minimize the visual effect of the scale or mass of the garage. Visual interest shall be created on all sides of the garage that are visible from a public street through the use of landscaping, berms, architectural features, building materials, and/or orientation.
- (d) In the R-3 District attached garages for single family homes shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (e) Street trees shall be planted by the property owner along all existing and new public rights-
2 of-way at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is
3 longer than 100 feet, trees shall also be planted along at least one side of such driveway at
4 the rate specified. All tree species shall be approved by the Zoning Administrator and the
5 Plan Commission Chair.
- 6 (f) All dwelling units must be served by public streets. In the R-3 District all driveways must be
7 paved from the edge of abutting street pavement to the edge of the right-of-way or
8 easement.

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0314 – R-4 SMALL LOT RESIDENCE DISTRICT

Sec. 66.0314 R-4 Small Lot Residence District

The Small Lot Residence (R-4) District is intended to provide a pleasant, safe and quiet residential environment for workforce housing. This district is only allowed as a PUD where it is demonstrated that the development will provide housing for individuals working full time within the area served by the Gibraltar School District who meet the standards as established for Door County. The district is only allowed in areas where public sewer and water services are available.

(1) Permitted Uses.

- (a) Single-family dwellings.
- (b) Public parks.
- (c) Essential services, municipal buildings and facilities.
- (d) The R-4 Zoning District shall consist of single family, duplex, townhouse and apartment dwelling units or any combination thereof at a percentage mix as permitted by the Plan Commission. Transient housing is not permitted.
- (e) Licensed community and other living arrangements, which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Wis. Stats. §62.23(7)(i).

(2) Permitted Accessory Uses.

[See Sec. 66.0501, Accessory Uses and Structures]

- (a) Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property.
- (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (c) Home occupations and professional home offices. *[See Sec. 66.0501(4)]*
- (d) Solar collectors attached to the principal structure.
- (e) Any use customary and incidental to the above permitted uses as determined by the Zoning Administrator and the Plan Commission Chair.

(3) Conditional Uses.

- (a) Private parks and playgrounds.
- (b) Utility substations, municipal wells, pumping stations and towers [Must be a minimum of 50 feet from any side or rear lot line.]
- (c) Solar energy collectors erected as an accessory structure.
- (d) Utilities requiring a building.
- (e) Antennas over 35 feet tall.
- (f) Licensed community based residential living facilities, which have a capacity of at least sixteen (16) but no more than twenty (20) persons.

(4) Dimensional Lot Standards.

| R-4 District Dimensional Lot Standards Table | | |
|---|----------------------------------|--|
| Lot | Minimum Area | 5000 square feet |
| | Minimum Width (interior lot) | 60 feet |
| | Minimum Width (corner lot) | 75 feet |
| | Minimum Green Space | 20% of lot must be left as green space |
| Structure Standards | | |
| Principal Structure | Maximum Height | 35 feet |
| | Minimum Width | 24 feet [1] |
| | Minimum Floor Area (one bedroom) | 700 square feet |

VILLAGE OF SISTER BAY ZONING CODE

| | | |
|--------------------------------------|---|---|
| Principal Structure | Minimum Floor Area (two bedrooms) | 900 square feet |
| | Minimum Floor Area (three or more bedrooms) | 1,000 square feet |
| Accessory Structures | Maximum Height | Shall not exceed height of principal structure |
| Minimum Setbacks | | |
| Principal Structure | Front Yard (on public street) | 10 feet from furthest extension to right-of-way (e.g. the porch); 20 feet from the wall to right-of-way |
| | Front Yard (not on public street) | 20 feet from edge of road easement; if no easement, measured from edge of pavement |
| | Side Yard (from wall) | 8 feet one side; 16 feet total |
| | Rear Yard | 25 feet |
| Accessory Structures | Side Yard, Accessory Structure <120 Square Feet | 5 feet one side; 20 feet total |
| | Side Yard, Accessory Structure >120 Square Feet | 8 feet one side; 16 feet total |
| | Rear Yard | 15 feet |
| 1. Excluding attached garages. 2. | | |

1 (5) Building Design Standards.

- 2 (a) The exterior walls of all principal residential buildings shall be covered by either stucco,
 3 cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled
 4 siding, brick, stone or other masonry-type veneer or other similar materials.
 5 (b) All principal residential buildings shall be placed on, and be attached to a permanently
 6 enclosed foundation in accord with the standards set forth in Wis. Stats. §70.043(1) and
 7 Chapter ILHR 21 of the Wisconsin Administrative Code, or its successor code.

8 (6) Other Architectural Standards.

- 9 (a) The Plan Commission shall approve the style and exterior design of dwellings in a
 10 development. The developer shall designate specific lots for certain building designs to
 11 ensure that no two adjacent dwelling units/buildings shall look identical.
 12 (b) If a wall that is visible from a public street exceeds 50 feet in length, 20% of the length of
 13 that wall shall project or recess at a minimum depth of 3%, and there must be a change in
 14 the materials and texture utilized, or a permanent architectural feature must be provided.
 15 (c) A detached garage shall be visually compatible and complementary to the residential
 16 building it serves. It shall be designed and oriented to minimize the visual effect of the scale
 17 or mass of the garage. Visual interest shall be created on all sides of the garage that are
 18 visible from a public street through the use of landscaping, berms, architectural features,
 19 building materials, and/or orientation.
 20 (d) In the R-4 District, attached garages for multifamily developments shall be designed and
 21 oriented so that they do not dominate the front facade of the building to which they are
 22 attached. Attached garages shall not occupy more than 30% of the front facade of the
 23 building. Not more than six (6) garage doors may appear on any multifamily building facade
 24 containing front doors, and the plane along such garage doors shall be broken by an offset
 25 of at least 2 feet if more than two garage doors are in a row.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (e) Sidewalks not less than 3 feet in width shall be provided to all building entrances connecting
- 2 the building to the required parking areas or driveways.
- 3 (f) If a sidewalk exists along the public street(s) abutting the lot, then a sidewalk(s) shall be
- 4 provided connecting all the buildings to the public street.
- 5 (g) Street trees shall be planted by the property owner along all existing and new public rights-
- 6 of-way at a rate of at least one (1) tree per 40 feet. If a driveway leading to the parking area
- 7 is longer than 100 feet, trees shall also be planted along at least one (1) side of such
- 8 driveway at the rate specified. All tree species shall be approved by the Plan Commission.
- 9 (h) All dwelling units must be served by public streets and not private roads. In the R-4 District,
- 10 all driveways and parking spaces must be paved.

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0315 – CS-1 COUNTRYSIDE DISTRICT

Sec. 66.0315 CS-1 Countryside District

The Countryside (CS-1) District provides for the continuation of low-density residential housing and general, non-intensive, agricultural and related use in those areas suited to farming. The intent is to conserve areas with adequate soil types, drainage and topography for low-density residential use and to preserve the rural landscape from an uneconomical scattering of residential development in such areas. This district may appear as a residential land use on the comprehensive plan's Future Land Use Map.

(1) Permitted Uses.

- (a) Single-family dwellings, including short-term rentals.
- (b) Licensed community-based residential living facilities, which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Wis. Stats. §62.23(7)(i).
- (c) Public parks.
- (d) Essential services, municipal buildings and facilities.
- (e) General farming, including but not limited to apiculture, floriculture, forage crop production, forestry, grain production, grazing, orchards, vineyards and truck farming.
- (f) Horse stables.
- (g) Tree farms and woodlots.
- (h) Existing dwellings not accessory to any farm operation or a dwelling remaining after farm consolidation.
- (i) Indoor institutional uses.
- (j) Churches.
- (k) Keeping and raising of domestic stock for agribusiness, show, breeding, boarding, or other purposes incidental to the principal use of the premises shall be limited to no more than three (3) non-domestic animals per acre.

(2) Permitted Accessory Uses.

[See Sec. 66.0501, Accessory Uses and Structures]

- (a) Detached garages and storage sheds. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property.
- (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (c) Home occupations and professional home offices. *[See Section 66.0501(4)]*
- (d) Private swimming pools.
- (e) Private tennis courts.
- (f) Solar collectors attached to the principal structure.
- (g) Any use customary and incidental to the above permitted uses as determined by the Zoning Administrator and Plan Commission Chair.
- (h) One roadside stand, no larger than 200 square feet in area, for the sale of farm products produced on the premises. Any such stand shall conform to the farm stand setbacks set forth in Sec. 66.0315(6)(a) and to the sign, parking and other provisions of this Zoning Code.

(3) Conditional Uses.

- (a) Assembly Halls.
- (b) Bed and breakfast establishments as provided for in Chapter HSS 197 of the Wisconsin Administrative Code, or its successor code.
- (c) Licensed community and other living arrangements, which have a capacity of at least sixteen (16) but no more than twenty (20) persons.
- (d) Licensed family day care homes subject to the regulations set forth in Wis. Stats. §48.65.
- (e) Private parks and playgrounds.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (f) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50
- 2 feet from any side or rear lot line.
- 3 (g) Solar energy collectors erected as an accessory structure.
- 4 (h) Utilities requiring a building.
- 5 (i) Parking of a semi-tractor or other large trucks in accord with Sec. 66.0405(2).
- 6 (j) Antennas over 35 feet tall.
- 7 (k) Private educational or non-animal nature study areas.
- 8 (l) Garden plots for rent.
- 9 (m) Permanent retail establishments designed for the selling of fruits, vegetables and selected
- 10 farm products in stands exceeding 200 square feet in area.
- 11 (n) Transmitting towers, receiving towers, and relay and microwave towers without broadcast
- 12 facilities or studios.
- 13 (o) Indoor and outdoor recreation.
- 14 (p) Kennels.
- 15 (q) Utilities requiring a building.
- 16 (r) One roadside stand, larger than 200 square feet in area, for the sale of farm products. Any
- 17 such stand shall conform to the farm stand setbacks set forth in Sec. 66.0315(6)(a) and to
- 18 the sign, parking and other provisions of this Zoning Code.
- 19 (s) Agritourism Operations.

20 (4) Dimensional Lot Standards.

| CS-1 District Dimensional Lot Standards Table | | |
|---|---|---|
| Lot | Minimum Area | 10 acres |
| | Minimum Width | 300 feet |
| | Minimum Green Space | 90% of lot shall be left as green space |
| Structure Standards | | |
| Principal Structure | Maximum Height | 35 feet |
| | Minimum Width | 24 feet [1] |
| | Minimum Floor Area (one bedroom) | 900 square feet |
| | Minimum Floor Area (two bedrooms) | 1,000 square feet |
| | Minimum Floor Area (three or more bedrooms) | 1,200 square feet |
| Minimum Setbacks | | |
| Principal Structure | Front Yard (farm buildings) | 50 feet from centerline of street right-of-way |
| | Front Yard (all other buildings) | 80 feet from edge of easement or edge of pavement |
| | Side Yard | 10 feet one side; 25 feet total [2] |
| | Side Yard (churches) | 100 feet |
| | Rear Yard | 50 feet |
| Accessory Structures | Side Yard | 10 feet one side; 25 feet total [2] |
| | Side Yard (churches) | 100 feet |
| | Rear Yard | 50 feet |
| 1. Excluding attached garages. 2. Where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line. | | |

21 (5) Building Design Standards.

- 22 (a) The exterior walls of all principal residential buildings shall be covered by either stucco,
- 23 cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled
- 24 siding, brick, stone or other masonry-type veneer or other similar materials.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (b) All principal residential buildings shall be placed on, and be attached to a permanently
2 enclosed foundation in accord with the standards set forth in Wis. Stats. §70.043(1) and
3 Chapter ILHR 21 of the Wisconsin Administrative Code, or its successor code.
- 4 (6) Special Requirements.
- 5 (a) Farm stands shall be setback at least 10 feet from all property lines.
- 6 (b) Buildings that house farm animals, including horses, shall be setback at least 100 feet from
7 the nearest residential property line and from any navigable water.
- 8 (c) Indoor institutional use buildings shall be setback a minimum of at least 50 feet from
9 residentially zoned property.
- 10 (d) All kennels shall be screened from all sides and shall be a minimum of at least 200 feet from
11 the side and rear yard. All animals shall be kept indoors from 9:00 P.M. to 7:00 A.M.
- 12 (e) The minimum lot size for a horse stable shall be five (5) acres.
- 13 (7) Other Architectural Standards.
- 14 (a) The Plan Commission shall approve the style and exterior design of dwellings in a
15 development. The developer shall designate specific lots for certain building designs to
16 ensure that no two adjacent dwelling units/buildings shall look identical.
- 17 (b) If a wall that is visible from a public street exceeds 50 feet in length, 20% of the length of
18 that wall shall project or recess at a minimum depth of 3%, and there must be a change in
19 the materials and texture utilized, or a permanent architectural feature must be provided.
- 20 (c) A detached garage shall be visually compatible and complementary to the residential
21 building it serves. It shall be designed and oriented to minimize the visual effect of the scale
22 or mass of the garage. Visual interest shall be created on all sides of the garage that are
23 visible from a public street through the use of landscaping, berms, architectural features,
24 building materials, and/or orientation.
- 25 (d) Street trees shall be planted by the property owner along all existing and new public rights-
26 of-way at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is
27 longer than 100 feet, trees shall also be planted along at least one side of such driveway at
28 the rate specified. All tree species shall be approved by the Zoning Administrator and the
29 Plan Commission Chair.
- 30 (e) All dwelling units must be served by public streets and not private roads.
- 31 (f) In the CS-1 District all driveways must be paved from the edge of abutting street
32 pavement to the edge of the right-of-way or easement.

VILLAGE OF SISTER BAY ZONING CODE

1

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0320 – B-1 GENERAL BUSINESS DISTRICT

Sec. 66.0320 B-1 General Business District

The General Business (B-1) District is intended to provide areas for attractive and accessible groupings of business, commercial, office and other general retail uses in convenient locations outside of the Downtown Business (B-3) District. This section provides standards for the orderly improvement and development within the General Business District based on the following principles:

- Development that is consistent with the natural environment.
- Development that maintains the Village’s traditional small town appearance, in which its housing, shops, work places, parks and civic facilities co-exist in relative harmony.
- Development that balances the needs of a resort town and a residential Village.
- Designs that meet the architectural standards and enhance the Village’s historic architecture. *[See Section 4000 (Architectural Guide)]*

(1) Permitted Uses.

- (a) Auto sales and service.
- (b) Banks/financial institutions.
- (c) Barber shops, beauty salons and spas.
- (d) Bed and breakfasts.
- (e) Boat sales and service.
- (f) Catering services.
- (g) Churches.
- (h) Cinemas, theaters or performance halls.
- (i) Commercial laundries.
- (j) Dance studios.
- (k) Funeral homes.
- (l) Gasoline service stations.
- (m) Group day care centers.
- (n) Condominium Hotels/Motels and/or Hotel/Motel Condominiums.
- (o) Hotels/motels.
- (p) Indoor institutional uses.
- (q) Infrastructure essential services.
- (r) Information centers.
- (s) Lawn and garden centers.
- (t) Licensed massage therapy and body work facilities as certified by the State.
- (u) Light industrial food preparation, manufacturing, processing and assembly, packaging, storage and distribution.
- (v) Construction supply centers.
- (w) Marinas.
- (x) Medical, dental, cosmetic and optical clinics.
- (y) Municipal buildings.
- (z) Municipal utility facilities.
- (aa) Parks.
- (bb) Physical fitness centers.
- (cc) Professional offices.
- (dd) Public parking lots.
- (ee) Radio and television studios.
- (ff) Restaurants. *[See Sec. 66.0350]*

VILLAGE OF SISTER BAY ZONING CODE

- 1 (gg) Retail general uses.
- 2 (hh) Self-service laundries and dry-cleaning facilities.
- 3 (ii) Single family housing in existence as of January 1, 2007; said housing can be utilized as a
- 4 short-term rental.
- 5 (jj) Taverns and/or cocktail lounges.
- 6 (kk) Trade and contractor suppliers' offices and supply centers.
- 7 (ll) Travel agencies.
- 8 (mm) Video productions.
- 9 (2) Permitted Accessory Uses.
- 10 *[See Accessory Uses and Structures – Sec. 66.0501]*
- 11 (a) Outdoor Displays. *[See Sec. 66.0506]*
- 12 (b) Solar collectors attached to the principal structure.
- 13 (c) One single-family dwelling or a non-transient residential unit, located on the same property
- 14 as the business. The on-site parking required for the accessory residential unit must be
- 15 available on site.
- 16 (3) Conditional Uses.
- 17 (a) Apartments. *[See Sec. 66.0320]*
- 18 (b) Assembly Halls.
- 19 (c) Commercial recreation facilities (indoor and outdoor), such as arcades, bowling alleys,
- 20 clubs, dance halls, driving ranges, gymnasiums, health clubs, miniature golf facilities, pool
- 21 and billiard halls and indoor skating rinks.
- 22 (d) Flea Markets (limited to 12 days outdoors in any calendar year).
- 23 (e) Solar energy as an accessory structure.
- 24 (f) Non-Village utility facilities.
- 25 (g) Light assembly, light manufacturing and related activities.
- 26 (h) Seasonal employee housing. *[See Sec. 66.0320(5)(b)]*
- 27 (i) Storage. *[See Sec. 66.0320(5)(a)]*
- 28 (j) Outdoor entertainment facilities.
- 29 (k) Mobile Food Vendor Courts. *[See Sec. 66.0320(6)]*
- 30 (4) Dimensional Lot Standards.

| B-1 District Dimensional Lot Standards Table | | |
|---|------------------------------|---|
| Lot Served by Public Sewer [1] | Minimum Area | 20,000 square feet |
| | Minimum Width (interior lot) | 60 feet |
| | Minimum Width (corner lot) | 110 feet |
| Lot Served by Public Sewer [1] | Minimum Green Space | 20% of lot shall be left as green space |
| Lot Not Served by Public Sewer [1] | Minimum Area | 25,000 square feet |
| | Minimum Width (interior lot) | 100 feet |
| | Minimum Width (corner lot) | 110 feet |
| Lot Not Served by Public Sewer [1] | Minimum Green Space | 20% of lot shall be left as green space |
| Structure Standards | | |
| Principal Structure | Maximum Height | 35 feet |
| Minimum Setbacks | | |

VILLAGE OF SISTER BAY ZONING CODE

| | | |
|---|---------------------------------------|--|
| Principal Structure | Front Yard (on public streets) | 45 feet from centerline of street right-of-way |
| | Front Yard (not on public street) | 40 feet from edge of easement or edge of pavement |
| | Side Yard | 10 feet [2] - the setback area must be green space |
| | Rear Yard | 20 feet - the setback area must be green space |
| Accessory Structures | Front Yard (on public street) [3] | 45 feet from centerline of street right-of-way |
| | Front Yard (not on public street) [3] | 40 feet from edge of easement or edge of pavement |
| | Side Yard | 10 feet [2] - the setback area must be green space |
| | Rear Yard | 20 Feet - the setback area must be green space |
| <ol style="list-style-type: none"> 1. Lots shall have sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks. 2. May be increased by Village Engineer in order to accommodate required grading between properties. 3. Accessory structures located in front yard require a conditional use permit. | | |

1 (5) Special Standards. This section supplements the standards contained in Sec. 66.0320(4) and
 2 provides standards for the following land uses in order to control the scale and compatibility of
 3 those uses within the B-1 District.

4 (a) *Conditional Use Permits For Storage Buildings.* At a minimum the Plan Commission shall
 5 apply the following standards when considering a Conditional Use Permit for storage
 6 buildings. The minimum space for a storage unit will be 1500 square feet, and the buildings
 7 containing the units must be constructed of non-metal materials other than doors and
 8 windows. A storage building shall not contain more than four storage units. Real or false
 9 windows must be installed on the exterior facing walls to reduce the long blank wall
 10 appearance, and the buildings shall be set back a minimum of 250 feet from the centerline
 11 of State Highways 42 and/or 57 and screened from the highway by other buildings. The
 12 storage spaces may be for actual storage or to allow the owner or occupant to work within
 13 the storage building for the purposes of maintaining their belongings such as autos,
 14 boats and other belongings. Prior to the time that an Occupancy Permit will be issued, the
 15 buildings must be equipped with fire sprinklers. No overnight storage or parking of
 16 materials, vehicles, etc. outside is permitted, and none of the overhead doors shall be
 17 visible from an adjacent residential property.

18 (b) *New Apartment Buildings in Which Seasonal and Year-Round Employee Housing Will Be*
 19 *Provided.* New apartment buildings in which seasonal and year-round employee housing
 20 will be provided must comply with the building height and area standards as well as the
 21 unit density requirements of the R-2 District and the other requirements for that District,
 22 including the fact that the property must be served by public sewer and water. [See Sec.
 23 66.0312] The conversion of existing commercial buildings into apartments that will be
 24 utilized for seasonal as well as year-round employee housing must also comply with the
 25 parking requirements for the R-2 District. As part of the conversion of an existing
 26 commercial building to one of the listed uses above, if any building addition(s) are
 27 constructed at that time or in the future, the building addition(s) is/are subject to the
 28 building height and area standards as well as the unit density requirements of the R-2
 29 District [See Sec. 66.0312], as well as the other applicable requirements as exist.

30 (6) Mobile Food Vendor Courts. In the B-1 Zoning District mobile food vendor courts shall be allowed,
 31 provided the following conditions can be satisfied:

32 (a) A lot hosting a mobile food vendor court shall be at least 20,000 square feet in area.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (b) To avoid congestion or hazardous intersections and accesses, only approved public road
2 access points shall be used to access a mobile food vendor food court. Private access may
3 be allowed by a three-quarter (3/4) majority vote of the Plan Commission.
- 4 (c) The mobile food vendor court parking and driving areas shall be paved and the site designed
5 for proper storm water runoff.
- 6 (d) To avoid overcrowding, the maximum density for the mobile food vendor court shall not
7 exceed one vendor per every 4,500 square feet of lot area.
- 8 (e) To account for pedestrian safety and customer waiting lines and foot traffic, and to ensure
9 there is no trespass, the mobile food vendor court, and any structures, shall have at least
10 double the required side and rear setback for a principal structure in the B-1 Zoning District,
11 and at least a distance that is equal to or greater than the required road setback for the B-
12 1 District must be maintained. All mobile food vendor units, associated vehicles and
13 equipment, shall be located within the food vendor court itself and shall not protrude into
14 the setbacks.
- 15 (f) For safety reasons all mobile food vendor units must maintain a distance of 10 feet from
16 the nearest edge of any building, vehicle and combustible materials.
- 17 (g) No less than four (4) parking stalls shall be required for every mobile food vendor unit.
18 Mobile food vendor units on private property may not cause the host parking lot to be in
19 violation of off-street parking requirements per the Zoning Code.
- 20 (h) Patron seating shall be provided at a minimum rate of eight (8) chairs per mobile food
21 vendor unit.
- 22 (i) Toilet and hand washing facilities shall be provided in compliance with State Codes;
23 however, for sanitary and environmental purposes, portable toilets are not allowed. If
24 the restrooms are more than 100 feet from a mobile food vendor unit, signs shall be
25 posted at each mobile food vendor unit indicating where restrooms are available. An
26 exterior sign stating 'Restrooms', shall be posted on the exterior of the restroom and
27 shall be legible from a distance of 100 feet.
- 28 (j) The mobile food vendor court operator shall make provisions for the on-site disposal of
29 the vendor(s) greywater to prevent improper disposal.
- 30 (k) One on-site sign is allowed to promote the location of the mobile food vendor court. To
31 protect the night sky and not be a distraction to the motoring public, the sign shall not
32 be illuminated.
- 33 (l) Any lighting associated with the mobile food vendor court shall use a hood and lens so
34 light is cast downward and onto the property so as to not disturb the night sky nor
35 adjacent properties.
- 36 (m) There shall be no tents except as provided in Sec. 66.0302(4)(g). Gazebos and other
37 shelters may be allowed provided they are shown on the site plan and other code
38 approvals and required permits are obtained.
- 39 (n) The mobile food vendor unit owner or operator shall not be allowed to camp on-site
40 unless in an approved campground.
- 41 (o) There shall be no amplified live music; noise shall be in compliance with this chapter and
42 the Municipal Code.
- 43 (p) Except for a back-up generator, only one generator is allowed onsite; the back-up
44 generator shall not exceed 70 dBA, and other than for emergency purposes, may only
45 generate power for test purposes. All testing shall be during normal business hours.
- 46 (q) All mobile food vendors and their employees shall be made aware of where on-site the
47 fire extinguishers and functioning water hoses are located.
- 48 (r) An employee of the mobile food vendor court shall be on site during hours of operation.
- 49 (s) The mobile food vendor court shall be closed to the public between 9:00 PM and 7:00
50 AM.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (t) No mobile food vendor unit shall be stored on site when not serving food for thirty-six
- 2 (36) hours or more.
- 3 (u) To control vermin and the risk of pollution, all trash must be in an enclosed receptacle.
- 4 The landowner or manager shall be responsible for ensuring no garbage protrudes from
- 5 the trash receptacle unit.
- 6 (v) No mobile food vendor operating as a formula business shall be allowed in a mobile food
- 7 vendor court.
- 8

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0322 – B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

[See also Sec. 66.0343, B-2 Historic Overlay District]

Sec. 66.0322 - B-2 Downtown Business Transition District

The Downtown Business Transition (B-2) District is intended to complement the Village's Downtown Business District by providing a transition zone adjacent to the B-3 Downtown Business district. While the dominate uses in the B-2 district are residential, the area is in the process of changing to a mixture of business and residential uses. This transition area is typified by small lots, and buildings with minimal setbacks. The intent of the B-2 Downtown Transition District is to permit the conversion of existing residential buildings to business uses, to permit the construction of new commercial buildings, and to have N. Bay Shore Drive remain the primary downtown shopping street. This section provides standards for the orderly improvement and development of the Downtown Business Transition District based on the following objectives:

- To encourage development that is consistent with the natural environment.
- To encourage development that maintains the Village's traditional small town appearance, in which its housing, shops, work places, parks and civic facilities co-exist in relative harmony.
- To encourage development that balances the needs of a resort town and a residential Village.
- To encourage efficient use of land and urban services.
- To encourage a mixture of land uses that will encourage people to walk as an alternative to driving, and provide more employment and housing options.
- To encourage development that serves as a buffer between residential neighborhoods and the Downtown Business District.
- To encourage building designs that meet the architectural standards and enhance the Village's historic architecture. *[See Sec. 4000 - Architectural Guide]*

(1) Permitted Uses,

- (a) Art galleries or studios for photography, painting, and music.
- (b) Barber shops, beauty salons and spas.
- (c) Bed and breakfasts.
- (d) Infrastructure essential services.
- (e) Information centers.
- (f) Licensed massage therapy and body work facilities as certified by the State.
- (g) Marinas.
- (h) Municipal utility facilities.
- (i) Parks.
- (j) Physical fitness centers.
- (k) Public parking lots.
- (l) Professional offices.
- (m) Restaurants. *[See Sec. 66.0350]*
- (n) Retail general uses.
- (o) Self-service laundry and dry-cleaning.
- (p) Single family housing in existence as of September 1, 2010; said housing can be utilized as a short-term rental.

(2) Conditional Uses.

- (a) Liquor stores.
- (b) Solar energy as an accessory structure.
- (c) Non-village utility facilities.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (3) Permitted Accessory Uses.
 2 (a) Accessory structures. [See Sec. 66.0501]
 3 (b) Outdoor displays. [See Sec. 66.0506]
 4 (c) Professional offices.
- 5 (4) Dimensional Standards. The homes in the B-2 Business Transition District are typically located on
 6 smaller irregularly shaped lots with minimal setbacks. In the B-2 Business Transition District,
 7 homes and buildings that house businesses will operate in close proximity to one another. The
 8 setback standards are minimal to reflect the difficulty of dealing with small lots and narrow road
 9 rights-of-way. Building setbacks are measured from the respective property line. Setbacks for
 10 porches are measured from the edge of the deck or porch to the property line. The setback
 11 standards, as listed below, apply to primary structures as well as accessory structures.

| B-2 District Dimensional Lot Standards Table | | |
|---|---|---|
| Lot That is Utilized for a Business Use | Minimum Area | 4,500 square feet |
| | Minimum Width (interior lot) | 45 feet |
| | Minimum Width (corner lot) | 55 feet |
| | Minimum Green Space | 20% of lot must be left as green space |
| Structure Standards | | |
| Principal Structure, Business | Maximum Height | 35 feet |
| | Minimum Floor Area | None |
| Principal Structure, Residential | Maximum Height | 35 feet |
| | Minimum Width | 24 feet |
| | Minimum Floor Area (one bedroom) | 900 square feet |
| | Minimum Floor Area (two bedrooms) | 1,000 square feet |
| | Minimum Floor Area (three or more bedrooms) | 1,200 square feet |
| Accessory Structures | Maximum Height | 35 feet but shall not exceed height of principal structure |
| Minimum Setbacks | | |
| Principal Structure | Front Yard | 35 feet from the centerline or 15 feet from the property line, whichever is greater |
| | Side Yard | 6 feet – Area must be left as green space |
| | Rear Yard (street access lot) | 15 feet - Area must be left as green space |
| | Rear Yard (alley access lot) | 8 feet - Area must be left as green space |
| Accessory Structures | Front Yard (on public streets) | 35 feet from the centerline or 15 feet from the property line whichever is greater |
| | Side Yard | 6 Feet - Area must be left as green space |
| | Rear Yard (street access lot) | 15 Feet - Area must be left as green space |
| | Rear Yard (alley access lot) | 8 feet |

VILLAGE OF SISTER BAY ZONING CODE

1 (5) Design Standards.

2 (a) *Finish.* The exterior walls of all principal residential buildings shall be covered by either
3 stucco, cement siding, wood; wood clapboards, wood shakes, vinyl, steel or aluminum
4 beveled siding, brick, stone or other masonry type veneer or other similar materials.

5 (b) *Foundation.* All principal residential buildings shall be placed on, and be attached to a
6 permanently enclosed foundation in accord with the standards set forth in Wis. stats.
7 §70.043(1) and Chapter ILHR 21 of the Wisconsin Administrative Code, or its successor
8 code.

9 (6) Block Layout and Building Orientation. This section of the Zoning Code is intended to promote a
10 walkable commercial district by forming short blocks and orienting (placing or locating), buildings
11 closer to streets. Placing buildings close to the street also slows traffic down and provides more
12 'eyes on the street', increasing the safety of public spaces. The standards, as listed on the
13 following page complement the front yard setback standards delineated in Sec. 66.0322(d).

14 (a) *Applicability.* This section applies to new land divisions as well as the following types of
15 development, and compliance with all the provisions of this section is required:

- 16 1. Public and institutional buildings, except that the standard shall not apply to buildings
17 which are not subject to site design review or those that are not accessible to the
18 public (i.e. buildings used solely to house mechanical equipment and similar uses);
19 and,
- 20 2. Commercial buildings subject to site design review.

21 (b) *Block Layout Standard.* New land divisions and developments, which are subject to site
22 design review, shall be configured to provide an alley or interior parking court. Blocks
23 (areas bound by public street rights-of-way) shall have a length not exceeding 400 feet, and
24 a depth not exceeding 400 feet. Pedestrian pathways shall be provided from the street
25 right-of-way to interior parking courts between buildings, as necessary to ensure
26 reasonably safe, direct and convenient access to building entrances and off-street
27 parking.

28 (c) *Building Orientation Standard.* All of the buildings that must comply with the provisions of
29 the dimensional standards that are defined in Sec. 66.0322(d) shall be oriented to a street.
30 The building orientation standard is met when all of the following criteria are met:

- 31 1. The minimum and maximum setback standards delineated in Sec. 66.0322(d) are
32 satisfied;
- 33 2. Buildings have their primary entrance(s) oriented to (facing) the street. Building
34 entrances may include entrances to individual units, lobby entrances, entrances
35 oriented to pedestrian plazas, or breezeways, and courtyard entrances, (i.e. to a
36 cluster of units or commercial spaces). Alternatively, a building may have its entrance
37 facing a side yard when a direct pedestrian walkway not exceeding 10 feet in length is
38 provided between the building entrance and the street right-of-way.
- 39 3. Off-street parking, driveways or other vehicular circulation shall not be placed
40 between a building and the street. On corner lots, buildings and their entrances shall
41 be oriented to the street corner, and parking, driveways and other vehicle areas shall
42 be prohibited between buildings and street corners.

43 (7) Pedestrian Amenities.

44 (a) *Purpose and Applicability.* This section is intended to complement the building
45 orientation standards and the street standards delineated in Sec. 66.0322(6), by providing
46 comfortable and inviting pedestrian spaces within the Transition District. Pedestrian
47 amenities contribute to a walkable district. This section applies to all of the following types
48 of buildings:

- 49 1. Public and institutional buildings; except that the standard shall not apply to buildings
50 which are not subject to site design review or those that are not open to the public,
51 (e.g. buildings used solely to house mechanical equipment, and similar uses); and,

VILLAGE OF SISTER BAY ZONING CODE

- 1 2. Commercial buildings; subject to site design review.
- 2 (b) *Guidelines and Standards.* Every development shall provide and maintain a public
- 3 sidewalk with a minimum width of 6 feet across the front of the parcel and side yard
- 4 abutting a public street.
- 5 (8) Special Standards Uses. This section supplements the standards contained in Sec. 66.0322(4)
- 6 through 66.0322(7). It provides standards for the following land uses in order to control the scale
- 7 and compatibility of those uses within the Transition District:
- 8 (a) *Parking, Garage and Driveway Orientation.* All off-street vehicle parking, including surface
- 9 lots and garages, loading docks and overhead doors shall be oriented to alleys, or located
- 10 in parking areas located behind or to the side of the building; except that side yards facing
- 11 a street (e.g. corner yards), shall not be used for surface parking. All garage entrances facing
- 12 a street (e.g. structured parking), shall be recessed behind the front building elevation by a
- 13 minimum of four to six feet. On corner lots, garage entrances shall be oriented to a side
- 14 street when access cannot be provided from an alley.
- 15 (b) *Parking Spaces Required.* The Village recognizes the challenges of providing the necessary
- 16 parking spaces in the Transition District and thereby establishes the following standard for
- 17 the district. The detailed requirements for parking lots and spaces are covered in Sec.
- 18 66.0403. The Plan Commission may allow a landowner to meet the parking requirement by
- 19 providing the required parking spaces either on site, or on another privately owned site as
- 20 required under Sec. 66.0404, *Adjustments to Required Parking.* No development shall avoid
- 21 the need to provide parking spaces by claiming credit for on street parking spaces or public
- 22 parking lots. The parking spaces required for motels, hotels, all types of condominiums, and
- 23 accessory residential uses must be provided on site, and no fee in lieu of creating spaces
- 24 will be allowed.
- 25 (c) *Fee In Lieu of Creating Parking Spaces.* [See Sec. 66.0404(2)]
- 26 (d) *Common Areas.* All common areas (e.g. walkways, drives, courtyards, private alleys,
- 27 parking courts, etc.), and building exteriors shall be maintained by an association or the
- 28 owner. Copies of any applicable covenants, restrictions and conditions shall be recorded in
- 29 the Office of the Register of Deeds and provided to the Village prior to Zoning
- 30 Permit approval.
- 31 (e) *Automobile-Oriented Uses and Facilities.* Automobile-oriented uses and facilities, as
- 32 defined below shall conform to all of the following standards in the Transition District. The
- 33 standards are intended to slow traffic down and encourage walking.
- 34 (f) *Parking, Garages and Driveways.* All off-street vehicle parking, including surface lots and
- 35 garages, loading docks and overhead doors shall be accessed from alleys, or located in
- 36 parking areas located behind or to the side of a building; except that side yards on corner
- 37 lots shall not be used for surface parking. All garage entrances facing a street (e.g.
- 38 structured parking), shall be recessed behind the front elevation by a minimum of 6 feet.
- 39 On corner lots, garage entrances shall be oriented to a side street when vehicle access
- 40 cannot be provided from an alley.
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VILLAGE OF SISTER BAY ZONING CODE

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VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0323 – B-3 DOWNTOWN BUSINESS DISTRICT

Sec. 66.0323 B-3 Downtown Business District

The Downtown Business (B-3) District is intended to apply to the Village’s Downtown Business District and Village Center. This area is typified by small lots, and buildings with minimal setbacks. The Downtown Business District is intended to offer greater flexibility in area requirements and setback requirements than other districts in order to promote the reuse of buildings and lots and the construction of new developments in the Downtown Business District consistent with the existing scale of development. The character, appearance and operation of any business in the Downtown District should be compatible with any surrounding areas. The goal of the Village is to strengthen the Downtown District as the ‘heart’ of the community and as the logical place for people to gather and create a business center. The Downtown District is intended to support this goal through elements of design and appropriate development. This section provides standards for the orderly improvement and expansion of the Downtown District based on the following principles:

- Designs that meet the architectural standards and enhance the Village’s historic architecture. *[See Sec. 4000 -Architectural Guide]*
- Development that is consistent with the natural environment.
- Development that maintains the Village’s traditional small-town appearance, in which its housing, shops, work places, parks and civic facilities co-exist in relative harmony.
- Development that balances the needs of a resort town and a residential village.
- Efficient use of land and urban services.
- A mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options, and,
- An opportunity to provide formal and informal community gathering places.
- The Downtown District is also connected to neighborhoods and other employment areas.

(1) Permitted Uses.

- (a) Barber shops, beauty salons and spas.
- (b) Dance studios.
- (c) Gasoline service stations that were being operated as of September 1, 2010
- (d) Hotels/motels.
- (e) Infrastructure essential services.
- (f) Information centers.
- (g) Licensed massage therapy and body work facilities as certified by the State.
- (h) Marinas.
- (i) Municipal utility facilities.
- (j) Parks.
- (k) Public parking lots.
- (l) Real estate offices.
- (m) Restaurants. *[See Sec. 66.0350]*
- (n) Retail general use.
- (p) Single family housing in existence as of January 1, 2004; said housing can be utilized as a short-term rental.
- (q) Taverns or cocktail lounges.

(2) Conditional Uses.

- (a) Liquor stores.
- (b) Solar energy as an accessory structure.
- (c) Non-village utility facilities.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (d) Gasoline stations or automobile repair.
- 2 (e) Permitted Accessory Uses and Structures. *[See Sec. 66.0501]*
- 3 (f) Outdoor displays. *[See Sec. 66.0506]*
- 4 (g) Professional offices.
- 5 (h) Outdoor entertainment facilities.

6 (3) Dimensional Standards.

7 In the Downtown District, buildings are placed closer to the street to create a vibrant
 8 pedestrian environment, to slow traffic down, to provide a storefront character to the street and
 9 encourage walking. The setback standards are flexible to encourage public spaces between
 10 sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining
 11 areas and pocket parks). The standards also encourage the formation of solid blocks of
 12 commercial buildings for a walkable downtown. Building setbacks are measured from the
 13 respective property line. Setbacks for porches are measured from the edge of the deck or porch
 14 to the property line. The setback standards, as listed below, apply to primary structures as well
 15 as accessory structures.

| B-3 District Dimensional Lot Standards Table | | |
|---|-------------------------------|--|
| Lot | Minimum Area | 4,500 square feet |
| | Minimum Width | 45 feet |
| | Minimum Green Space | 10% of lot must be left as green space |
| Structure Standards | | |
| Principal Structure, Business | Maximum Height | 35 feet [5] |
| | Minimum Floor Area | None |
| Accessory Structures | Maximum Height | 35 feet [5] But shall not exceed height of principal structure |
| Minimum Setbacks | | |
| Principal Structure | Front Yard, on Public Streets | [1] |
| | Side Yard | 6 feet [2] - Must be left as green space |
| | Rear Yard (street access lot) | 6 feet [3] - Must be left as green space |
| | Rear Yard (alley access lot) | 8 feet [3] - Must be left as green space |
| Accessory Structures | Front Yard, On Public Streets | [1] |
| | Side Yard | 6 feet [2] - Must be left as green space |
| | Rear Yard (street access lot) | 6 feet - Must be left as green space |
| | Rear Yard (alley access lot) | 8 feet - Must be left as green space |

VILLAGE OF SISTER BAY ZONING CODE

- [1] 40 feet from the centerline of the street right-of-way or 20 feet from the property line, whichever is greater.
- [2] If the buildings on adjoining lots will abut one another and are visually compatible and complementary, the Plan Commission may allow the affected property owners to enter into a written, recordable agreement that establishes a zero foot side setback.
- [3] For buildings on through-lots (lots with front and rear frontage onto a street), front yard setbacks shall apply.
- [4] Every development shall provide and maintain a public sidewalk with a minimum width of 5 feet across the front of the parcel and side yard abutting a public street, as well as an additional 3 feet of landscaping, and one or more of the “pedestrian amenities” listed in (6)(b) of this section.
- [5] Applicable to privately owned properties on the west side of North Bay Shore Drive, adjacent to North Bay Shore Drive, north of Bluffside Lane to Post Office Lane: As of the adoption date of the amendment, the height of a building or structure shall not be increased prior to receiving a conditional use permit from the Plan Commission. The Plan Commission shall only approve the conditional use permit if it has been demonstrated the additional height will not be detrimental to the viewshed of properties on the east side of Bay Shore Drive within 300 feet of the building or structure being modified. It shall be the responsibility of the applicant to prove no detriment to the viewshed of the waters of Green Bay.

- 1 (4) PUD Allowed. The Plan Commission and Board of Trustees may vary the
2 building setback requirements for the B-3 District, subject to the provisions of the Planned Unit
3 Development requirements delineated in Sec. 66.0341.
- 4 (5) Block Layout & Building Orientation. This section of the Zoning Code is intended to promote the
5 walkable, storefront character of the downtown by forming short blocks and orienting, (placing
6 or locating), buildings close to streets. Placing buildings close to the street also slows
7 traffic down and provides more “eyes on the street,” thereby increasing the safety of public
8 spaces. The standards, as listed below, complement the front yard setback standards delineated
9 in Sec. 66.0323(3).
 - 10 (a) *Applicability.* This section applies to new land divisions and all of the following types of
11 development, which are subject to site design review by the Plan Commission.
 - 12 1. Public and institutional buildings, except that all the standards that are delineated in
13 this section will not apply to buildings that are not subject to site design review or
14 those that do not receive the public, (e.g., buildings used solely to house mechanical
15 equipment, and similar uses); and,
 - 16 2. Commercial buildings.
 - 17 (b) *Block Layout Standard.* New land divisions and developments, which are subject to site
18 design review, shall be configured to provide an alley or interior parking court. Blocks,
19 (areas bound by public street rights-of-way), shall have a length not exceeding 400 feet,
20 and a depth not exceeding 400 feet. Pedestrian pathways shall be provided from the street
21 right-of-way to interior parking courts between buildings, as necessary to ensure
22 reasonably safe, direct and convenient access to building entrances and off-street
23 parking.
 - 24 (c) *Building Orientation Standard.* All of the developments mentioned in Sec. 66.0323(5)(a)
25 shall be oriented to a street. The building orientation standard is met when all of the
26 following criteria are met:
 - 27 1. The minimum and maximum setback standards that are delineated in Sec. 66.0323(3)
28 are satisfied;
 - 29 2. Buildings have their primary entrance(s) oriented to (facing) the street.
30 (Building entrances may include entrances to individual units, lobby entrances,

VILLAGE OF SISTER BAY ZONING CODE

entrances oriented to pedestrian plazas, or breezeway courtyard entrances - i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 50 feet in length is provided between the building entrance and the street right-of-way.

3. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street. On corner lots, buildings and their entrances shall be oriented to the street corner, and parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

(6) Pedestrian Amenities.

(a) *Purpose and Applicability.* This section is intended to complement the building orientation standards in Sec. 66.0323(5), and the street standards, by providing comfortable and inviting pedestrian spaces within the Downtown District. Pedestrian amenities serve as informal gathering places for socializing, resting and enjoyment of the Village’s downtown, and contribute to a walkable district. This section applies to all of the following types of buildings:

1. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and,
2. Commercial buildings subject to site design review.

(b) *Guidelines and Standards.* Every development shall provide and maintain a public sidewalk with a minimum width of 5 feet across the front of the parcel and side yard abutting a public street, and an additional 3 feet of landscaping and one or more of the “pedestrian amenities” listed in 1 through 4 below. Other types of amenities and designs may be used. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 8 feet);
2. Sitting space (i.e., dining area, benches, gazebos or ledges between the building entrance and sidewalk, (minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola or similar weather protection, (minimum projection of four feet over a private sidewalk or other private pedestrian space.)
4. Streetscape, which incorporates landscaping, seating, fountains, sculptures, etc.

(7) Special Standards Uses. This section supplements the standards contained in Sec. 66.0323(3) through 66.0323(6). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the District.

(a) *Parking, Garage and Driveway Orientation.* All off-street vehicle parking, including surface lots and garages, loading docks and overhead doors shall be oriented to alleys, or located in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards), shall not be used for surface parking. All garage entrances facing a street, (e.g., structured parking), shall be recessed behind the front building elevation by a minimum of 6 feet. On corner lots, garage entrances shall be oriented to a side street when access cannot be provided from an alley.

(b) *Parking Spaces Required.* The Village recognizes the challenges of providing the necessary parking spaces in the district and thereby establishes the following standards for the district. The detailed requirements for parking lots and spaces are covered in Sec. 66.0403. The Plan Commission may allow a landowner to meet the parking requirement by providing the required parking spaces either on site, or on another privately owned site as required under Sec. 66.0404, *Adjustments to Required Parking.* No development shall avoid the need to provide parking spaces by claiming credit for on street parking spaces or public parking lots. The parking spaces required for motels, hotels, all types of condominiums, and

VILLAGE OF SISTER BAY ZONING CODE

- 1 accessory residential uses must be provided on site, and no fee in lieu of creating spaces
2 will be allowed.
- 3 (c) *Fee In Lieu of Creating Parking Spaces. [See Sec. 66.0404]*
- 4 (d) *Common Areas.* All common areas (e.g., walkways, drives, courtyards, private alleys,
5 parking courts, etc.) and building exteriors shall be maintained by an association or the
6 owner. Copies of any applicable covenants, restrictions and conditions shall be recorded
7 and provided to the Village prior to Zoning Permit approval.
- 8 (8) Exemption. When the application of the off-street parking regulations specified above result in a
9 requirement of not more than three (3) spaces on a single lot in the district, such
10 parking spaces need not be provided. However, where two (2) or more businesses are located on
11 a single lot, only one (1) of these uses shall be eligible for this exemption, and it shall not apply to
12 dwelling units.
- 13 (9) Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities as defined
14 below shall conform to all of the following standards in the B-3 District. The standards are
15 intended to slow traffic down and encourage walking.
- 16 (10) Parking, Garages and Driveways. All off-street vehicle parking, including surface lots and garages,
17 loading docks and overhead doors shall be accessed from alleys, or located in parking areas
18 located behind or to the side of a building; except that side yards on corner lots shall not be used
19 for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed
20 behind the front elevation by a minimum of 6 feet. On corner lots, garage entrances shall be
21 oriented to a side street when vehicle access cannot be provided from an alley.

VILLAGE OF SISTER BAY ZONING CODE

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VILLAGE OF SISTER BAY ZONING CODE

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OTHER DISTRICTS

SEC. 66.0330 – I-1 INSTITUTIONAL DISTRICT

SEC. 66.0331 – P-1 PARK DISTRICT

SECTION 66.0330 – I-1 INSTITUTIONAL DISTRICT

Sec. 66.0330 – I-1 Institutional District

The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas that are under public, public related or private ownership and where the use for public purpose is anticipated to be permanent. Uses permitted shall generally serve the public benefit.

(1) Permitted Uses.

- (a) Public or private primary and secondary schools.
- (b) Colleges, and universities, excluding fraternity and sorority houses.
- (c) Churches.
- (d) Hospitals, sanatoriums and nursing homes.
- (e) Libraries, community centers, museums and public art galleries.
- (f) Public administrative offices and public service buildings, including fire and police stations; but excluding firing ranges and outdoor “burn buildings” used for fire-fighting instruction.
- (g) Public utility offices.

(2) Permitted Accessory Uses.

- (a) Residential quarters for caretakers, clergy or institutional staff.
- (a) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- (b) Service buildings and facilities normally accessory to the permitted use.
- (c) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (d) Roof-mounted solar collectors.
- (e) Municipally owned wells, pumping stations, water towers and reservoirs and municipally owned telecommunications towers and antennas, provided they are located at least 50 feet away from any lot line.
- (f) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or their designee.

(3) Conditional Uses.

- (a) All permitted uses allowed in the B-1 District.
- (b) Cemeteries and crematories.
- (c) Firing ranges and outdoor ‘burn buildings’ associated with a fire station, police station or college.
- (d) Utility substations, municipal wells, pumping stations and towers if the use is not less than 50 feet from any lot line.
- (e) Transmitting towers, receiving towers, and relay and microwave towers, and broadcast studios.
- (f) Public utility treatment facilities.
- (g) Solar energy collectors erected as an accessory structure.

(4) Lot Area and Width.

- (a) Lots in the I-1 District shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.

(5) Building Height and Area

- (a) No principal building or part of a principal building shall exceed 35 feet in height.

VILLAGE OF SISTER BAY ZONING CODE

1 Residential uses permitted in the I-1 District shall comply with the building area
2 requirements of the R-2 Multiple Family Residential District. All other uses in the I-1 District
3 shall comply with the building a rea requirements of the B-1 General Business District.

4 (6) Setbacks

5 (a) There shall be a minimum building front setback of a least 45 feet from the centerline of
6 the right-of-way of all streets.

7 (b) There shall be a minimum front setback of at least 40 feet from the edge of the easement
8 or edge of pavement for all buildings not on a public street.

9 (c) There shall be a side setback of at least 20 feet and a rear setback of at least 50 feet for all
10 principal buildings.

11 (d) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other
12 accessory building requirements are listed in Sec. 66.0501.
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VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0331 – P-1 PARK DISTRICT

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Sec. 66.0331 P-1 Park District

The P-1 Park District is intended to provide for areas where the green space and recreational needs of the citizens of the Village can be met without undue disturbance of natural resources and adjacent uses.

(1) Permitted Uses.

- (a) Public botanical gardens and arboretums.
- (b) Public historic monuments or sites.
- (c) Public hiking biking, jogging and nature trails.
- (d) Public parks, beaches, playgrounds and parkways.
- (e) Farm markets (no items shall be sold which were purchased for resale).
- (f) Public marinas.

(2) Permitted Accessory Uses.

- (a) Buildings accessory to the permitted use.
- (b) Ground-mounted and building-mounted earth station dishes and terrestrial antennas.
- (c) Solar collectors attached to the principal structure.
- (d) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or their designee.
- (e) Public garden plots.

(3) Conditional Uses.

- (a) Public or private boat moorings and rentals.
- (b) Outdoor entertainment facilities.

(4) Building Height and Area.

- (a) No building or part of a building shall exceed 35 feet in height.
- (b) Green space shall be determined by the Plan Commission based on site plan review and the best use of open spaces.

(5) Setbacks

- (a) There shall be a minimum building front setback of at least 50 feet from the centerline of the right-of-way of all streets.
- (b) There shall be a minimum front setback of at least 40 feet from the edge of the easement or edge of pavement for all buildings not on a public street.
- (c) Side setbacks shall be determined by the Plan Commission based on site plan review and the best use of open spaces. There shall be a rear setback of at least 50 feet for all principle buildings.
- (d) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in Sec. 66.0501.

VILLAGE OF SISTER BAY ZONING CODE

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OVERLAY DISTRICTS

- SEC. 66.0340 - W-1 WETLAND OVERLAY DISTRICT**
 - SEC. 66.0341 – PUD - PLANNED UNIT DEV. OVERLAY DISTRICT**
 - SEC. 66.0342 – HL - HIGHWAY 42 & 57 LANDSCAPE SETBACK OVERLAY DISTRICT**
 - SEC. 66.0343 – B-2 HISTORIC OVERLAY DISTRICT**
 - SEC. 66.0344 - BP - BLUFF PROTECTION OVERLAY DISTRICT**
 - SEC. 66.0345 – WHP – WELLHEAD PROTECTION DISTRICT**
 - SEC. 66.0346 – RS - RIDGES & SWALES DISTRICT**
 - SEC. 66.0350 - RO -RESTAURANT OVERLAY DISTRICT**
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Overlay districts provide for the possibility of super-imposing certain additional requirements upon a basic zoning district without disturbing the requirements of that basic district. Whenever overlay district regulations come into play, the regulations that apply to the underlying standard zoning district will remain in full force and effect. All of the previously mentioned overlay districts have been established in the Village, and the regulations that were enacted for each of those districts follow.

VILLAGE OF SISTER BAY ZONING CODE

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VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0340 – W-1 WETLAND OVERLAY DISTRICT

Sec. 66.0340 W-1 Wetland Overlay District

The purpose of the Wetland Overlay (W-1) District is to maintain safe and healthful conditions, to prevent water pollution, to protect fishing spawning grounds and aquatic life, to preserve shore cover and natural beauty, and to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs and other wetlands in the Village. The proper regulation of these areas will serve to maintain and improve groundwater and surface water quality; prevent flood damage, protect fish and wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water-based recreation and green space resources of the Village. The W-1 District recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers at the land-water interface. Development in wetlands should be limited, and when development is permitted in a wetland, it should occur in a manner that minimizes the adverse impacts upon the wetlands.

The boundaries of the W-1 District were based on the wetlands that were identified on the Wisconsin Wetland Inventory Map for the Village of Sister Bay, dated July 1, 1992. The wetlands included as W-1 are those wetlands that are two acres or more in area and lie within 300 feet of a navigable stream, 1,000 feet from a lake or pond or to the landward side of a floodplain, whichever is greater.

(1) Permitted Uses.

- (a) Hiking, fishing, swimming and boating, unless prohibited by other laws and ordinances.
- (b) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, trees, fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating.
- (c) Silviculture (forest maintenance), including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.
- (d) Construction and maintenance of fences.
- (e) Existing agricultural uses provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna (animals), flora. (plants), topography or water regimen.
- (f) Aquaculture (the growing of plants and animals in water), provided it does not disturb or impair the natural biota (plants and animals).
- (g) The maintenance, repair, replacement and reconstruction of existing public streets, roads, bridges and drainage ways.

(2) Conditional Uses.

- (a) The construction of streets which are necessary for the continuity of the Village street system, are necessary for the provision of essential utility and public safety services, or are necessary to provide access to permitted green space uses, provided that:
 - 1. The street cannot as a practical matter be located outside the W-1 District;
 - 2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Sec. 66.1708(2) of this chapter;
 - 3. The street is designed and constructed with the minimum cross section practical to serve the intended use;
 - 4. The street construction activities are carried out in the immediate area of the roadbed only; and,
 - 5. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is done must be necessary for the construction or maintenance of the street.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (b) The construction and maintenance of non-residential buildings used solely in conjunction
2 with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for
3 some other purpose which is compatible with natural resource preservation, provided that:
4 1. The building cannot as a practical matter be located outside the conservancy district;
5 2. The building is not designed for human habitation and does not exceed 500 square
6 feet in area; and,
7 3. Only limited filling or excavating necessary to provide structural support is conducted.
- 8 (c) The establishment and development of public and private parks and recreation areas,
9 recreation trails, public boat access sites, natural and outdoor education areas, historic and
10 scientific areas, wildlife refuges, game preserves, and private habitat areas, provided that:
11 1. Parks shall be limited to passive activities. No ball diamonds, tennis courts, playfields,
12 playgrounds or other active recreation areas shall be constructed in a wetland;
13 2. Any private recreation or wildlife habitat area must be exclusively for that purpose.;
- 14 3. No filling is to be done; and
15 4. Ditching, excavating, dredging, dike and dam construction may be done in wildlife
16 refuges, game preserves and private wildlife habitat areas, but only for improving
17 wildlife habitat or to otherwise enhance the value of a wetland or other natural
18 resource.
- 19 (d) The construction and maintenance of electric, gas, telephone, water and sewer
20 transmission and distribution lines, and related facilities, by public utilities and cooperative
21 associations organized for the purpose of producing or furnishing heat, light, power or
22 water to members and customers located outside of the W-1 District, provided that:
23 1. The transmission and distribution lines and related facilities cannot as a practical
24 matter be located outside the conservancy district; and,
25 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary
26 for the construction or maintenance of the utility, and must be done in a manner
27 designed to minimize flooding and other adverse impacts upon the natural functions
28 of the conservancy area.
- 29 (e) Ditching, tiling, dredging, excavating or filling done to maintain or repair an existing
30 agricultural drainage system only to the extent necessary to maintain the level of drainage
31 required to continue the existing agricultural use.
- 32 (f) The construction and maintenance of piers, docks and walkways, including those built on
33 pilings.
- 34 (3) Prohibited Uses.
- 35 (a) Any use not listed as a permitted use or a conditional use is prohibited unless the W-1
36 District lands concerned are first rezoned into another district.
- 37 (b) The use of a boathouse for human habitation and the construction or placement of a
38 boathouse or fixed houseboat below the ordinary high-water mark of any navigable water
39 is prohibited.
- 40 (4) Wetlands Used for Density Calculation. Where a lot is located partially within a W-1 District and
41 partially within an adjoining use district, that area of the parcel in the W-1 District may be used
42 to meet the minimum lot area requirements; provided that adequate adjacent upland space is
43 available for the structure and related grading.

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0341 – PUD - PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Sec. 66.0341 – PUD – Planned Unit Development Overlay District

The PUD - Planned Unit Development Overlay District, is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and green spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district.

(1) Permitted Uses. Uses permitted in a PUD District shall conform to uses permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All green space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined green space and parking space required for the entire development in one or more locations within the development.

(2) Minimum Area Requirements

(a) Areas designated as PUD Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

| Principal Uses | Minimum Area of PUD |
|--------------------|---------------------|
| Residential PUD | 1.0 acres |
| Business PUD | 1.5 acres |
| Mid Compatible Use | 1.5 acres |

(3) Procedural Requirements.

(a) *Pre-Application Conference.* Prior to the official submission of the application for the approval of a PUD District, the owner or agent making such application shall meet with the Zoning Administrator to discuss the scope and proposed nature of the contemplated development.

(b) *Application.* Following the pre-application conference, the owner or their agent may file an application with the Zoning Administrator for approval of a PUD District. Such application shall be accompanied by a filing fee, as required by Resolution of the Village Board, and the following information:

1. A statement which sets forth the relationship of the proposed PUD to the Village's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including, but not limited to, the following information:

a. Total area to be included in the PUD, area of green space, residential density computations, the amount of business space by type of use, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.

b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.

VILLAGE OF SISTER BAY ZONING CODE

- c. A general outline of the organizational structure of a property owners' management association, which may be proposed to be established for providing any necessary private services.
- d. Any proposed departures from the standards of development as set forth in the Village's zoning regulations, other Village regulations or administrative rules, or other universal guidelines.
- e. The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted. If applicable, a statement indicating the type of Federal or State program being used to provide a subsidy or less-than-market rents for the units proposed.
- f. A general development plan including, but not limited to:
 - i. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 - ii. The location of public and private roads, driveways and parking facilities.
 - iii. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
 - iv. The location of institutional, recreational and green space areas and areas reserved or dedicated for public uses, including schools, parks and drainage ways.
 - v. The type, size and location of all structures.
 - vi. General landscape treatment.
 - vii. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
 - viii. The existing and proposed location of public sanitary sewer and water supply facilities.
 - ix. The existing and proposed location of all private utilities or other easements.
 - x. Characteristics of soils related to contemplated specific uses.
 - xi. Existing topography on the site with contours at no greater than 2 foot intervals.
 - xii. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
 - xiii. Anticipated phasing of the development, if applicable.

(4) Referral to Plan Commission. The application for a PUD District shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions, which it may deem necessary or appropriate. For such an application, property owners within 300 feet of the subject property will be sent a notice of the meeting at which it will be discussed. In addition to the notice, a copy of the Plan Commission report will be sent; which will provide an explanation of the proposal, as well as the Zoning Administrator's recommendation. As soon as is practicable following the meeting, the Plan Commission, through the Zoning Administrator, shall report its findings and recommendations to the Village Board; which may be a recommendation for approval, approval with conditions or denial of the application.

(5) Village Board Public Hearing. Following the Plan Commission public hearing and the formulation of the Plan Commission recommendation, the Village Board shall hold a public hearing pursuant to the requirements of Sec. 66.1705 and 66.1801 of this chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested PUD District. Following the public hearing, the Village Board shall decide whether the PUD District application is to be granted or denied.

VILLAGE OF SISTER BAY ZONING CODE

1 (6) Basis for Approval of Application.

2 (a) The Plan Commission, in making its recommendation and the Village Board, in making its
3 determination shall consider:

- 4 1. That the applicants for the proposed PUD District have indicated that they intend to
5 begin and complete the physical development of the PUD within a time frame
6 approved by the Village Board, after recommendation by the Plan Commission.
- 7 2. That the proposed PUD District is consistent in all respects to the purpose of this
8 section and to the spirit and intent of this chapter; is in conformity with the adopted
9 master plan or any adopted component thereof; and, that the development would not
10 be contrary to the general welfare and economic prosperity of the community.
- 11 3. The constraint or burden that will be imposed on public services, public utilities and
12 facilities, such as fire and police protection, street maintenance, and maintenance of
13 public areas by the proposed development.
- 14 4. All property to be included in a PUD District shall be held in single ownership. However,
15 if there is more than one owner, the applicants shall create a property owners
16 association; whose responsibility it shall be to agree upon any plan prior to it being
17 presented to the Plan Commission for approval and, thereafter, shall be the
18 responsible entity for the maintenance of the exterior of all buildings, as well as all
19 common areas within the PUD District. The bylaws of this association, which contain
20 its duties and responsibilities, shall first be approved by the Plan Commission and shall
21 be written so that all subsequent amendments shall also have to be approved by the
22 Plan Commission before they can take effect.
- 23 5. The proposed site shall be provided with adequate drainage facilities for surface and
24 storm waters.
- 25 6. The proposed site shall be accessible from public roads that are adequate to carry the
26 traffic that can be expected to be generated by the proposed development.
- 27 7. The streets and driveways on the site of the proposed development shall be adequate
28 to serve the residents and or customers of the proposed development and shall meet
29 the minimum standards of all applicable ordinances or administrative regulations of
30 the Village.
- 31 8. Public water and sewer facilities shall be provided.
- 32 9. Adequate guarantee must be provided for permanent preservation of green space
33 areas as shown on the approved site plan either by private reservation and
34 maintenance or by dedication to the public.
- 35 10. The relative economic benefit to the Village shall be greater than the underlying zoning
36 would allow.

37 (b) In The Event a Residential PUD District Is Proposed:

- 38 1. The Plan Commission, in making its recommendation, and the Village Board, in
39 making its determination must find that such development will create an attractive
40 residential environment of sustained desirability and economic stability, including
41 structures in relation to terrain, consideration of safe pedestrian flow, ready access to
42 recreation space, and coordination with overall plans for the community.
- 43 2. The Plan Commission, in making its recommendation, and the Village Board, in
44 making its determination must find that the total net residential density within the
45 PUD District will be consistent with development permitted in the underlying basic use
46 district. The district area, width and yard requirements of the underlying basic use
47 district may be modified; however, in no case shall the average density in the district
48 exceed the number of dwelling units that would have been permitted on that amount
49 of land if the PUD District regulations had not been utilized. This allows for transfer of
50 density within a site, but not an increase in density.

VILLAGE OF SISTER BAY ZONING CODE

- 1 3. Each residential planned unit development, having more than one (1) property owner
2 involved and featuring common green space or other common improvements, shall
3 be managed by a Property Owners’ Association, or other appropriate management
4 mechanism, to assure that any common facilities are properly maintained. A copy of
5 the bylaws of the management association shall be included with the PUD application;
6 which shall initially be approved by the Plan Commission as well as any subsequent
7 amendments.
- 8 (c) In the Event There is a Proposed Business PUD District:
 - 9 1. The Plan Commission, in making its recommendation, and the Village Board, in
10 making its determination must find that the proposed development will be
11 adequately served by off-street parking and truck service facilities.
 - 12 2. The Plan Commission, in making its recommendation, and the Village Board, in
13 making its determination must find that the locations for entrances and exits have
14 been designated to prevent unnecessary interference with the safe and efficient
15 movement of traffic on surrounding streets, and must also find that the development
16 will not create an adverse effect upon the general traffic pattern of the surrounding
17 neighborhood.
 - 18 3. The Plan Commission, in making its recommendation, and the Village Board, in
19 making its determination must find tht the architectural design, landscaping, control
20 of lighting, and general site development will result in an attractive and harmonious
21 service area compatible with the surrounding neighborhood.
 - 22 4. Each business planned unit development featuring common green space or other
23 common improvements shall be managed by a Property Owner’s Association, or other
24 appropriate management mechanism, to assure that any common facilities are
25 properly maintained. A copy of the bylaws of the management association shall be
26 included with the PUD application.
- 27 (d) In the Event There is a Proposed Mixed-Use PUD District:
 - 28 1. The Plan Commission, in making its recommendation, and the Village Board, in
29 making its determination must find that the proposed development will include the
30 standards delineated in (6)(b) and (6)(c), and result in a higher quality development
31 than if the project were done separately.
- 32 (7) Determination. The Village Board, after due consideration, may deny the application, approve
33 the application as submitted, or approve the application subject to additional conditions and
34 restrictions; including but not limited to, imposition of the condition that the commencement and
35 completion of the physical development of the PUD must occur within a time frame approved by
36 the Village Board, after recommendation by the Plan Commission, and imposition of the condition
37 that the Village shall be a part of the approval process for any amendment to the bylaws of the
38 Property Owners’ Association. The approval of a PUD District shall also be based upon and include
39 as conditions thereto, the building, site and operational plans for the development as approved
40 by the Village Board. The approval of a planned unit development, and the attendant conditions
41 of approval, shall be applicable to the developer, and their heirs, successors and/or assigns.
- 42 (8) Existing Planned Use Developments. All properties with planned used development zoning, on
43 the effective date of this chapter, which remain planned developments after the effective date of
44 this chapter, are hereby declared conforming planned use developments. Such planned use
45 developments shall be subject to the regulations contained in the resolution or ordinance which
46 authorized and approved the planned use development.
- 47 (9) Changes and Additions Prior To Final PUD Approval. Any change or addition to the plans or uses
48 prior to the issuance of an Occupancy Permit shall first be submitted for approval to the Plan
49 Commission, and, if, in the opinion of the Plan Commission, such change or addition constitutes
50 a substantial alteration of the original plan, a public hearing before the Plan Commission shall be

VILLAGE OF SISTER BAY ZONING CODE

- 1 required and notice thereof must be given pursuant to the provisions of Sec. 66.1801. Further,
2 said proposed alterations shall be submitted to the Village Board for approval after a public
3 hearing.
- 4 (10) Subsequent Land Division. The division of any land or lands within a PUD District for the purpose
5 of change or conveyance of ownership shall be accomplished pursuant to the land division
6 regulations of the Village, and when such division is contemplated, a subdivision plat or certified
7 survey map, as may be appropriate, of the lands to be divided shall accompany the application
8 for PUD approval.
- 9 (a) *Changes and Additions to the PUD after Final Approval.*
- 10 1. Any change in occupancy within an approved PUD project shall be administered in the
11 same manner as a change in occupancy in a basic use district as set forth in Sec.
12 66.1532. A Certificate of Compliance shall not be issued for a use that is not consistent
13 with the conditions that were initially imposed when approval was originally granted
14 in any PUD District.
- 15 2. Any addition to a planned unit development in years subsequent to construction and
16 occupancy shall be considered a new and separate proposal, and must comply with all
17 of the review and approval requirements of this section, including the requirement for
18 submittal of development plans and the conducting of public hearings.
- 19 (11) Adjustments To Minimum Area Requirements. The purpose of this section is to allow adjustments
20 to the minimum area requirements for the creation of a PUD District. Reducing the minimum area
21 requirements, where justified, will allow for the more efficient development of certain properties
22 that are less likely to develop under a conventional zoning district due to such limiting factors as
23 shape, size and accessibility. The Plan Commission may recommend approval to the Village Board
24 of a request for a PUD District on a property that does not meet the minimum area requirements
25 as set forth in Sec. 66.0341(2), by at least a three-fourths (3/4) majority vote of the
26 Commissioners, but only if supplemental design elements, reduced density or other
27 improvements, requested by the Plan Commission, are incorporated into the project that
28 compensate for the modification of this minimum area.

VILLAGE OF SISTER BAY ZONING CODE

1

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0342 – HL - HIGHWAY 42 AND 57 LANDSCAPE
SETBACK OVERLAY DISTRICT

SEC. 66.0342 – HL - HIGHWAY 42 AND 57 LANDSCAPE
SETBACK OVERLAY DISTRICT

SECTION 66.0342 – HL - HIGHWAY 42 & 57 LANDSCAPE SETBACK OVERLAY DISTRICT

Sec. 66.0342 HL Highway 42 and 57 Landscape Setback Overlay District

The intent of the Highway 42 and 57 Landscape Setback Overlay (HL) District is to establish special setback requirements for parking and structures along portions of Highway 42 and 57 to accommodate safe traffic flows, maintain the character of business development, and provide an aesthetically pleasing entrance to the Village.

- (1) Location of Requirements. The following Highway Landscape Setback Overlay requirements shall apply to those portions of State Highway 42 and State Highway 57 that are located from their intersections to the south Village limits.
- (2) Effect on Setback and Frontage Requirements of Abutting Zoning Districts. These requirements shall be observed by all development within the Highway 42 and Highway 57 Landscape Setback Overlay and shall supersede any conflicting requirements contained in underlying districts.
- (3) Building Setbacks. All buildings within this area shall be set back from Highway 42 and Highway 57 at least 90 feet as measured from the centerline of the right-of-way.
- (4) Planting Strip Adjacent to Highways. Except to allow access to lots abutting Highway 42 or Highway 57, or access to any frontage road established by the Village to serve those lots, all lots abutting Highway 42 or Highway 57 must maintain the first 35 feet from the edge of the highway pavement as a non-impervious landscape strip. This landscape strip shall be maintained in grass or ground cover approved by the Village and shall contain shade trees of the type specified by the Plan Commission planted at a spacing of one (1) tree per 40 feet lineal distance along the road, located 10 feet from the edge of the street pavement or bike lane.
- (5) Access Controls. Vehicular access points from Highway 42 or Highway 57 shall be determined by the Wisconsin Department of Transportation.

VILLAGE OF SISTER BAY ZONING CODE

1

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0343 – B-2 HISTORIC OVERLAY DISTRICT

This entire section of the Zoning Code (B-2 Historic Overlay District Regulations), was created in accord with the provisions of Ordinance No. 2025-004, which was passed and adopted on March 25, 2025.

The B-2 zoned area west of North Bay Shore Drive is the one area left in the village with several historic properties. In an attempt to maintain the historic character of the area, while providing for the development of new properties that would be architecturally compatible, the overlay gives landowners the option of developing their properties under the regular B-2 standards, or, developing under the provisions within this overlay.

(1) Uses Allowed.

- (a) The list of permitted and conditional uses listed in Sec. 66.0322, the B-2 Downtown Transitional District, shall be allowed in this overlay district, with the exception of physical fitness centers, professional offices, restaurants and self-service laundry and dry cleaning. Unlike other zoning districts where only the uses listed shall be allowed, this overlay allows for additional uses, if developed per this overlay, and if authorized by conditional use permit upon finding the use would be compatible in the neighborhood.
- (b) No use allowed under this overlay may be established or expanded, prior to obtaining a conditional use permit, if required in (a)(1) above; receiving approval from the Plan Commission via a Site Plan Review; and if required by the Plan Commission, a Development Agreement.
- (c) Non-conforming uses described in Sec. 66.0901.

(2) Architecture. The exterior of a building housing such use, or its accessory use, cannot be refaced (repainted, resided, the roof pitch altered, new windows or doors) or renovated, prior to receiving a successful Architectural Review by the Plan Commission to determine the compatibility with the historic character of the neighboring properties and compliance with Sec. 66.1055, *Architectural Review Criteria*, and Sec. 4200, *Illustrations*. If the project is for single family residential purposes, no fee is to be charged for the Architectural Review of a refacing or renovation project; short-term rental and all other uses shall be charged a Site Plan Review or Building Plan Review fee.

(3) Landscaping. With every architectural review application, except those existing buildings being refaced in Sec. 66. 0343(2) above, the applicant shall provide a landscape plan which illustrates the following:

- (a) All existing tree canopies shall be preserved; no tree in excess of a twelve-inch diameter, as measured at chest height, shall be removed prior to securing approval from the Plan Commission; all development shall occur in such manner as to not jeopardize the root system of a tree of twelve-inch diameter or greater.
- (b) For every development, one hardwood tree, at least six inches in diameter, shall be planted so as to result in one tree being planted or maintained every forty feet along all public rights-of-way and rear lot lines.
- (c) In lieu of a hardwood tree every forty feet along the front lot line, the developer may install a white picket fence along the front lot line, provided the fence is flanked by mature trees, at least twelve inches in diameter, at the ends of the fence where the property meets the adjacent neighbor's property line.
- (d) All properties shall be developed per a landscaping plan approved by the Plan Commission that integrates Cottage Garden or English Garden landscaping design styles. Cottage Garden design uses a multitude of fragrant flowers in bold and pastel hues, arranged in what appears to be a haphazard manner; the plants are a mix of perennials, annuals, and biennials, creating an on-going and evolving display of color throughout the spring, summer and fall seasons. Typical of

VILLAGE OF SISTER BAY ZONING CODE

1 the Cottage Garden style are climbing roses, flowering vines, and cascading plants that utilize
2 space and create vertical interest. The feel is relaxed and natural. Cottage Garden design can
3 be described as whimsical, inviting, and romantic. The English Garden is more structured and
4 involves a combination of flowering gardens and well-groomed lawns, pathways, shrubs and
5 trees. The feel of the English Garden is described as ‘controlled chaos’. Like the Cottage
6 Garden, it uses plentiful and diverse flowers and greenery and tries to keep a balance of colors
7 and designs. Typical in the English Garden are roses, clematis, delphiniums and wisteria. Colors
8 and textures change with the seasons.

9 (e) All landscaping plans require review by the Plan Commission, if required by the Plan
10 commission, a Development Agreement.

11 (f) The Village may require a sidewalk be installed, dependent on location.

12 (4) Parking. Due to the shallow depth of some lots in the B-2 district, it is often difficult to meet current
13 parking standards found in Chapter 66, Sec. 400. Furthermore, it is acknowledged that many of
14 the land uses allowed in this overlay rely on pedestrian traffic, not requiring parking.

15 (a) Non-conforming parking lots may be retained but shall not be reduced in number.

16 (b) If a land use change or expansion requires 25% or fewer additional parking stalls in addition to
17 what is on site at time of permit application, the parking lot shall be increased to provide as
18 many additional stalls as possible, within the dimensional requirements of this code, even if
19 the resulting parking lot cannot provide all required stalls. If the additional parking required
20 exceeds 25% of the available parking spaces on site, the application may be denied, or, the Plan
21 Commission may make a special exception due to unique or unusual circumstances. If the new
22 configuration of the parking lot does not meet setback or other design requirements, a
23 variance shall be required.

24 (c) Any redevelopment or modification that results in an increase in the floor area of the pre-
25 development structure, shall provide additional parking, as directed by the Plan Commission,
26 provided the green space on the lot is 25% or greater. The design of the new parking areas shall
27 be dictated by the Plan Commission, who shall take into account topography, green space,
28 safety, runoff and aesthetics. Unhabitable basements, attics, and open porches or decks shall
29 not be included in the floor area calculation.

30 (d) For those existing land uses that do not have parking onsite, or sufficient parking onsite for
31 employees, provisions shall be made for employee parking that does not rely on public parking
32 areas. The village may require a per employee fee in lieu of parking, said fee to fund a public
33 parking lot in the Village. As an alternative, the Village may require bicycle racks to encourage
34 non-motorized work trips.

35 (e) New uses, or the development of a vacant lot, shall have the parking requirements set by the
36 Plan Commission, based on need, lot size, and the practicality of the use generating additional
37 vehicular traffic to the neighborhood.

38 (5) Setbacks

39 (a) Applicable To Existing Developments That Do Not Meet The Setback Provisions in Sec.
40 66.0322(4):

41 All properties in the B-2 Overlay District may be redeveloped utilizing the setbacks of the pre-
42 construction development, provided no development occurs in a public right-of-way,
43 easement, or on an adjacent lot. However, in such scenario, the footprint of the original
44 structure may not be increased. In addition, a public hearing shall be held to ascertain if there
45 are public concerns or objections that may need to be mitigated, or warrant modifications to
46 the proposed project.

47 (b) Applicable To New Developments On Vacant Lots and Existing Developments That Meet The
48 Setback Provisions In Sec. 66.0322(4):

49 The Plan Commission may reduce setbacks to make the new structure appear it was developed
50 approximately the same time as the development of the adjacent properties. Setback

VILLAGE OF SISTER BAY ZONING CODE

1 averaging may be used to determine setbacks. Setbacks may be determined by considering
2 existing or desired neighborhood development patterns.

3 (c) The modifications permitted in Sec. 66.0602, *Setback Modifications*, apply to the B-2 Overlay.

4 (6) Height

5 (a) *How Measured*. The total height of a building is that vertical distance of the front, or roadside,
6 of a structure as measured from pre-existing grade along the roadbed nearest the proposed
7 structure or modification to the highest point on the highest roofline. Said height limit shall
8 exclude the modifications permitted in Sec. 66.0601(1), *Height Modifications*. It is
9 acknowledged that due to topography a structure may be higher in the rear, or the side of the
10 building not facing the road, and in such situation the excessive height shall be mitigated by
11 installing era appropriate fencing and planting additional trees to minimize the view of the back
12 of the structure as seen from adjacent lots, said fencing, canopy size and height to be
13 determined by a ¾ majority vote of the Plan Commission.

14 (b) *Height Limits*.

15 (1) For those properties located in the Bluff Overlay Zone, no structure shall exceed 30' in
16 height.

17 (2) For those properties located along Parkview Lane and Parkview Drive, structures are
18 limited to 24 feet in height.

19 (3) For all other properties in the B-2 Overlay, structures shall not exceed 30 feet and two (2)
20 floor levels; uninhabitable basements and attics shall not be counted as a building floor.

21 (7) Accessory Buildings. With the exception of a singular one-story free-standing garage, accessory
22 buildings shall be prohibited. A free-standing garage shall not exceed 24 feet x 24 feet and shall be
23 architecturally compatible with the primary structure on the lot. Said garage requires architectural
24 review by the Plan Commission and is subject to the landscaping requirements above.

25 (8) Signage.

26 (a) Each property is allowed one ground or wall sign or projecting sign indicating the name of the
27 property or business. Said sign shall be free-standing, or on the wall of the building, or extend
28 from the overhang or roof of a porch, but not obstruct pedestrian access or travel. A free-
29 standing (ground mounted) sign shall not exceed 8 square feet; a wall sign or sign extending
30 from an overhang, roof or porch, shall not exceed 16 square feet. The sign shall be made of
31 wood, appear woodgrain in texture, be three-dimensional, and have a scroll to the artwork.
32 All such signs require design approval of the Plan Commission Chair. Said signs cannot be
33 located in a public right-of-way, easement, or over a property line. If the sign is a ground
34 mounted sign, the base of the sign shall be landscaped to match the landscaping on the lot.
35 Said sign shall be made of wood or three- dimensional resembling wood; no metal signs shall
36 be allowed.

37 (b) Each property is also allowed one wall sign, adjacent to the primary entrance to the building,
38 said sign not to exceed 4 square feet in area. The sign shall be made of wood or three-
39 dimensional resembling wood; no metal signs shall be allowed. No sign shall be illuminated
40 from within, including 'open' signs.

41 (c) One sandwich board sign is allowed, provided the signboard is slate with a three-dimensional
42 woodgrain trim and does not exceed 6 square feet, including the trim. Said sandwich board
43 sign is not permitted off-site or on a sidewalk.

44 (d) One sign placed at the entrance of the space for each separate tenant space in multi-tenant
45 buildings may be placed on the building and each directory sign shall not exceed two square
46 feet per side. In lieu of one entrance directory sign for each separate tenant space, a single wall
47 sign may be permitted. The area of the wall sign shall be no larger than the cumulative amount
48 of the permitted separate entrance directory signs. The sign shall be in addition to the signs
49 and size limitations allowed above.

50 (9) Number of Uses Per Lot. Every current lot that was in existence as of the date the Village of Sister

VILLAGE OF SISTER BAY ZONING CODE

1 Bay adopted zoning shall be considered a separate, buildable lot, provided a structure thereon can
2 meet setbacks and contains adequate space for a building and required parking. Every such lot
3 shall be permitted one building to house one of the uses listed in the Table of Uses allowed in the
4 B-2 district, or as approved by conditional use permit. A second use in a building may be allowed
5 provided the Plan Commission finds there will be no additional need for parking or the parking
6 demanded can be accommodated on the same property.

7

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0344 – BP – BLUFF PROTECTION OVERLAY DISTRICT

Sec. 66.0344 BP Bluff Protection Overlay District

The Bluff Protection Overlay District (BP) is hereby established as a district which overlaps and overlays existing base zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the Village. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force.

(1) Intent.

- (a) To promote safe conditions by preventing placement of roads on highly inclined surfaces.
- (b) To preserve escarpments as landmark features that contribute to the scenic diversity and attractiveness of the Village.
- (c) To preserve flora and fauna habitats.

(2) Location of Requirements. The Bluff Protection Overlay District shall be identified on the official zoning map of the Village. The location of the bluff on a parcel shall be determined by a trained expert or Geologist acceptable to the Plan Commission.

(3) Permitted Uses. Principal Uses shall be those permitted in the underlying zoning district. Uses prohibited in the underlying zoning district are also prohibited in the Bluff Overlay District.

(4) Conditional Uses. Conditional Uses shall be those permitted in the underlying zoning district.

(5) Site Plan Required. A site plan prepared in accordance with Sec. 66.1050 is required for all uses.

(6) Setbacks. There shall be at least a 25-foot setback from the crest of the bluff. The crest shall be established by means of a site inspection by the Village, the location of which will be plotted by the applicant on the site plan based upon the zoning map.

(7) Special Requirements.

(a) No roads or driveways shall be placed on slopes of 30% to 39% unless the roads or driveways are placed parallel to the bluff face. No roads or driveways shall be placed on slopes of 40% or greater.

(b) The clearing of trees, shrubbery, undergrowth, and other ground cover located within bluff protection areas shall be permitted for:

- 1. Building footprints.
- 2. Sites for wastewater disposal systems.
- 3. Driveways, not to exceed 20 feet in width.
- 4. The area on a lot, excluding the bluff crest and face, extending not more than 15 feet from the exterior walls of principal buildings and ten feet from accessory buildings. In addition, sufficient vegetation shall be left between all side lot lines and development (as defined in Sec. 66.2100) to screen the development from view from the adjacent lots.

(c) Violations. Anyone found in violation of the tree cutting regulations specified in sub. (b) shall pay the greater of two times the price of a citation for a violation of the zoning code, plus court costs if applicable, or, the value of the tree as determined by a qualified Forester of the Village's choice. The violator shall pay the cost of the Forester to conduct their valuation. Additionally, they shall revegetate the cleared site to the same density as prior to the violation occurring, as determined by the Plan Commission. Every day of violation shall constitute a separate offense. Trees to be planted to rectify the violation shall be of such size, density, and variety so as to screen buildings. A revegetation plan shall be submitted to the Zoning Administrator by a professional landscape engineer and the trees planted by a landscape firm registered in the state of Wisconsin to conduct business. The Zoning Administrator reserves the right to require the violator to apply for a conditional use permit and appear before the Plan Commission to have the revegetation plan approved.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (8) Tree topping. Tree topping, which is defined as tree cutting or sculpturing where only a portion
2 of the tree is removed to improve the view is prohibited within the Bluff Protection Overlay
3 District.
- 4 (a) In the area on the balance of the lot, selective removal of trees, shrubbery, undergrowth
5 and other ground cover is permitted provided that:
- 6 1. No more than thirty percent (30%) of this area on the lot shall be cleared.
7 2. The clearing of the thirty percent (30%) described above shall not result in strips of
8 cleared openings of more than 30 feet in any 100-foot wide strip, nor create a cleared
9 opening strip greater than 30 feet wide.
- 10 (b) In the remaining seventy percent (70%) of this area, cutting and pruning shall leave
11 sufficient cover to screen vehicles, dwellings, and other structures. Even though vegetation
12 removal is permitted by this Code, the Village strongly recommends that the existing
13 vegetation, including trees, shrubbery, undergrowth and ground cover, be preserved to the
14 greatest extent possible to protect the ecosystem of the bluff.
- 15 (c) Pruning of trees is not permitted, except for the removal of dead, diseased or dying trees.
- 16 (9) Special Cutting Plan. A Special Cutting Plan allowing greater cutting may be permitted by the Plan
17 Commission by issuance of a Conditional Use Permit. In applying for such a permit, the
18 Commission may require the lot owner to submit a drawing of their lot including the following
19 information: location of all structures, location of parking, and gradient of the land, existing
20 vegetation, proposed cutting and proposed replanting. The Commission may grant such a permit
21 only if it finds that such special cutting plans:
- 22 (a) Will not cause undue erosion or destruction of scenic beauty.
23 (b) Will provide substantial shielding from the water of dwellings, accessory structures and
24 parking area. The Commission may condition such a permit upon a guarantee of tree
25 planting by the lot owner. Such an agreement shall be enforceable in court.
26 (c) Is consistent with established forest management practices.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0345 – WHP - WELLHEAD PROTECTION OVERLAY DISTRICT

Sec. 66.0345 WHP Wellhead Protection District

The Wellhead Protection District (WHP) is intended to ensure the provision of a safe and sanitary drinking water supply for the Village by establishment of a wellhead protection area surrounding the wellheads for all wells which are the supply sources for the Village water system and by the designation and regulation of property uses and conditions which may be maintained within such zones to minimize public and private losses due to contamination of the public water supply. These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1994), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety, and welfare.

- (1) Establishment of Wellhead Protection Area. There is hereby established a use district to be known as the Wellhead Protection Area, identified and described as all the areas including those of the cone of depression due to the average pumping capacity of the wells, the areas encompassing the zone of contribution for a five (5) year time of travel to the wells, and the recharge areas influencing the wells.
 - (a) The area(s) designated as the Zone of Influence for the well(s) is hereby known as the Primary Protection Zone(s). It begins at the wellhead and extends radially outward a distance of 500 feet from the well. Additional protection beyond the Primary Protection Zone shall be accomplished by the establishment of Management Zones.
- (2) Boundaries. The boundaries of the Primary Management Zone shall begin at a point or points along the outer perimeter of the Primary Protection Zone and extend outward to all points within and including the designated Zone of Contribution for the five (5) year time of travel to each of the wells. Furthermore, as the annual average pumping capacity of the wells is changed, the Primary Management Zone boundaries shall be changed in like manner.
 - (a) The boundaries of the Secondary Management Zone shall include all the area extending between the Primary Management Zone outer perimeter and a minimum of one mile radially or the Village limits boundaries (whichever is less) from any well supplying water to the aforementioned community water system.
 - (b) Subsequent and additional Management Zones may be established whenever it is found that the Wellhead Protection Zone needs to be expanded to provide adequate protection for the groundwater within and/or adjacent to the Wellhead Protection Area.
 - (c) The following protection requirements shall be based upon the location of the following Village wells:
 1. Well Number 1: Scandia Road at N. Bay Shore Drive;
 2. Well Number 2: Applewood Road (Formerly Smith Drive) at Highway 57;
 3. Well Number 3: Hill Road at North Spring Road.
 - (d) A detailed map of the different zones shall be maintained by the Zoning Administrator and shall be incorporated into the Official Zoning Map of the Village.
- (3) Substances Regulated. The materials regulated by this Section shall consist of the following:
 - (a) Petroleum products as defined in Sec. 66.2100.
 - (b) Substances listed in the Federal Hazardous Waste List.
 - (c) Substances other than those listed on the Federal Hazardous Waste List that are determined by State or Federal agencies to pose a significant threat to any community water supply well or well field.
- (4) Restrictions Within The Wellhead Protection Area. Restrictions within each zone of the Wellhead Protection Area shall be determined by the Village Board or their appointee. The Board or their appointee shall conduct a survey of the wellhead area and identify the potential sources of

VILLAGE OF SISTER BAY ZONING CODE

1 contamination therein. After assessing the local groundwater protection needs, the method or
2 combination of management methods shall be submitted for approval. The restrictions within
3 each zone may be modified periodically to provide additional protection or to prevent future
4 contamination.

5 (a) The following uses or conditions shall be and are hereby prohibited within the Primary
6 Protection Zone:

- 7 1. Existing uses or conditions that are prohibited under this section but are desired to
8 continue must comply with the requirements of Sec. 66.0345(6).
- 9 2. Agricultural activities.
- 10 3. Feedlots or other concentrated animal facilities.
- 11 4. Gas Stations.
- 12 5. Vehicle repair establishments, including auto body repair.
- 13 6. Junk yards or auto salvage yards.
- 14 7. Bus or truck terminals.
- 15 8. Impervious surfaces other than roofs of buildings, and streets, parking lots, driveways
16 and sidewalks.
- 17 9. Dry cleaning businesses.
- 18 10. Any manufacturing or industrial business.
- 19 11. Electroplating facilities.
- 20 12. Exterminating businesses.
- 21 13. Sanitary landfills.
- 22 14. Sanitary sewer lines within 100 feet of a wellhead.
- 23 15. Animal waste spreading.
- 24 16. Septic tanks or drain fields appurtenant thereto.
- 25 17. Storm water infiltration basins.
- 26 18. Hazardous waste disposal sites.
- 27 19. Surface use or storage of hazardous material, including commercial use of agricultural
28 pesticides.
- 29 20. Underground storage.
- 30 21. Salt storage.
- 31 22. Bulk herbicide and/or pesticide storage and use.

32 (b) The following uses or conditions shall be and are hereby prohibited within Management
33 Zone One:

- 34 1. Junk yards and auto salvage yards.
- 35 2. Sanitary landfills.
- 36 3. Hazardous waste disposal sites.
- 37 4. Storm water infiltration basins.

38 (c) The following uses or conditions are permitted within Management Zone One only as a
39 special exception. A conditional use permit may be granted to an individual and/or facility
40 to allow a special exception use. In order to receive a conditional use permit, an individual
41 and/or facility must demonstrate compliance with applicable Federal, State and County
42 requirements.

- 43 1. Feedlots or other concentrated animal activities.
- 44 2. Gas stations.
- 45 3. Vehicle repair establishments, including auto body repair.
- 46 4. Bus or truck terminals.
- 47 5. Dry cleaning businesses.
- 48 6. Any manufacturing or individual business.
- 49 7. Electroplating facilities.
- 50 8. Exterminating businesses.

VILLAGE OF SISTER BAY ZONING CODE

- 1 9. Animal waste spreading.
- 2 10. Septic tanks or drain fields.
- 3 11. Bulk salt storage.
- 4 12. Surface use or storage of hazardous materials.
- 5 (d) The area within Management Zone Two shall be managed by conducting a public education
- 6 program to inform the property owners of the need for and methods of wellhead
- 7 protection. If additional management methods are necessary, the appropriate governing
- 8 bodies with jurisdiction over the area within Management Zone Two shall be notified.
- 9 (5) Exemptions. Individuals and/or facilities may request that the Village issue a conditional use
- 10 permit for a special exception use in the Wellhead Protection Area. All requests shall be in writing
- 11 either on or in substantial compliance with forms to be provided by the Village and shall include
- 12 an environmental assessment report prepared by a licensed environmental engineer. The report
- 13 shall be forwarded to the Village Engineer and/or designee(s) for recommendation and final
- 14 decision by the Village Board. The individual/facility shall reimburse the Village for all consultant
- 15 fees associated with this review at invoiced amount plus administrative costs. Any uses shall be
- 16 conditional and may include required environmental and safety monitoring consistent with local,
- 17 state, and federal requirements, and/or bonds and/or sureties satisfactory to the Village.
- 18 (a) The following activities or uses are exempt from the provision of this chapter.
- 19 1. The transportation of any hazardous substance through the wellhead protection area,
- 20 provided the transporting vehicle provides adequate primary and secondary
- 21 containment and is in-transit.
- 22 2. The use of herbicides and pesticides is allowed within the Management Zones,
- 23 provided best management practices are used or it is determined that the use of such
- 24 herbicides and pesticides does not pose a serious threat to the groundwater.
- 25 3. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as a lubricant
- 26 in a vehicle.
- 27 4. Fire, police, emergency medical services, emergency management center facilities or
- 28 public utility transmission facilities.
- 29 5. Retail sales establishments that store and handle hazardous substances for resale in
- 30 their original unopened containers.
- 31 6. Consumer products limited to use at a facility solely for janitorial or minor
- 32 maintenance purposes.
- 33 7. Consumer products located in the home, which are used for personal, family or
- 34 household purposes.
- 35 8. The storage and use of hazardous substances as fuel or lubricant to provide auxiliary
- 36 power for emergency use to the well field provided an enclosed secondary
- 37 containment system is provided for the substance.
- 38 9. Any water treatment chemicals connected with the operation of the wells.
- 39 10. Storm water retention ponds constructed in a manner approved by the Village and/or
- 40 the Village Engineer may be placed in the management zone. The soil beneath the
- 41 retention pond shall have a low rate of water transmission, less than 0.15 inches per
- 42 hour.
- 43 (6) Requirements For Existing Facilities. The following requirements are to be met by existing
- 44 facilities wishing to continue with activities prohibited under Sec. 66.0345(4).
- 45 (a) Facilities shall provide copies of all federal, state and county operation approvals or
- 46 certificates and ongoing environmental monitoring results to the Village.
- 47 (b) Facilities shall provide additional environmental or safety structures/monitoring as deemed
- 48 necessary by the Village, which may include but are not limited to storm water runoff
- 49 management and monitoring.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (c) Facilities shall replace equipment or expand in a manner that improves the existing
2 environmental and safety technologies already in existence.
- 3 (d) Facilities shall have the responsibility of devising and filing with the Village a contingency
4 plan satisfactory to the Village for the immediate notification to Village officials in the event
5 of an emergency.
- 6 (7) Penalties. In the event of the release of any contaminants which endanger the Wellhead
7 Protection Area, the activity causing said release shall cease immediately and a cleanup
8 satisfactory to the Village shall occur. The individual/facility participating in such activity shall be
9 responsible for all costs of cleanup, as well as Village consultant fees at the invoiced amount plus
10 administrative costs for oversight review, and preparation of all related documentation. These
11 costs may include but are not limited to:
- 12 (a) The cost of Village employees' time associated in any way with the cleanup based on the
13 hourly rate paid to the employees multiplied by a factor determined by the Village
14 representing the Village's cost for expenses, benefits, insurance, sick leave, holidays,
15 overtime, vacation, and similar benefits;
- 16 (b) The cost of Village equipment employed; and,
- 17 (c) The cost of mileage reimbursed to Village employees attributed to the cleanup.
- 18 (d) The costs recoverable as provided herein shall be in addition to the penalty for this section.
- 19

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0346 – RS - RIDGES & SWALES OVERLAY DISTRICT

Sec. 66.0346 RS - Ridges and Swales

The purpose of the Ridges and Swales Overlay District (RS) is to recognize and protect landforms that owe their existence to the dynamic forces of water acting upon the land during various periods of rising and falling lake levels. The events that produced these landforms apparently occurred during approximately the last four thousand (4,000) years. These geologic features and the wild plant and animal life supported on them are of significant scientific interest. The ridges and swales complexes also contribute to the special aggregate landscape of the Village.

(1) Determination. The location of ridges and swales complexes shall be determined by a trained expert or Geologist acceptable to the Plan Commission.

(2) Requirements.

(a) Buildings and structures shall be placed, to the greatest practical extent, on the uppermost ground surfaces of ridges.

(b) No buildings and structures, except roads constructed in accordance with subsection (e) that follows, shall be placed in swales.

(c) The ridges ground surfaces shall not be reshaped by excavation, except for customary excavation necessary to construct roads and foundations of buildings and structures; by grading; or by filling, except for customary backfilling around foundation walls of buildings and structures, construction of roads in accordance with subsection (e), and construction of parking areas.

(d) The swales ground surfaces shall not be reshaped by excavating, grading or filling, except as necessary for road construction in accordance with subsection (e).

(e) Road construction in ridges and swales complexes shall occur in accordance with the following:

1. Roads shall be placed, to the greatest practical extent, on the uppermost ground surfaces of the ridges.

2. Roads shall not be placed in swales, except for that portion which is the minimum necessary to continue a road from one ridge to the adjacent ridge. The road portion in the swale shall be constructed to allow free and continuous movement of surface water through the road by means of culverts and/or bridges.

3. The road shall be constructed with the minimum cross-sectional area necessary to serve the intended use.

4. Road construction activities shall be carried out in the immediate area of the road only.

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0347 – WOODLAND OVERLAY DISTRICT

Sec. 66.0347 - Woodland Overlay District

This district serves to protect the village’s tree canopy from destruction, aid in climate regulation, air and water purification, soil conservation, provide essential habitat and food sources for wildlife, and enhance the natural beauty of the village.

(1) Determination. The location of the woodlands in the Woodland Overlay District are those woodlands identified on the Future Land Use Map in the village’s comprehensive plan.

(2) Requirements.

(a) Buildings and structures shall not be placed, to the greatest practical extent, on those portions of a lot designated Woodland Overlay District. If there is not a building site, that meets setback requirements, on the lot outside the woodland area, a portion of the woodland area may be used for development upon approval of the Plan Commission upon finding no practical building site exists outside the woodland area.

(b) If, upon approval by the Plan Commission in sub. (a) above, development is allowed in a woodland overlay area, no trees may be removed beyond the edge of the tree canopy adjacent to the building or structure.

(c) No roads or driveways shall be installed in the Woodland Overlay District except those necessary to serve an approved building site. In the event such road or driveway is necessary, the road or driveway shall not exceed the minimum width required by this code, and no trees beyond the minimum width of the road or driveway shall be removed, unless such tree removal has been approved by the Plan Commission. The Plan Commission may consult with a registered professional forester, certified forester, or registered landscape engineer to determine if tree removal is required, how to protect the tree canopy or root structure, or other information necessary to allow the road or driveway to be installed while protecting the woodland cover; the applicant shall pay the costs of such consultation.

(d) Woodlands shall not be clear cut, thinned, uprooted, removed or topped except as allowed above or as recommended to prevent disease, the spread thereof, or to control invasive species. A special cutting plan prepared by a registered professional forester, certified forester, or registered landscape engineer shall be submitted to the village and approved by village staff prior to removing woodland vegetation to address disease and invasive species concern.

VILLAGE OF SISTER BAY ZONING CODE

SECTION 66.0350 – RO – RESTAURANT OVERLAY DISTRICT

Purpose. The purpose of the standards in this section is to regulate the number, location and operation of various types of restaurants in order to maintain the Village’s unique character, the vitality of the commercial districts, and the quality of life of Sister Bay residents.

(1) Definitions.

General Restaurant. An eating-place, whether a principal use or accessory use, selling a full line of prepared food and drinks using non-disposable plates, glasses and utensils for immediate consumption on the site. The business provides tables and chairs, table service, and is available to persons of all ages. The use shall not exhibit the characteristics of a drive-in, formula or fast food establishment. Customers shall be provided with individual menus while seated at a table or counter. Food sold for consumption off-premise shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all house-brand labeled food store goods such as vinegars, oils and salad dressings shall be pre-packaged and sealed.

Drive-In Restaurant.

An eating place, whether a principal use or accessory use which:

- (a) Prepares food intended for consumption in vehicles that may or may not be parked on the site; or,
- (b) Provides for the ordering of food while the customers are seated in vehicles.

Formula Restaurant. An eating-place, whether a principal use or accessory use, that is one of a chain or group of three or more establishments and which satisfies at least two of the following three standards:

- (a) It has the same or similar name, brand, trade name, or trademark as others in the chain or group;
- (b) It offers any of the following characteristics in a style which is distinctive to and among the chain or group:
 - 1. Exterior design or architecture; and,
 - 2. Employees are required to wear uniforms. (The wearing of a personal identification tag by an employee or utilization of a simple logo will not render clothing to be considered a “uniform”.)
- (c) It utilizes standardized menus, ingredients, food preparation or food presentation format which causes it to be substantially identical to another restaurant regardless of ownership or location; and,
- (d) It is a fast food restaurant.

Fast Food Restaurant. An eating-place, whether a principal use or accessory use, selling food to be consumed on or off the site where:

- (a) Food is quickly made upon the customer’s order or is pre-made and wrapped before customers place orders, and/or
- (b) Food is served with disposable tableware for on-site consumption.

A fast food restaurant also exhibits two or more of the following characteristics:

- (a) Food is ordered from a wall menu at a service counter;
- (b) Food consumed on the premises is ordered while customers are standing;
- (c) Payment is made by customers before food is consumed;
- (d) The service counter is closer to an entry/exit than is the seating/dining area; and,
- (e) The business interior is brightly illuminated (greater than 8 candle foot power as measured in a horizontal plane 3 feet above the floor).

Take-Out Restaurant. An eating place, whether a principal use or accessory use, selling ready-to-eat, prepared snack food and full meals for immediate consumption off the site while patrons are walking or standing in the public right-of-way or are seated in vehicles.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0347 – RO – RESTAURANT OVERLAY DISTRICT

SEC. 66.0350 – RO – RESTAURANT OVERLAY DISTRICT

- 1 Drive-up Window Restaurant. A window opening to the outdoors designed to furnish food or
2 beverages to motorists.
- 3 Walk-up Window Restaurant. A window opening to the outdoors designed to furnish food or
4 beverages to pedestrians.
- 5 Drive-through Restaurant. A paved area serving as a queuing or staging area for motorists to receive
6 food that they have ordered.
- 7 (2) Applicability. The regulations in this section shall apply as an overlay district for the B-1 General
8 Business, the B-2 Downtown Transition District, the B-3 Downtown Business District and the I-1
9 Institutional District.
- 10 (3) Permitted Uses. A general restaurant whether a principal use or accessory use, shall be permitted
11 subject to the following requirements.
- 12 (a) Underlying district lot area and width; building height and area; setbacks; special standards
13 and parking.
- 14 (b) Site plan and architectural review and such others as apply.
- 15 (4) Conditional Uses. A fast food, drive-in or take-out restaurant whether a principal use or accessory
16 use may be granted a Conditional Use Permit subject to the following requirements.
- 17 (a) The underlying district lot area and width; building height and area; setbacks; special
18 standards and parking must all be satisfied.
- 19 (b) Site plan and architectural review.
- 20 (c) Approval of the fast food, drive-in or take-out restaurant with or without a walk-up window
21 will contribute to a diverse and appropriate blend of businesses in the Village;
- 22 (d) Approval of the fast food, drive-in or take-out restaurant will complement those businesses
23 already in the Village and help promote and foster the local economic base as a whole.
- 24 (e) The fast food, drive-in or take-out restaurant will be compatible with existing surrounding
25 uses; has been designed and will be operated in a non-obtrusive manner to preserve the
26 community's character and ambiance; and the proposed intensity of uses on the site is
27 appropriate given the uses permitted on the site and on adjoining sites, including but not
28 limited to the following:
- 29 1. The size of any individual fast food, drive-in or take-out restaurant shall not to exceed
30 2,500 square feet of gross floor area.
- 31 2. The street frontage of any individual fast food, drive-in or take-out restaurant shall not
32 exceed 65 feet in width.
- 33 3. So long as the Plan Commission finds that establishing or relocating the fast food, drive-
34 in or take-out restaurant will not increase the intensity of use on the site to a level that
35 will adversely impact:
- 36 a. Land uses in the area;
- 37 b. Pedestrian or motor vehicle traffic; or,
- 38 c. The public welfare.
- 39 4. There shall not be a substantial impact to the public safety from increased traffic. At the
40 discretion of the Plan Commission, the applicant may be required to submit a traffic study,
41 prepared by a Wisconsin Registered Professional Engineer, and approved by the Plan
42 Commission.
- 43 5. There shall not be any impacts to the roadway or abutting properties from the loading
44 area.
- 45 6. Approval of the fast food, drive-in or take-out restaurant will be consistent with the
46 policies and standards of the Village's Comprehensive Plan as approved and amended.
- 47 (5) Excluded Uses. The following uses are excluded from the overlay district.
- 48 (a) Formula restaurants, drive-up window restaurants and drive-through restaurants, which are
49 all prohibited.
- 50 (b) (Reserved.)

VILLAGE OF SISTER BAY ZONING CODE

- 1 (6) Change of Occupancy or Intensity of Use. A change of occupancy, change of intensity of use, or a
2 change in type of restaurant shall require Plan Commission review and approval. A change of
3 business model shall not require Plan Commission review and approval unless the change is deemed
4 significant by the Zoning Administrator. Change of ownership shall not, by itself, require Plan
5 Commission approval unless there is a change of occupancy, change of intensity of use, change of
6 business model or a change in type of restaurant. The regulations in this section shall be used by the
7 Plan Commission in reviewing an application or an application for occupancy.
- 8 (7) Existing Restaurants. All formula restaurants with their respective business models in existence as
9 of July 1, 2010, fast food restaurants, drive-in restaurants and take-out restaurants shall be
10 considered 'grandfathered non-conforming uses' if they do not meet any of the regulations in this
11 Section.

VILLAGE OF SISTER BAY ZONING CODE

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VILLAGE OF SISTER BAY ZONING CODE

SECTION 400 - TRAFFIC, LOADING, PARKING AND ACCESS

Sec. 66.0401 Traffic Visibility

No obstructions, such as structures, parking areas, or vegetation, shall be permitted in any district between the heights of 2.5 feet and 10 feet above the plane through the median curb grades [See *Illustration No. 1*] within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection. [See *Illustration No. 2*] In the case of arterial streets intersecting with other streets, the corner cut-off distances establishing the vision triangle clearance space shall be increased to 50 feet. [See *Illustration No. 2*]

Sec. 66.0402 Loading Requirements

On every lot on which a business use is hereafter established, space with access to a public street or alley shall be provided as specified below for the loading and unloading of vehicles off the public right-of-way.

- (1) Number of loading and unloading spaces required.

| Gross Floor Area of Building | |
|-------------------------------------|-------------------------|
| In Square Feet | Number of Spaces |
| Under 5,000 | 1 |
| 5,000-24,999 | 2 |
| 25,000-49,999 | 3 |
| 50,000-99,999 | 4 |

- (a) For each additional 25,000 square feet (or fraction thereof) of gross floor area, one additional loading and unloading space shall be provided.
- (b) Each loading and unloading space shall have access to a public dedicated street or alley.
- (c) The minimum area for each loading and unloading space, excluding the area needed to maneuver, shall be 250 square feet.
- (d) At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

Sec. 66.0403 Parking Requirements

In all districts and in connection with every use, there shall be provided at the time any use is erected, enlarged, extended or increased, off-street parking spaces and lots for all vehicles in accordance with the following:

- (1) Access. Adequate access to a public street shall be provided for a parking space, and driveways shall be at least 10 feet wide for one and two-family dwellings, and a minimum of 24 feet wide at the property line for all other uses. [See *Sec. 66.0406 - Highway Access, for more detailed restrictions*]
- (2) Parking Space Size. The minimum dimensions of each parking space shall be nine feet by 20 feet (9' X 20') except for spaces provided for use by physically disabled persons.
- (3) Parking Spaces For Use By Physically Disabled Persons. All open off-street parking areas providing more than twenty (20) parking spaces, except for parking areas restricted to use by employees only, shall provide parking spaces for use by motor vehicles that transport disabled persons in accordance with the requirements of Wis. Stats. §346.503.
- (4) Parking Lot Geometrics. The minimum length of parking stalls shall be modified in parking lots based on the aisle width and the angle of parking. Parking stalls shall conform to the following minimum dimensions:

VILLAGE OF SISTER BAY ZONING CODE

| <u>Parking Angle</u> | <u>Minimum Stall Width</u> | <u>Minimum Perpendicular Stall Width</u> | <u>Minimum Aisle Width</u> |
|----------------------|----------------------------|--|----------------------------|
| 90° | 9 ft. | 20 ft. | 22 ft. |
| 75° | 9 ft. | 20 ft. | 19 ft. |
| 60° | 9 ft. | 19 ft. 6 in. | 16 ft. |
| 45° | 9 ft. | 19 ft. 6 in. | 13 ft. |
| 30° | 9 ft. | 66 ft. | 10 ft. |

(5) Location. Location of parking spaces is to be on the same lot as the principal use except as provided in Sec. 66.0405.

NOTE:

Residential Parking shall be located in a garage or carport or on a driveway that does not exceed 24 feet in width, except for a spur that is a maximum of 10 feet by 20 feet or the flare to access a parking area in the side or rear yard.

Business Parking Lots and Driveways adjacent to a residential zoning district line shall, at a minimum, provide buffer yards as required by Sec. 66.0303.

Business and Institutional Parking Lots and Driveways shall be located no closer than 15 feet to a residential zoning district line.

(6) Surfacing.

(a) *Parking Lots and Other Areas.* In all zoning districts other than P-1, R-1, R-3, R-4 and CS-1 all off-street parking lots, driveways, service roads, storage areas and such other areas determined by the Plan Commission shall be surfaced with an asphaltic concrete or Portland cement pavement; to provide a durable and dust-free surface and shall be so graded and drained as to dispose of all surface water in accordance with the requirements of the Municipal Code of the Village. Brick, block or open block or other materials designed to be permeable and designed to carry the load of the vehicles shall be allowed with the approval of the Plan Commission. The required off-street parking lots, driveways, service roads, storage areas and such other areas shall be completely paved prior to the issuance of the occupancy permit for all new buildings and prior to the final inspection of all building additions. However if the new building or building addition is completed during the November to March period, the pavement shall be completed by July 1 of the following year.

(b) *Residential Driveways.* All driveways serving single-family residences in all zoning districts shall be surfaced with asphaltic concrete or Portland cement pavement from the edge of the pavement to edge of the right-of-way within one year of the issuance of the initial occupancy permit.

(c) *Approaches.* All driveway approaches shall be installed in accord with the provisions of the Municipal Code.

(7) Landscape Area. All off-street parking lots, which serve four (4) vehicles or more and are created or extended subsequent to the adoption of this chapter, shall provide accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five percent (5%) of the surfaced area. For parking lots designed for twenty (20) parking spaces or more, at least one-half of the minimum five percent (5%) landscaped area shall be within the parking lot. When parking lots are extended, these regulations shall apply only to the extended portion of the parking lot. Location of landscape areas, plant materials and protection afforded the plantings,

VILLAGE OF SISTER BAY ZONING CODE

1 including curbing and provision for maintenance shall be subject to approval by the Plan
2 Commission. Landscape islands or peninsulas shall be dispersed throughout the off-street parking
3 area. All plans for such proposed parking areas shall include a topographic survey or grading plan,
4 which shows existing and proposed grades and location of improvements. The preservation of
5 existing trees, shrubs, and other natural vegetation in the parking area may be included in the
6 calculation of the required minimum landscape area. [See Illustrations No. 3 and No. 4]

7 (8) Parking Lot Screening. Those parking areas for four (4) or more vehicles, if adjoining a residential
8 zoning district line or public right-of-way, shall be screened from casual view by an earth berm, a
9 stonewall, fence, evergreen planting of equivalent visual density or other effective means approved
10 by the Plan Commission. Such fence or berm and landscaping together shall be an average of 3 feet
11 in height between the parking and the street right-of-way and 6 feet in height between the parking
12 and any adjacent residential property line. All screening materials shall be placed and maintained at
13 a minimum height of 3 feet. The Plan Commission may require greater screening requirements for
14 parking of large trucks, semi-trailers and large equipment.

15 (9) Residential Parking. Single-family and two-family residential parking shall be limited to parking
16 within garages and upon residential driveways. Paving beyond driveways to cover all or substantial
17 portions of a residential front yard shall be prohibited.

18 (10) Parking Space Requirements. The following guide specifies the minimum number of parking spaces
19 required. In the case of structures or uses not specified herein, the number of spaces specified as
20 the general standard for the use class or the number of spaces specified for similar use shall apply:

21 (a) In developments involving the establishment or addition of two (2) or more uses on one lot or
22 parcel, the cumulative number of spaces required for each use shall determine the total
23 number of spaces required.

24 (b) In the B-1, B-2 and B-3 Districts, the number of parking spaces required by this section shall be
25 reduced by a credit of three (3) spaces. In granting the credit, the Plan Commission will take
26 into account, all of the proposed required parking for all of the businesses or uses on the
27 parcel(s) or building(s) that comprise the development. If a single development, building or
28 parcel contains multiple businesses, the three (3) parking space credit shall only be provided
29 once. The credit shall be applicable to future business additions to existing businesses.

30 (c) In the B-3 District, the number of residential parking spaces required by this section shall be
31 reduced by a credit of one (1) space. In granting the credit, the Plan Commission will take into
32 account, all of the proposed required parking for all of the residential uses on the parcel(s) or
33 building(s) that comprise the development. If a single development, building or parcel contains
34 multiple residential units, the one (1) parking space credit shall only be provided once. The
35 credit shall be applicable to future residential unit additions to existing businesses.

36 (d) Residential Uses (Including Garage Spaces):

37 1. Single-Family Dwellings: Two (2) spaces per dwelling unit. Properties licensed as a short-
38 term rental in detached single-family dwellings, regardless of the number of bedrooms
39 rented, shall provide a minimum of two (2), and not more than four (4) conforming parking
40 spaces on the property. Garage stalls which are made available for parking shall count
41 toward the total number of stalls allowed on a property. Additional parking spaces can be
42 authorized upon review by the Plan Commission. Additional parking needed on a
43 temporary basis may be authorized upon the issuance of a Special Event Permit.

44 2. Multiple-Family Dwellings:

45 a. In the R-2 District, one and one-half (1 ½) spaces per efficiency and one-bedroom
46 dwelling unit, two (2) spaces per two-bedroom dwelling unit, and two and one-half (2
47 ½) spaces per three-bedroom or larger dwelling unit.

48 b. In the B-2 and B-3 districts, one (1) space per bedroom.

49 3. Condominiums, Residential: One (1) space per one bedroom unit, one and a half (1 ½)
50 space per two-bedroom unit and two (2) spaces per three-bedroom unit.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (11) Retail Sales and Customer Service Uses, and Places of Entertainment. Except as specifically set forth
2 below: One (1) space per 150 square feet of gross floor area of customer sales and service, plus one
3 (1) space per employee for the work shift with the largest number of employees. In the B-3 District
4 the requirement shall be one space per 300 square feet of gross floor area of customer sales and
5 service, plus one space per employee for the work shift with the largest number of employees:
- 6 (a) *Financial Institutions.* One (1) space for each 150 square feet of gross floor area of customer
7 service, plus one (1) space per employee for the work shift with the largest number of
8 employees. Financial institutions with drive-in facilities shall provide sufficient space for at
9 least four (4) waiting vehicles at each drive-in service device and no queuing spaces shall
10 preclude the use of any parking spaces, nor shall any queuing take place in the public right-of-
11 way.
 - 12 (b) *Funeral Homes.* One (1) space for each four (4) patrons at maximum capacity, whichever is
13 greater, plus one (1) space per employee for the work shift with the largest number of
14 employees.
 - 15 (c) *Grocery Stores, Food Stores or Supermarkets.* One (1) space per 150 square feet of gross floor
16 area of customer sales and service area, plus one (1) space per employee for the work shift
17 with the largest number of employees.
 - 18 (d) *Convenience Grocery Stores.* One (1) space per 150 square feet of gross floor area of customer
19 sales and service, plus one (1) space per employee for the work shift with the largest number
20 of employees.
 - 21 (e) *Condominiums Hotels.* One (1) space per one bedroom unit, one and a half (1 ½) spaces per
22 two bedroom unit and two (2) spaces per three bedroom unit, plus one space per employee
23 for the work shift with the largest number of employees, plus one (1) space per three persons,
24 based on maximum capacity for each public meeting room and/or banquet room.
 - 25 (f) *Motels and Hotels.* One (1) space per room or suite, plus one (1) space per employee for the
26 work shift with the largest number of employees, plus one (1) space per three persons, based
27 on maximum capacity, for each public meeting room and/or banquet room.
 - 28 (g) *Lodges and Clubs.* One (1) space per three persons, based on the maximum capacity of the
29 facility, plus one (1) space per employee for the work shift with the largest number of
30 employees.
 - 31 (h) *Restaurants.* Generally, one (1) space per 150 square feet of gross dining space or one (1)
32 space per four seats whichever is greater, plus one (1) space per employee for the work shift
33 with the largest number of employees. In the B-2 and B-3, Districts when the general
34 restaurant is an accessory use to the retail use on the property the Plan Commission may
35 waive the non-employee parking upon request.
 - 36 (i) *Restaurants, Fast Food, Drive-in and Take-out.* One (1) space per 50 square feet of gross dining
37 area, plus one (1) space per employee for the work shift with the largest number of
38 employees.
 - 39 (j) *Repair Services.* One (1) space per 300 square feet of gross floor area, plus one (1) space per
40 employee for the work shift with the largest number of employees.
 - 41 (k) *Theaters, Auditoriums and Other Places of Public Assembly.* One (1) space per three patrons
42 based on the maximum capacity of the facility plus one (1) space per employee for the work
43 shift with the largest number of employees.
 - 44 (l) *Personal Services.* One (1) space per employee for the work shift with the largest number of
45 employees and one and a half (1 ½) space for every chair or customer service location in a
46 barbershop, nail salon, tanning salon, hair salon or beauty parlor.
 - 47 (m) *Taverns, Dance Halls, Night Clubs and Lounges.* One (1) space per 100 square feet of gross
48 dining area or one (1) space per three seats, whichever is greater, plus one (1) space per
49 employee for the work shift with the largest number of employees.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (n) *Motor Vehicle Sales Establishments.* Two (2) customer parking spaces per salesperson, plus
2 one space per employee for the work shift with the largest number of employees.
- 3 (o) *Motor Vehicle Repair, Maintenance, and Service Stations.* Four (4) spaces per indoor service
4 bay, plus one (1) space per employee for the work shift with the largest number of employees,
5 plus parking for all vehicles used directly in the conduct of the business.
- 6 (p) *Car Washes.* One (1) space per employee for the work shift with the largest number of
7 employees. Car washes shall provide sufficient space for at least four (4) waiting vehicles at
8 each washing stall and sufficient space for drying two vehicles after each washing stall so as
9 not to allow any queuing of vehicles to take place in the public right-of-way.
- 10 (q) *Animal Hospitals.* Three (3) patron parking spaces per doctor, plus one (1) space per employee
11 for the work shift with the largest number of employees.
- 12 (r) *Plant Nurseries, Lawn and Garden Supply Stores and Lumberyards.* One (1) space per 200
13 square feet of gross indoor sales and display area, plus one (1) space per 500 square feet of
14 gross outdoor sales and display area, plus one (1) space per employee for the work shift with
15 the largest number of employees.
- 16 (s) *Shopping Centers (Gross Leasable Area of Less Than 50,000 Square Feet).* Seven (7) spaces per
17 1,000 square feet of gross leasable area plus one (1) space per employee for the work shift
18 with the largest number of employees in the B-1 District only.
- 19 (t) *Shopping Centers (Gross Leasable Area of 50,000 Square Feet or More).* Five and one-half (5
20 ½) spaces per 1,000 square feet of gross leasable area, plus one (1) space per employee for
21 the work shift with the largest number of employees in the B-1 District only.
- 22 (12) Offices.
 - 23 (a) *Medical, Dental and Similar Professional Health Service Offices.* Five (5) patron spaces per
24 doctor, plus one (1) space per employee for the work shift with the largest number of
25 employees.
 - 26 (b) *Government, Professional and Business Offices.* One (1) space per 200 square feet of gross
27 floor area, plus one (1) space per employee for the work shift with the largest number of
28 employees, plus one (1) space for every three meeting room seats.
- 29 (13) Business/Recreational Uses, Except as Specifically Set Forth Below. One (1) space per four patrons,
30 plus one (1) space per employee for the work shift with the largest number of employees.
 - 31 (a) *Bowling Alleys.* Five (5) spaces for each lane, plus one (1) space per employee for the work
32 shift with the largest number of employees.
 - 33 (b) *Golf Courses.* Ninety (90) spaces per nine holes plus one (1) space per employee for the work
34 shift with the largest number of employees.
 - 35 (c) *Golf Driving Ranges.* One (1) space per tee, plus one (1) space per employee for the work
36 shift with the largest number of employees.
 - 37 (d) *Marinas.* One (1) space per five boat berths, plus fifteen (15) spaces per boat launching ramp,
38 plus one (1) space per 500 square feet of dry boat storage area, plus one (1) space per
39 employee for the work shift with the largest number of employees. At least 20 percent (20%)
40 of the spaces required for boat launching ramps shall be at least 9 feet by 35 feet to
41 accommodate cars with boat trailers.
 - 42 (e) *Miniature Golf Courses.* One and one-half (1½) spaces per hole, plus one (1) space per
43 employee for the work shift with the largest number of employees.
 - 44 (f) *Racquetball and Handball Courts.* Three (3) spaces per court, plus one (1) space per employee
45 for the work shift with the largest number of employees, plus parking for other uses.
 - 46 (g) *Skating Rinks, Ice or Roller.* One (1) space per 200 square feet of gross floor area, plus one (1)
47 space per employee for the work shift with the largest number of employees.
 - 48 (h) *Tennis Courts.* Four spaces per court, plus one space per employee for the work shift with the
49 largest number of employees.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (i) *Volleyball Courts*. Fifteen (15) spaces per court, plus one (1) space per employee for the work
- 2 shift with the largest number of employees.
- 3 (14) Institutional and Related Uses.
- 4 (a) *Churches*. One (1) space per two seats in the main worship area.
- 5 (b) *Libraries*. One (1) space per 250 square feet of gross floor area or one (1) space per four seats
- 6 based on maximum capacity, whichever is greater plus one (1) space per employee for the
- 7 work shift with the largest number of employees.
- 8 (c) *Museums*. One (1) space per 250 square feet of gross floor area plus one (1) space per
- 9 employee for the work shift with the largest number of employees.
- 10 (d) *Rooming and Boarding Houses, Bed and Breakfasts*. One (1) space per bedroom plus two (2)
- 11 spaces per owner.
- 12 (e) *Convents, Rectories and Monasteries*. One (1) space per three residents plus one (1) space
- 13 per employee for the work shift with the largest number of employees, plus one (1) space per
- 14 five chapel seats if the public may attend.
- 15 (f) *Nursing Homes*. One (1) space per five patient beds, plus one-half (1/2) space per employee
- 16 for the work shift with the largest number of employees, plus one (1) space per living unit.
- 17 (g) *Hospitals*. Two (2) spaces per three patient beds, plus one (1) space per staff doctor, plus one
- 18 (1) space per employee, excluding doctors, for the work shift with the largest number of
- 19 employees.
- 20 (h) *Children’s Nursery Schools and Day-Care Centers*. One (1) space per employee for the work
- 21 shift with the largest number of employees, and one (1) space for every seven students
- 22 allowed under the State license.
- 23 (i) *Light Assembly and Light Manufacturing Uses*. One (1) space per employee for the work shift
- 24 with the largest number of employees.

25 **Sec. 66.0404 Adjustments to Required Parking**

26 The purpose of this section is to allow adjustments to the minimum number of parking spaces required
27 to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of
28 excess off-street parking facilities is intended to provide for more cost-efficient site development, to
29 eliminate constructing more impervious surface than necessary, to minimize storm water runoff, to avoid
30 construction of unnecessarily large storm water management facilities, and to provide more landscape
31 areas and green space on business sites. To achieve these purposes, the Plan Commission may reduce
32 the minimum number of required off-street parking spaces in specific cases as described in this section.

33 (1) Adjustments. In the R-2, B-1, B-2, B-3, P-1 and I-1 Districts, the minimum number of required parking
34 spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an
35 adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be
36 provided for customers, clients, visitors and employees. The following provisions and factors shall
37 be used as a basis to adjust parking requirements:

- 38 (a) *Evidence That Actual Parking Demands Will Be Less Than Chapter Requirements*. The
- 39 petitioner shall submit written documentation and data to the satisfaction of the Plan
- 40 Commission that the operation will require less parking than the chapter requires.
- 41 (b) *Availability of Shared Parking*. The petitioner shall submit written documentation to the
- 42 satisfaction of the Plan Commission that off-site shared parking spaces are available within
- 43 400 feet of the lot line and within the same block to satisfy the parking demand. When a
- 44 reduction of parking spaces attributable to shared parking is requested, the petitioner shall
- 45 submit written verification that such parking is available and shall include copies of any
- 46 contracts, joint lease agreements, purchase agreements and other such documentation to
- 47 show that such shared parking can be accomplished. All such agreements shall be recorded in
- 48 the office of the Door County Register of Deeds, at the applicant’s expense, and a copy of the
- 49 recorded agreement shall be filed with the Village Clerk. The off-site shared parking spaces

VILLAGE OF SISTER BAY ZONING CODE

- 1 shall be clearly posted for the joint use of employees, and/or tenants, or customers of each
2 respective use sharing those spaces.
- 3 (c) *Use of Optional Modes of Transportation.* Upon demonstration to the Plan Commission that
4 effective alternative transportation to an automobile will occur within twelve (12) months
5 following the issuance of the Certificate of Compliance, the Plan Commission may reduce
6 parking requirements. Optional modes of transportation may include, but are not limited to,
7 bus transit, vanpool operations, car pool/ride sharing, moped, scooters and bicycles.
- 8 (2) Fee In Lieu of Creating Parking Spaces. A developer who cannot or chooses not to construct the
9 required parking spaces on the parcel may be allowed to pay to the Village a fee in lieu of parking,
10 as established by resolution of the Village Board, the rate shall be per stall per year to be paid into
11 a fund established by the Village to construct and maintain common transition parking spaces. The
12 payment of the fee to the Village in either instance shall absolve the developer from constructing
13 the required number of spaces on their property.
- 14 (3) Large Vehicles. All businesses that cater to customers who drive vehicles larger than what can be
15 accommodated in a 9' X 20' parking space, shall provide the appropriate number of parking spaces
16 and access aisles to accommodate those vehicles.
- 17 (4) Space To Be Set Aside For Reduced Parking. The site plan for a business use in the R-2, B-1, P-1 and
18 I-1 Districts shall be designed to provide sufficient green space on the subject site to accommodate
19 the additional parking spaces otherwise required by this chapter. Such green space shall be in
20 addition to required yards, setbacks, driveways, private streets, loading and service areas. Sufficient
21 green space shall be provided which, if converted to parking spaces, would provide off-street parking
22 to meet the full requirements of this chapter at the time of application.
- 23 (5) Changes In Occupancy Or Use. When the use of a building, structure, or land is changed to another
24 use or occupancy that requires more parking spaces than required for the use existing immediately
25 prior to such change, additional parking spaces shall be constructed for the new use or occupancy
26 in the amount necessary to conform to this chapter prior to the issuance of a Certificate of
27 Occupancy for the new use.
- 28 (6) Changes In Intensity Of Use [See Sec. 66.1532(2)]. When the intensity of use of a building, structure
29 or land is increased by the addition of employees, gross floor area, seating capacity, or other unit of
30 measurement, additional parking spaces shall be constructed for such additions in the amount
31 necessary to conform to this chapter.
- 32 (7) Plan Commission Review and Verification. Where an adjustment to parking requirements has been
33 granted, within one (1) year following such parking modification grant and periodically thereafter,
34 the Plan Commission shall review the adequacy of parking to determine that the conditions justifying
35 the parking adjustment still exist. If the parking is found to be inadequate, the Plan Commission shall
36 order that the use of the property must comply with the parking requirements set forth in Sec.
37 66.0403.
- 38 (8) B-3 District Exemption. The exemption from certain parking requirements granted by this section
39 shall automatically expire forty-eight (48) months from the date of the adoption of the enabling
40 ordinance. The parking exemption and related requirements shall only apply to the B-3 District.
- 41 (a) Subject to the requirements of site and zoning approval, all proposed new uses, new buildings,
42 expansions of existing buildings, expanded uses, changes in intensity of use or changes in
43 occupancy shall be evaluated for the required number of customer and employee parking
44 spaces.
- 45 (b) A calculation must have been done to determine the amount of parking required to achieve
46 compliance with the green space and related requirements.
- 47 (c) The business shall be given the option of installing the required parking or leaving the
48 equivalent area as landscaped green space except that:
- 49 1. All required parking for residential dwelling units or motel/hotel spaces must be
50 constructed.

VILLAGE OF SISTER BAY ZONING CODE

- 1 2. All required parking spaces for more than four employees must be constructed.
- 2 3. All required parking in excess of forty (40) spaces must be constructed.
- 3 (d) Other credits and adjustments related to parking spaces provided for in the Code would also
- 4 apply.
- 5 (9) B-2 District Exemption. If a development project includes contiguous parcels zoned both B-3 and B-
- 6 2 the exemption from certain parking requirements granted by sub. (8) of this Section shall apply to
- 7 that portion of the project in the B-2 District in the same manner.

8 **Sec. 66.0405 Parking of Vehicles in Residential Districts**

- 9 (1) General Restrictions. No car, truck, construction equipment or commercial truck shall be parked
- 10 regularly upon a driveway or front yard in any residential zoning district except as provided herein.
- 11 Properties currently zoned residential and still used for agricultural purposes shall be exempt from
- 12 the provisions of this section.
- 13 (a) Vehicles that do not exceed 12,000 lb. manufacturer’s gross vehicle weight may be parked
- 14 on a driveway. Parking on lots that are used as a one or two-family residence shall be
- 15 limited to parking within garages, carports and upon residential driveways consisting of
- 16 crushed stone, asphalt, concrete, brick or other similar hard surface material.
- 17 (b) Additional vehicles may be parked or stored on the lot within a fully enclosed building.
- 18 (c) Vehicles shall be located outside of all ultimate right-of-ways, vision clearance triangles and
- 19 drainage and utility easement areas.
- 20 1. A semi-tractor or vehicles over 12,000 lb. manufacturer’s gross vehicle weight may be
- 21 parked in a residential district if it is parked on the owner’s developed property and the
- 22 property is located along and having access to a Class A highway. Vehicles over 12,000
- 23 lb. manufacturer’s gross vehicle weight which were parked prior to the adoption of this
- 24 chapter or prior to the change in the class designation of the highway on property
- 25 fronting a road that had been changed from a Class A Highway to a Class B Highway or
- 26 is changed in the future from a Class A Highway to a Class B Highway, may be parked on
- 27 the owner’s property, subject to the regulations in this section.
- 28 (2) Boat and Trailer Parking. No boats, boat trailers, mobile homes, motor homes, motor coaches, truck
- 29 campers, camping trailers, travel trailers, fifth-wheel trailers, large utility trailers, race cars and their
- 30 trailers, sport aircraft and their trailers, canoes or kayaks and their trailers, all-terrain vehicles and
- 31 their trailers, tent campers, folding campers, snow mobiles and their trailers, cases or boxes used to
- 32 transport recreational vehicles or their equipment, yard maintenance equipment and similar
- 33 equipment, or vehicles shall be parked or stored outside on a residentially zoned lot for more than
- 34 twenty-four (24) hours, except as provided herein:
- 35 (a) They shall be located in the rear or side yard and not closer than ten (10) feet to a side or rear
- 36 lot line.
- 37 (b) Front yard location shall only be allowed on a driveway or turnaround, parked as close to the
- 38 home as possible except for the following which are prohibited in the front yard past the
- 39 twenty-four (24) hour limit: mobile homes, motor homes, motor coaches, truck campers
- 40 and large utility trailers.
- 41 (c) They shall be located outside of all ultimate right-of-ways, vision clearance triangles and
- 42 drainage and utility easement areas.
- 43 (d) The recreational vehicles shall be maintained in operable condition.
- 44 (e) Recreational vehicles that require registration shall be properly registered.
- 45 (f) No recreational vehicles or equipment shall be stored in any green space outside a building
- 46 unless such equipment is owned by the property owner or children of the property owner or
- 47 resident at the property in question. If the property is rented, such storage shall be permitted
- 48 for the tenant only if such equipment is owned by the tenant. All equipment shall

VILLAGE OF SISTER BAY ZONING CODE

1 be parked or stored as inconspicuously as possible on the property. The area around the
2 equipment or vehicle must be kept weed-free and free of accumulation of other stored
3 material.

- 4 (3) Recreational Vehicle Parking. One major recreational vehicle may be stored outside in the rear or
5 side yard of an occupied residential or agricultural lot that is 20,000 square feet in size or more,
6 provided it shall not exceed 8.5 feet in width, 13 feet in height and 32 feet in overall length.
- 7 (4) Living in Trailers. Except within an approved campground or mobile home park, no recreational
8 vehicle shall be used for the purpose of permanent habitation, living or housekeeping purposes in
9 the Village. Permanent habitation is defined as living in one place for more than ten (10) consecutive
10 days.
- 11 (5) Private Parking Restrictions. This chapter is not intended to allow parking and storage of
12 recreational vehicles or equipment where they may otherwise be prohibited by deed restriction,
13 covenant, prior orders, development agreement, or otherwise limited to topography or
14 environmental restrictions.
- 15 (6) Semi-Trailer Parking. No semi-trailers or tractors are allowed to be parked in any residential zoning
16 district.

17 **Sec. 66.0406 Highway Access**

18 No direct private access (a driveway) shall be permitted to the existing or proposed rights-of-way of any
19 controlled access arterial street without permission of the Plan Commission and the highway agency that
20 has access control jurisdiction. In addition, direct public or private accesses (driveways) to streets and
21 highways shall be permitted in accordance with the following:

- 22 (1) Driveways on Arterial Streets. Driveways on arterial streets shall be located a minimum of 100 feet
23 from a street intersection unless the lot width is less than 100 feet, in which case the Plan
24 Commission shall determine the driveway location. The setback shall be measured from the
25 intersection of the right-of-way on the two streets.
- 26 (2) Driveways on Collector or Local Streets. Driveways on collector or local streets shall be located a
27 minimum of 50 feet from a street intersection. The setback shall be measured from the intersection
28 of the right-of-way on the two streets.
- 29 (3) Driveways on Corner Lots. Driveways on corner lots shall be located on the less traveled street based
30 on the local, collector or arterial designation of the streets.
- 31 (4) Driveway Widths. Driveways shall not exceed 24 feet in width on residential lots and 35 feet in width
32 on business lots. Driveways on through lots shall be no less than 15 feet if they are one way and shall
33 not exceed 24 feet if they are two-way.
- 34 (5) Driveway Locations.
 - 35 (a) Driveways for R-1, R-3, R-4 and CS-1 parcels must be at least 10 feet away from the side lot
36 line. Vehicle parking on those parcels must be at least ten feet away from the side lot line.
 - 37 (b) Driveways for all other zoned parcels must be at least five feet away from the side lot line.
38 Parking on those parcels is not allowed within the area defined as the side, rear or front yard
39 area on the lot, except as specifically authorized.
- 40 (6) Number of Driveways Allowed.
 - 41 (a) Lots in the R-1, R-3, R-4, B-2 and B-3 Districts shall be limited to one (1) driveway unless a
42 second one is approved by the Plan Commission. Lots in all other districts shall be limited to
43 two (2) driveways.
 - 44 (b) For short-term rentals with a non-conforming number of driveways, the non-conforming
45 number of driveways shall be brought into compliance before the property can be licensed as
46 a short-term rental.
 - 47 (c) For purposes of this section, “compliance” shall be deemed removal of all hard surfaces, gravel
48 and other fill from the roadbed to the right-of-way, or front lot line if fronting on a private
49 street. If a property owner wishes to retain the remainder of the driveway, all hard surfaces, fill
50 and gravel shall be removed within 5 feet of the right-of-way or front lot line 5 feet farther into

VILLAGE OF SISTER BAY ZONING CODE

1 the property, and within that 5 feet, three (3) trees, at least 4 feet in height, shall be planted,
2 evenly spaced apart, between the right-of-way or front lot line and terminus of the remaining
3 driveway. The trees shall be maintained to ensure survival. Any area disturbed shall be restored
4 to a natural or manicured state to match the adjoining landscape.

5 (7) Access Barriers. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic
6 barriers, shall be placed to prevent unauthorized vehicular ingress or egress along the segments of
7 street frontage corresponding to the minimum distances from street intersections as specified
8 above in (1), (2) and (3).

9 (8) Temporary Access. Temporary access to the above rights-of-way may be granted by the Zoning
10 Administrator and
11 Village Engineer after review and recommendation by the other highway agencies having
12 jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions
13 required.

14 (9) Shared Driveways. Unless approved by the Plan Commission, there shall be no shared driveways,
15 and, shared driveways in existence as of the date of this chapter shall not be used to serve a property
16 licensed as a short-term rental unless all parties with an interest in the shared driveway agree the
17 driveway can be used for such purposes.

18 **Sec. 66.0407 Other Parking Restrictions**

19 (1) Vehicle and Implements. No visible unlicensed vehicle or unserviceable implements or equipment
20 is permitted within the Village limits.

21 (2) Business Districts. In the B-1, B-2, B-3, P-1 and I-1 Districts no part of the front yard and side yards
22 shall be used for the temporary or permanent storage of boats, vehicles, equipment or materials,
23 except for the parking of licensed motor vehicles in permitted parking lots.
24

VILLAGE OF SISTER BAY ZONING CODE

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VILLAGE OF SISTER BAY ZONING CODE

SECTION 500 - ACCESSORY USES, HOME OCCUPATIONS, FENCES, AND ANTENNAS

Sec. 66.0501 Accessory Uses and Structures

Accessory uses and structures are those that are usually and customarily incidental to the principal use that is located on the same property as the accessory use or structure. Accessory uses shall be permitted in any district as may be specified in the appropriate district regulations or herein.

(1) General Regulations. Accessory structures shall be subject to the following regulations:

(a) *Permit Required.* Accessory structures shall require a regular zoning permit except: minor structures such as birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses, non-commercial fuel storage tanks and pumps, clothesline poles, lawn ornaments, flag poles, mailboxes, garbage containers, ice fishing shanties, school bus waiting shelters, and farm livestock hutches. Accessory buildings greater than 120 square feet in area shall also require the issuance of a building permit.

(b) *Living Quarters Prohibited.* Accessory structures shall not contain living quarters.

(c) *Location.* Accessory structures shall be located on the same lot as the principal use to which it is accessory.

(d) *Principal First.* An accessory structure shall not be permitted until its associated principal structure is present or under construction, except that one accessory building may be permitted prior to the erection of a principal structure only in the CS-1, R-1, R-3 and R-4 Districts.

(e) *Block and Metal Buildings.* No pole or block buildings with smooth faced block or standing rib metal siding will be permitted in any district.

(f) *Design Guidelines.* All accessory structures, except those that are on residential parcels, shall comply with the architectural standards as provided in Sec. 66.1055.

(g) *Services and Use.* The installation of sanitary sewer service and water service to an accessory building shall be permitted for a toilet and sink(s), upon the issuance of a zoning permit, subject to the following requirements:

1. The installation shall be subject to building code permitting and inspection under Chapter 14 of the Village's Building Code.

2. The installation shall be subject to the standards, policies, fees and charges contained in Chapter 62, *Utilities*.

3. The accessory building shall not contain living quarters.

4. The violation of the provisions of this subsection shall:

a. Result in imposition of the fee or forfeiture that is delineated in the most recently adopted version of the fee schedule for the Village, retroactive to the date the living quarters were found to have been created in the building;

b. The removal of the water and sanitary sewer service from the building; and

c. The removal of the living quarters found in the building;

d. In addition, if they were not paid at the time the installation occurred, all fees and penalties associated with impact fees, zoning permits, building permits and other applicable fees will also be required.

5. If the violation of this subsection does not involve living quarters then the following shall apply:

a. The imposition of the fine that is delineated in the most recently adopted version of the fee schedule for the Village, retroactive to the date the improperly installed installation was found to have been created in the building, and,

b. Inspection of the installation under the then current building code.

VILLAGE OF SISTER BAY ZONING CODE

- 1 c. In addition, if they were not paid at the time the installation occurred, imposition of
2 all fees and penalties associated with impact fees, zoning permits, building permits
3 and other applicable fees will also be required.
- 4 (2) Setback Requirements.
- 5 (a) All accessory structures except the minor structures mentioned in subsection (1)(a) shall
6 comply with all setback and yard requirements for accessory structures.
- 7 (b) If the Plan Commission establishes a large project setback as specified in Sec. 66.0307(4) that
8 setback shall also apply to all accessory buildings.
- 9 (c) All accessory buildings for all zoning districts shall comply with the following setback
10 requirements.
- 11 1. *Setback From Easements.*
- 12 a. No accessory building shall be placed over an easement that prohibits such
13 placement. No accessory building shall encroach into the public right-of-way. No
14 accessory building shall encroach upon the street yard of a corner lot.
- 15 2. *Side Yard Setback.*
- 16 a. See district requirements for primary structures.
- 17 3. *Rear Yard Setback.*
- 18 a. See district requirement for primary structures.
- 19 4. *Front Yard Setback.*
- 20 a. No accessory building shall be placed in a front yard setback area, except as part of
21 a Conditional Use Permit issued by the Plan Commission
- 22 b. Existing single-family homes as of July 1, 2008, in the R-1 District located within 100
23 feet of the ordinary high water mark may be permitted to have one accessory
24 building located in the front yard area setback area. The accessory building may not
25 be located any closer than 40 feet from the edge of the pavement and 15 feet from
26 the side lot line. Any modifications to non-conforming accessory buildings subject
27 to this exemption shall comply with Sec. 66.0903. If an existing home is demolished
28 and rebuilt then Sec. 66.0501(2)(c)5.a shall apply.
- 29 (3) Structures Not Buildings. The following accessory structures that are not buildings shall be
30 constructed on a property as follows:
- 31 (a) Patios, constructed at or below yard grade, may be installed in the rear or side yard adjacent
32 to a principal structure without the issuance of a zoning permit; and shall not be located closer
33 than 5 feet to a lot line.
- 34 1. Decks located adjacent to or attached to a principal structure shall not be closer to the
35 lot line than the required front, side and rear setbacks for principal structures for the
36 district in which they are located. Freestanding decks surrounding private swimming
37 pools shall be located at least 10 feet from the principal structure and shall be located at
38 least 10 feet from a side or rear lot line. All decks shall require the issuance of a zoning
39 permit.
- 40 2. Air conditioning condensers may be located adjacent to a principal structure in the rear
41 yard and side yard, without the issuance of a zoning permit; provided, that all condensers
42 shall be located at least 5 feet from a side or rear lot line. Air conditioning condensers
43 shall not be located in the front yard.
- 44 3. Propane tanks may be located adjacent to a principal structure in the rear yard and side
45 yard, provided, that all tanks shall be located at least 5 feet from a side or rear lot line.
46 Propane tanks shall not be located in the front yard. Propane tanks shall be buried unless
47 blasting in rock is required, in which case the tank shall be screened.
- 48 4. Private swimming pools are permitted as accessory uses in the rear yard in any district;
49 except the W-1 District; however the swimming pool shall be located at least 20 feet from
50 any side or rear lot line, and must be installed in accordance with the Village building,

VILLAGE OF SISTER BAY ZONING CODE

- 1 plumbing, and electrical codes, including the issuance of all required permits including a
2 zoning permit.
- 3 5. Private tennis courts are permitted as accessory uses in the rear yard in any district;
4 except the W-1 District. A zoning permit is required for all tennis courts and:
5 a. All tennis courts shall be surrounded by a fence not less than 10 feet in height.
6 b. No lighting installed around a tennis court shall project onto adjacent properties;
7 and,
8 c. No private tennis court shall be located closer than 10 feet to a lot line.
9 6. Firewood shall not be stored in the front yard.
10 7. Flagpoles are permitted as accessory uses in all yards of any zoning district.
- 11 (4) Floor Area Requirements. The permitted area of an accessory buildings listed below is also subject
12 to the respective zoning district green space requirements.
- 13 (a) The combined maximum building footprint of accessory buildings on R-1 and R-4 residential
14 lots shall not exceed the area of the building footprint of the principal building.
- 15 (b) The combined maximum building footprint of accessory buildings on R-3 and CS-1 lots shall
16 not exceed 3,000 square feet without Plan Commission permit approval.
- 17 (c) The combined maximum building footprint of accessory buildings on R-2, B-1, B-2, B-3, I-1 and
18 P-1 lots shall not exceed the total footprint of the principal building(s) without Plan
19 Commission permit approval.
- 20 (d) Buildings accessory to general agricultural uses on farms or orchards shall not be restricted in
21 floor area.
- 22 (e) For golf courses consisting of at least 9 holes and having 2,500 playable yards, the total floor
23 area of all accessory buildings on the lot shall not exceed 3,000 square feet.
- 24 (5) Height, Architectural and Site Plan Requirements.
- 25 (a) The maximum height of an accessory building shall not exceed the height of the principal
26 building to which it is accessory, without Plan Commission permit approval, up to a maximum
27 height of 35 feet.
- 28 (b) Accessory buildings on R-2, B-1, B-2, B-3, I-1 and P-1 lots shall conform to the established
29 architectural appearance, which exists for the primary structure(s).
- 30 (c) Accessory buildings on R-2, B-1, B-2, B-3, I-1 and P-1 lots, which do not appear on an approved
31 site plan, in excess of 120 square feet, require an amendment to the approved site plan by the
32 Plan Commission, before a Zoning Permit can be issued.
- 33 (6) Home Occupations.
- 34 (a) Home occupations are permitted accessory uses in any residential district and shall be
35 approved by the Plan Commission. Home occupations and professional home offices shall be
36 permitted when incidental to the principal residential use, are situated upon the same
37 premise (inside and/or outside), and are carried on by the residential occupant, subject to the
38 following conditions, and must be complied with in full at all times, provided that the primary
39 use of the structure is a dwelling unit.
- 40 1. No more than one full time equivalent person who is not a resident of the dwelling unit
41 shall be engaged or employed in the home occupation on the premises.
- 42 2. No mechanical equipment shall be utilized except that which is necessarily, customarily,
43 or ordinarily used for household or leisure purposes.
- 44 3. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other
45 restricted materials shall be used or stored on the site except those which are necessarily,
46 customarily, or ordinarily used for household or leisure purposes.
- 47 4. There shall be no outside operations, storage, or display of materials or products.
- 48 5. The home occupation shall not occupy more than twenty percent (20%) of the square
49 footage of the primary residence. The twenty percent (20%) can be utilized inside and/or
50 outside. The space, either inside or outside, cannot exceed twenty percent (20%) of the

VILLAGE OF SISTER BAY ZONING CODE

- 1 square footage of the primary residence. No alteration of the residential appearance of
2 the premises shall occur, including the creation of a separate entrance for the home
3 occupation.
- 4 6. No process shall be used which is hazardous to public health, safety, or welfare or would
5 create a nuisance or be otherwise incompatible to the surrounding residential area; nor
6 will the removal of sand, gravel, stone, topsoil or peat moss for commercial purposes be
7 allowed.
- 8 7. The home occupation shall not displace or impede use of required parking spaces,
9 including any business storage in required garage parking areas.
- 10 8. All signage shall comply with Sec. 66.0730(3).
- 11 9. Any off-street parking area provided shall be maintained reasonably dustless and
12 adequately screened from adjoining residential properties. One off-street parking space
13 shall be provided per 150 square feet of floor area used for the household occupation.
- 14 10. The home occupation shall not include the conduct of any retail or wholesale business
15 on the premises, except for the sale of products produced by the home occupation.
- 16 (b) The following uses are examples of permitted home occupations:
- 17 1. Architectural services;
- 18 2. Art restoration;
- 19 3. Art studios;
- 20 4. Babysitting;
- 21 5. Cake decorating;
- 22 6. Consulting services;
- 23 7. Contracting, except carpentry, masonry services, electrical services, plumbing, and
24 painting;
- 25 8. Data processing;
- 26 9. Direct sales representative;
- 27 10. Drafting and graphic services;
- 28 11. Dressmaking, sewing, tailoring, contract sewing (no more than one type of any machine);
- 29 12. Engineering services;
- 30 13. Financial planning and investment services;
- 31 14. Flower arranging;
- 32 15. Gardening and grass cutting;
- 33 16. Home crafts (including ceramics with a kiln up to six cubic feet in size.);
- 34 17. House cleaning services;
- 35 18. Interior design;
- 36 19. Jeweler and jewelry making;
- 37 20. Laundry and ironing services;
- 38 21. Locksmith;
- 39 22. Millinery;
- 40 23. Private educational, musical or artistic lessons;
- 41 24. Professional home offices;
- 42 25. Sales representative (office only);
- 43 26. Tutoring;
- 44 27. Typing and word processing services;
- 45 28. Wallpapering;
- 46 29. Watch repair; and,
- 47 30. Writing and computer programming.
- 48 (c) Home occupations shall not be considered a non-conforming use should the regulations of this
49 chapter be revised or amended.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0501 – ACCESSORY USES & STRUCTURES

SEC. 66.0502 – FENCES

- 1 (7) Rummage Sales. Rummage sales shall not exceed three (3) days in length nor occur more than six (6)
2 times per year, and may be conducted in any residential or institutional district or the B-2 District.

3 **Sec. 66.0502 Fences**

4 Fences are a permitted accessory use in any district and may be erected, provided that they comply with
5 the following requirements:

- 6 (1) Fencing in General. All fencing shall be placed on the property or properties being screened, and shall
7 not project into a public right-of-way, shall not obstruct the vision clearance triangle, and shall not
8 extend over side or rear property lines. Planted fences shall be located away from the property line
9 in locations where natural growth will not extend beyond the property lines, or the plantings shall be
10 maintained at these lines.

- 11 (2) Fencing Locations. Fences are permitted up to the lot line in the side and rear yards of all districts.
12 Fences along the side and rear lot lines shall not exceed a height of 6 feet and shall not extend into
13 the street yard. Fences paralleling any street shall not exceed 4 feet in height, except they may be
14 constructed to a maximum height of 6 feet if they are constructed within the building envelope,
15 excluding the front yard.

- 16 (3) Fence Permits. No fence, except an ornamental fence, snow fence or fence constructed by utilities,
17 shall be constructed in the Village without first obtaining a zoning permit from the Zoning
18 Administrator.

- 19 (4) Front Yard and Street Yard Fences. No fence requiring a permit shall be constructed beyond the front
20 of any building or in the street yard, except an ornamental fence; or where aesthetic considerations
21 may require a fence or wall to screen a parking lot; or to screen the impact of a State highway; or
22 other unattractive area, or to generally improve the aesthetics of a development. Such fence or wall
23 may be erected by approval of the Plan Commission, which approval may include design or other
24 architectural requirements.

- 25 (5) Signs on Fences. Signs on fences shall be permitted according to the provisions of Sec. 66.0700
26 through Sec. 66.0791.

- 27 (6) Fencing Orientation. Fencing shall be constructed with the finished or decorative side facing the
28 adjacent or abutting property owner or public street. Fence posts shall be on the side of the fence
29 facing the permit applicant's property.

- 30 (7) Fencing Materials. All fences shall be constructed in such a manner and of such materials and colors
31 so as not to adversely affect the value of adjoining property or property in the immediate
32 neighborhood. All fences shall be maintained in good and aesthetic condition so as not to adversely
33 affect the value of adjoining property or property in the immediate neighborhood. Chain link fences
34 are not allowed in residential districts. No fence may be constructed or maintained in such a manner,
35 which is detrimental to human life or safety or causes a traffic hazard.

- 36 (8) Electric Fences. Electric fences are permitted in the CS-1 District only. Electric fences are permitted
37 adjacent to the lot line and shall not exceed four feet in height in the street yard or six feet in height
38 in the side and rear yard. Underground electric fences are allowed in all districts.

- 39 (9) Security Fences. Security fences are permitted, upon the issuance of a zoning permit, adjacent to the
40 property lines in all districts except residential districts, and shall not exceed 10 feet in height. The
41 Plan Commission shall determine, before the issuance of a zoning permit, on a case-by-case basis the
42 opacity of security fences, based upon consideration of the need to screen materials and upon safety
43 considerations. Security fences shall comply with the traffic visibility requirements set forth in Section
44 66.0401.

- 45 (10) Snow Fences. Snow fences are permitted without a permit provided that such snow fence shall not
46 be installed prior to November 1 and shall be removed no later than April 1 of the following year.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0502 – FENCES

SEC. 66.0503 – ANTENNAS

1 (11) Corner Lot Fences. All fences on corner lots shall comply with the other requirements of this section;
2 however, the location of corner lot fences shall be allowed at the discretion of the Zoning
3 Administrator, in conformity with reasonable interpretation of this chapter or a variance therefrom
4 after considering the location and layout of the residence, garage, driveways and/or other buildings
5 on the lot; general architecture and location of buildings on the subject lot as well as on surrounding
6 properties; visibility to nearby pedestrian and vehicular traffic; and such other additional
7 considerations as may be peculiar to the subject property and general area. Any person aggrieved by
8 a decision of the Zoning Administrator may appeal for reconsideration by the Plan Commission, which
9 is hereby empowered to hear such appeals. The appeals process shall follow the same process as set
10 out for appeals to the Board of Appeals under Sec. 66.1601, however, publication of notice and appeal
11 fees shall be discretionary with the Plan Commission.

12 **Sec. 66.0503 Antennas**

13 (1) Antennas as Accessory Uses. Antennas, including earth station dish antennas, are permitted as
14 accessory uses. Terrestrial antennas may be located in the rear yard or on the roof of the principal
15 structure in all residential districts. Earth station dish antennas may be located in the rear yard in any
16 residential district. Terrestrial antennas and earth station dish antennas may be located in the side or
17 rear yard or on the roof of the principal structure in all agricultural, business, institutional or park
18 districts. In addition:

- 19 (a) All antennas, including earth station dish antennas, shall be manufactured and installed in
20 compliance with Federal Communications Commission (FCC) and Federal Aviation
21 Administration (FAA) regulations and applicable Village building and electrical codes.
- 22 (b) Not more than one terrestrial and one earth station dish antenna per dwelling unit shall be
23 permitted on a lot or parcel in a residential zoning district.
- 24 (c) Earth station dish antennas shall be located and designed to reduce their visual impact on
25 surrounding properties.
- 26 (d) No form of advertising or identification may be displayed on the dish or framework of an earth
27 station dish other than the customary manufacturer's identification plates.
- 28 (e) Portable or trailer-mounted antennas are not permitted; with the exception of temporary
29 installation for on-site testing and demonstration purposes for a period not to exceed two (2)
30 days at any one location.
- 31 (f) Communication structures, such as radio and television transmission and relay towers, aerials,
32 and radio and television receiving and transmitting antennas, not including ground and
33 building-mounted earth station dish antennas, shall not exceed a height of three (3) times their
34 distance from the nearest lot line. Ground-mounted earth station dish antennas shall not
35 exceed a height of 15 feet. Building-mounted earth station dish antennas shall not exceed the
36 maximum height regulation of the district in which they are located.

37 **Sec. 66.0504 Wireless Telecommunication Sites**

38 (1) Purpose. The purpose of this Section is to provide the Village with a process for managing, and
39 uniform standards for acting upon, requests for the placement of wireless telecommunications
40 facilities within the right-of-way and on public and private property that are consistent with the
41 Village's obligation to promote the public health, safety, and welfare; to manage the right-of-way; to
42 minimize visual pollution; reduce the potential for unwarranted avian deaths; and to ensure that the
43 public's use is not obstructed or disrupted by the use of the right-of-way for the placement of
44 telecommunications facilities. Furthermore, the purpose is to ensure that towers comply with
45 applicable federal and state laws regarding the placement of wireless telecommunications facilities
46 in the right-of-way and on public and private property including, without limitation, the

VILLAGE OF SISTER BAY ZONING CODE

1 Telecommunications Act of 1996 (Title 47 of the United States Code Sec. 151 and following), Section
2 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, and Wis. Stats. §182.017 and
3 196.58.

4 (2) Scope.

5 *Applicability.* Unless exempted by (2)(b) below, every person who wishes to place a wireless
6 telecommunications facility in the right-of-way, on public or private property, or modify an existing
7 wireless telecommunications facility in the right-of-way, or on public or private property, must obtain
8 a wireless permit in accord with this section of the Zoning Code. Such facility shall be regulated either
9 as a Permitted Use, per subsection (2)(c) below, or a Conditional Use, per (2)(d) below.

10 (a) *Exempt Facilities.*

11 The following activities shall be exempt from this section of the Zoning Code:

- 12 1. Installation of a small wireless facility on the strand between two utility poles, provided
13 that the cumulative volume of all wireless facilities on the strand shall not exceed 1 cubic
14 foot, and provided that the installation does not require replacement of the strand, or
15 excavation, modification, or replacement of either of the utility poles.
- 16 2. Installation of a mobile cell facility, (commonly referred to as a “cell on wheels”, aka
17 C.O.W., or a “cell on truck”), for a temporary period in connection with a local, state or
18 federal
19 emergency or event, but no longer than required for the emergency or event, or, a village
20 or Sister Bay Advancement Association festival or event, provided that installation does
21 not involve excavation, movement, or removal of existing facilities. If the placement of
22 the mobile cell facility exceeds thirty (30) days, the matter must be added to the agenda
23 for the next regular meeting of the Plan Commission for review, and a schedule developed
24 for the removal of the facility.
- 25 3. Placement or modification of a wireless telecommunications facility on structures owned
26 by or under the control of the Village. *[See (12) of this section]*
- 27 4. Placement or modification of a wireless telecommunications facility by Village staff or any
28 person performing work under contract with the Village.
- 29 5. Modification of an existing wireless telecommunications facility that makes no material
30 change to the footprint of a facility or to the surface or subsurface of a public street if
31 the activity does not disrupt or impede traffic in the traveled portion of a street, and if
32 the work does not change the visual or audible characteristics of the wireless
33 telecommunications facility.

34 (b) *No Public Hearing Required.* The following uses which, generally pose minimum adverse visual
35 effect, shall require review by the Plan Commission, but no public hearing shall be required
36 Such permitted uses must obtain a zoning permit, and are subject to the submittal
37 requirements established in Sec. 66.1530. The Plan Commission may require site
38 improvements to protect public health, safety, view sheds and neighborhood character.

- 39 1. Wireless telecommunications sites where the antenna is mounted to existing buildings,
40 towers, utility poles, water towers, light standards or other structures, provided the
41 following standards are met:
 - 42 a. No changes are made to the height of such structure.
 - 43 b. No panel antenna shall exceed 60 inches in height and 18 inches in width.
 - 44 c. No dish antenna shall exceed 3 feet in diameter.

45 (c) *Public Hearing Required.* Wireless telecommunications sites not otherwise exempted or
46 permitted in (2)(b) or (2)(c) above shall be considered conditional uses in all zoning districts.
47 In addition to the specific requirements listed in this section of the Zoning Code, the applicant

VILLAGE OF SISTER BAY ZONING CODE

1 shall also demonstrate compliance with Sec. 66.1535(6) and 66.1535(7). As part of the review
2 process in 66.1535(7), the Plan Commission shall require all accompanying equipment
3 buildings or boxes to be screened and fenced as part of the site plan review. All approvals
4 shall also require the issuance of a zoning permit.

5 1. *Factors Upon Which Conditional Use Permit Decisions of the Plan Commission Shall Be*
6 *Based.* In considering applications for wireless telecommunication sites, the Plan
7 Commission shall also find:

8 a. In the case where an application for the proposed location of a wireless
9 telecommunication facility is not a preferred site, that the applicant has adequately
10 described the efforts and measures taken to pursue those preferences and why a
11 higher preference location was not technologically, legally or economically
12 feasible. The supplied documentation should evaluate the following factors:

13 i. The planned equipment would cause unacceptable interference
14 with the operation of other existing or planned equipment on an
15 existing or approved tower as documented by a qualified licensed
16 engineer and that the interference cannot be prevented or
17 eliminated at a reasonable cost as determined by the Plan
18 Commission; and,

19 ii. The planned equipment cannot be accommodated on existing or
20 approved towers due to structural deficiencies as documented by a
21 qualified licensed engineer, and that such deficiencies cannot be
22 eliminated at a reasonable cost as determined by the Plan
23 Commission; and,

24 iii. The existing or planned equipment on an existing or approved tower
25 would cause unacceptable interference with the equipment
26 proposed by the applicant as documented by a qualified licensed
27 engineer, and that the interference cannot be prevented or
28 eliminated at a reasonable cost as determined by the Plan
29 Commission; and,

30 iv. Any restriction or limitation imposed by the FCC.

31 (3) Non-Discrimination. In establishing the rights, obligations and conditions set forth in this section,
32 it is the intent of the Village to treat each applicant and right-of-way user in a competitively neutral
33 and non-discriminatory manner, to the extent required by law, while taking into account the
34 unique technologies, situation, and legal status of each applicant or request for use of the right-
35 of-way.

36 (4) Administration.

37 (a) *Administrator.* The Village Administrator is responsible for administering this section.

38 (b) *Powers.* As part of the administration of this section, the Administrator may:

39 1. Propose wireless regulations governing the placement and modification of wireless
40 telecommunications facilities in addition to but consistent with the requirements of this
41 section, including regulations governing collocation, the resolution of conflicting
42 applications for placement of wireless telecommunications facilities, and aesthetic
43 standards.

44 2. Interpret the provisions of this section and wireless regulations.

45 3. Develop forms and procedures for submission of applications for wireless permits
46 consistent with this section.

47 4. Collect any fee required by the Village Board of Trustees per the most recently adopted
48 version of the Village's fee schedule.

49 5. Require, as a condition of completeness of any application, notice to the members of
50 the public that may be affected by the placement or modification of the wireless

VILLAGE OF SISTER BAY ZONING CODE

telecommunications facility that is the subject of the wireless permit application. In all circumstances, at a minimum, neighbors within 300’ of the property shall be made aware of the application.

6. Establish deadlines for submission of information related to an application and extend or shorten deadlines where appropriate and consistent with federal laws and regulations.
7. Issue notices of incompleteness or requests for information in connection with any wireless permit application.
8. Select and retain an independent consultant or attorney with expertise in telecommunications to review any issue that involves specialized or expert knowledge in connection with any permit application; the applicant to pay for that expert advice or action.
9. Coordinate and consult with other Village staff members, committees, and governing bodies to ensure timely action on all other required permits under (5)(b)(8) of this Section.
10. Subject to appeal as provided in (7)(d) of this section, determine whether to grant, grant subject to conditions, or deny an application.
11. Take such other steps as may be required to timely act upon wireless permit applications, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

(5) Application.

- (a) *Format.* Unless the wireless regulations provide otherwise, the applicant must submit both a paper copy and an electronic copy (in a searchable format) of any application, as well as any amendments or supplements to the application or responses to requests for information regarding an application, to the Administrator. An application is not complete until both the paper and electronic copies, and the non-refundable application fee, have been received by the Village.
- (b) *Content.* To be considered complete, an application shall contain:
 1. All information required pursuant to the wireless regulations.
 2. A completed application cover sheet signed by an authorized representative of the applicant, listing all standard permit requirements.
 3. The name of the applicant (including any corporate or trade name) and the name, address, e-mail address, and telephone number of a local representative. If the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider(s) that will be using the wireless telecommunications facility must also be provided.
 4. A statement of which shot clock or shot clocks apply to the application and the reasons the chosen shot clocks apply.
 5. A separate and complete description of each proposed wireless telecommunications facility and the work that will be required to install or modify it, including details regarding proposed excavations, if any.
 6. Detailed site plans showing the location of the facility and technical specifications for each element of the facility, clearly describing the site and all structures and facilities at the site before and after installation or modification and identifying the owners of such pre-existing structures and facilities; and describing the distance to the nearest residential dwelling unit.
 7. A plan showing where and how the proposed antenna will be affixed to a building or structure.
 8. Details of all proposed antenna and mounting equipment including size and color.

VILLAGE OF SISTER BAY ZONING CODE

- 1 9. A design drawing including cross sections and elevations of all proposed towers,
2 equipment buildings or boxes, and, details of all proposed fencing and screening.
- 3 10. A description of the tower’s capacity including the number and type of antennas it can
4 accommodate as well as the proposed location of all mounting positions for co-located
5 antennas and the minimum separation distances between antennas.
- 6 11. Where a monopole is proposed, the design shall illustrate how the tower will collapse
7 upon itself without encroaching upon any adjoining property line.
- 8 12. An analysis of the fall zone for the proposed tower prepared by a licensed engineer.
- 9 13. A report from a licensed engineer indicating that the proposed wireless
10 telecommunication site will comply with the emission standards found in this regulation.
11 Such report shall also certify that the installation of such site will not interfere with public
12 safety communications.
- 13 14. Proof that either the applicant or co-applicant holds a bona fide license from the
14 Federal Communications Commission (FCC) to provide the telecommunications services
15 that the proposed tower is designed to support.
- 16 15. A report or letter from the Federal Aviation Administration (FAA) that the proposed
17 tower complies with all airport safety requirements of and for the Ephraim-Gibraltar
18 Airport.
- 19 16. A map depicting the extent the provider has planned coverage within the Village of
20 Sister Bay and the service area of the proposed wireless telecommunications site.
- 21 17. A map indicating the search radius for the proposed wireless telecommunication site.
- 22 18. For towers located in a residential zoning district, or within 1,000 feet of a residential
23 zoning district, the applicant shall provide a view shed analysis showing all areas from
24 which the tower would be visible.
- 25 19. The application shall contain clear specifications on how aesthetic and avian concerns
26 will be addressed, illustrating compliance with (6)(c)5 below.
- 27 20. Proof that the applicant has mailed to the owners of all properties within 300 feet of
28 the proposed wireless telecommunications facility a notice that the applicant is
29 submitting an
30 application to the Village for placement or modification of a wireless
31 telecommunications facility, which notice must include:
 - 32 a. The proposed location of the facility,
 - 33 b. A description and scale image of the proposed facility, and,
 - 34 c. An e-mail address and phone number for a representative of the applicant who will
35 be available to answer questions from members of the public about the proposed
36 project.
- 37 21. To the extent that filing of the wireless permit application establishes a deadline for
38 action on any other permit that may be required in connection with the wireless
39 telecommunications facility, the application must include complete copies of
40 applications for every required permit (including without limitation electrical permits,
41 building permits, traffic control permits, and excavation permits) with all engineering
42 completed and the fees associated with each permit.
- 43 22. A certification by a registered and qualified engineer that the installation can be
44 supported by and does not exceed the tolerances of the structure on which it will be
45 mounted, and that all elements of the wireless telecommunications facility comply with
46 applicable safety standards.
- 47 23. If an applicant contends that denial of the application would prohibit or effectively
48 prohibit the provision of service in violation of federal law, or otherwise violate
49 applicable law, the application must provide all evidence on which the applicant relies
50 in support of that claim. Applicants are not permitted to supplement this evidence, if

VILLAGE OF SISTER BAY ZONING CODE

- 1 doing so would prevent the Village from complying with any deadline for action on an
2 application.
- 3 24. If the application is an eligible facilities request, the application must contain
4 information sufficient to show that the application qualifies as an eligible facilities
5 request under 47 C.F.R. §1.6100(b)(3), including evidence that the application relates to
6 an existing tower or base station that has been approved by the Village.
- 7 25. Before and after 360-degree photo simulations must be provided with detailed
8 specifications demonstrating that the modification does not substantially change the
9 physical dimensions of the existing approved tower or base station.
- 10 (c) *Waivers.* Requests for waivers from any requirement of this Section shall be made in writing
11 to the Zoning Administrator. The Zoning Administrator will forward the request to the Plan
12 Commission, who may grant a request for waiver if it is demonstrated that, notwithstanding
13 the issuance of the waiver, the Village will be provided with all information necessary to
14 understand the nature of the construction or other activity to be conducted pursuant to the
15 wireless permit sought.
- 16 (d) *Fees.* The applicant must provide a non-refundable application fee and shall be required to
17 pay all costs reasonably incurred in reviewing the application, including costs incurred in
18 retaining outside consultants. Fees shall be reviewed periodically and raised or lowered based
19 on the costs the Village expects to incur.
- 20 (e) *Public Records.* Applications are public records that may be made publicly available pursuant
21 to federal and state public records law. Notwithstanding the foregoing, the applicant may
22 designate portions of the application materials that it reasonably believes contain proprietary
23 or confidential information by clearly marking each portion of such materials accordingly, and
24 the Village shall endeavor to treat the information as proprietary and confidential, subject to
25 applicable federal and state public records law and the Zoning Administrator’s determination
26 that the applicant’s request for confidential or proprietary treatment of the application
27 materials is reasonable. The Village shall not be required to incur any costs to protect the
28 application from disclosure and shall not be held liable if such proprietary or confidential
29 information is inadvertently shared with the public. All public records requests shall be filed
30 with the Village Clerk.
- 31 (6) General Standards.
- 32 (a) *Generally.* Wireless telecommunications facilities shall meet the minimum requirements set
33 forth in this section and the wireless regulations, in addition to the requirements of any other
34 applicable law or regulation.
- 35 (b) *Regulations.* The wireless regulations and decisions on wireless permits shall, at a minimum,
36 ensure that the requirements of this section are satisfied, unless it is determined that the
37 applicant has established that denial of an application would, within the meaning of federal
38 law, prohibit or effectively prohibit the provision of a telecommunications, or otherwise
39 violate applicable laws or regulations. If that determination is made, the requirements of this
40 section and the wireless regulations may be waived, but only to the extent required to avoid
41 the prohibition.
- 42 (c) *Standards.*
- 43 1. Wireless telecommunications facilities shall be installed and modified in a manner that:
- 44 a. Minimizes risks to public safety;
- 45 b. Ensures that placement of facilities on existing structures is within the tolerance of
46 those structures;
- 47 c. Avoids placement of aboveground facilities in underground areas where
48 underground installation does not require blasting, installation of new support
49 structures or equipment cabinets in the public right-of-way, and placement in
50 residential areas when commercial areas are reasonably available;

VILLAGE OF SISTER BAY ZONING CODE

- 1 d. Maintains the integrity and character of the neighborhoods and corridors in which
- 2 the facilities are located;
- 3 e. Ensures that installations are subject to periodic review to minimize the intrusion
- 4 on the right-of-way.
- 5 f. Ensures that the Village bears no risk or liability as a result of the installations; and,
- 6 g. Ensures that the applicant’s use does not inconvenience the public, interfere with
- 7 the primary uses of the right-of-way, or hinder the ability of the Village or other
- 8 government entities to improve, modify, relocate, abandon or vacate the right-of-
- 9 way or any portion thereof, or cause the improvement, modification, relocation,
- 10 vacation or abandonment of facilities in the right-of-way.
- 11 2. *Colocation.* Subject to the provisions of this section, and in accord with Wis. Stats. §Sec.
- 12 196.04, collocation of facilities on existing support structures, towers, or utility poles is
- 13 generally preferred over new support structures if it can be accomplished in a way that
- 14 better compliments the character of the surrounding area.
- 15 3. No wireless permit shall be issued unless:
- 16 a. The wireless service provider applicant has immediate plans to use the proposed
- 17 facility; or,
- 18 b. The wireless infrastructure applicant has a contract with a wireless service provider
- 19 that has immediate plans to use the proposed facility.
- 20 4. In no event may ground-mounted equipment interfere with pedestrian or vehicular
- 21 traffic, and at all times it must comply with the requirements of the Americans with
- 22 Disabilities Act of 1990 or amended thereafter.
- 23 5. *Aesthetic and Avian Considerations.*
- 24 a. Telecommunication towers and antennas in excess of 35 feet in height shall be
- 25 camouflaged as a tree whose species is native to the Great Lakes region. The
- 26 concealment design shall appear identical to the native tree species approved by
- 27 the Village; the bark, branches, and needles or leaves of the disguise, and amount
- 28 and color thereof, shall be of such design and quality that to a passerby the tower
- 29 appears to be a live tree. When location would result in a tree being incompatible
- 30 on the landscape, as an alternative to a tree concealment, other disguises may be
- 31 considered by the Plan Commission, such as church steeples, lighthouses, or other
- 32 concealments. The disguise shall be subject to architectural review prior to permit
- 33 issuance. The disguise shall comply with all International Code Council and federal
- 34 telecommunication standards. If the concealment would be a distraction to the
- 35 public, this requirement, more specifically, the provisions of Sec. 66.0504(6)(c)5.a.,
- 36 may be waived by a three quarters (3/4) majority vote of the Plan Commission.
- 37 b. Towers shall either maintain a galvanized steel finish or, subject to any applicable
- 38 standard of the FAA, be painted a neutral color so as to reduce visual
- 39 obtrusiveness.
- 40 c. At a tower site, the design of the buildings and related structures shall, to the
- 41 maximum extent possible, use materials, colors, textures, screening, and
- 42 landscaping that will blend them into the natural setting and surrounding buildings
- 43 to minimize the visual impact.
- 44 d. Facilities shall be sited and designed to minimize adverse visual impacts on
- 45 surrounding properties and the traveling public to the greatest extent reasonably
- 46 feasible, consistent with the proper functioning of the small wireless facilities or
- 47 distributed antenna system. Such facilities and equipment enclosures shall be
- 48 integrated through location and design to blend in with the existing characteristics
- 49 of the site and/or streetscape to the extent reasonably feasible.

VILLAGE OF SISTER BAY ZONING CODE

- 1 e. All tower sites must comply with any landscaping requirements of the Zoning Code
2 and all applicable requirements of the Village, and the Village may require
3 landscaping in excess of those requirements in order to enhance compatibility with
4 adjacent residential and non-residential land uses. All landscaping shall be properly
5 maintained to ensure good health and viability at the applicant's expense. Tower
6 facilities shall be landscaped with a buffer of plant materials that effectively
7 screens the view of the tower compound consisting of the telecommunications
8 tower and antennas, backhaul network and any structure or equipment cabinet.
9 The standard buffer shall consist of a landscaped strip that is at least 4 feet wide
10 outside the perimeter of the compound. In locations where the visual impact of
11 the tower would be minimal, including but not limited to those instances where a
12 stealth facility is installed, the landscaping requirement may be reduced or waived.
- 13 6. *Height and setback requirements.*
- 14 a. The maximum height of a tower proposed under this section shall be 200 feet
15 including the antenna and all other appurtenances. The height of a tower mounted
16 on a building shall be measured from the average level of the ground along all walls
17 of the building to the tallest point on the tower including the antenna and all other
18 appurtenances.
- 19 b. The maximum height of any rooftop mounted equipment building or box shall be
20 15 feet above the roof surface.
- 21 c. All freestanding monopole towers shall comply with the greater of the following
22 minimum property line setbacks:
- 23 i. *Front Yard or Street Yard* – Shall be at least a distance equal to three-
24 fourths (3/4) of the height of the tower or the setback required for
25 the underlying zone, whichever is greater.
- 26 ii. *Side or Rear Yards in Residential Zones* - Shall be at least 50 feet for
27 towers less than 60 feet in height and 100 feet for towers equal to
28 or greater than 60 feet.
- 29 iii. *Side or Rear Yards in Non-Residential Zones* - Shall be at least 25 feet
30 for towers less than 60 feet in height and 50 feet for towers equal to
31 or greater than 60 feet.
- 32 iv. *District Setback.* Where a side or rear lot line is contiguous to a
33 residential zone, the setback for that particular yard shall be as
34 required for such a tower in a residential zone.
- 35 d. All other towers in residential zones cannot be located in a front yard and shall
36 provide a setback from all side and rear property lines that are at least equal to
37 seventy-five percent (75%) of the proposed tower height or 200 feet, whichever is
38 greater. A principal use must be established on the lot prior to erecting a tower.
- 39 e. All other towers in non-residential zones shall provide a setback from any property
40 line that is at least equal to the height of the tower.
- 41 f. All equipment buildings/boxes or equipment areas, which are each 50 square feet
42 or greater in area, shall comply with the minimum property line setbacks for a
43 principal building in the underlying zone.
- 44 g. All equipment buildings/boxes or equipment areas which are each less than 50
45 square feet in area shall comply with the following minimum property line
46 setbacks:
- 47 i. *Front yard or street yard* – Same as for a principal building in
48 the underlying zone.
- 49 ii. *Rear and side yards* – 5 feet.
- 50 7. *Other General Requirements.*

VILLAGE OF SISTER BAY ZONING CODE

- a. No wireless telecommunication site shall be located within 200 feet of an existing or proposed residence.
- b. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting, except for municipal purposes, shall be avoided if possible.
- c. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue or gray.
- d. Towers may not be used to exhibit any signage or other advertising.
- e. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is between 50 and 100 feet in height. The Plan Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- f. All utilities proposed to serve new wireless telecommunication sites shall be installed underground unless otherwise approved by the Plan Commission.
- g. All generators installed in conjunction with any wireless telecommunication site shall comply with all Village noise regulations.

(d) *Standard Permit Conditions.*

All wireless permits under this section are issued subject to the following minimum conditions:

- 1. *Compliance.* The permit holder shall at all times maintain compliance with all applicable federal, state, and local laws, regulations, and other rules.
- 2. *Contact Information.* The permit holder shall at all times maintain with the Village accurate contact information for the permit holder and all wireless service providers making use of the facility, which shall include a phone number, mailing address, and e-mail address for at least one natural person.
- 3. *Emergencies.* The Village shall have the right to support, repair, disable or remove any elements of the facilities in emergencies or when the facility threatens imminent harm to persons or property; the Village's costs to disable or remove such elements shall be charged to the permit holder and shall be paid within thirty (30) days of the date on the invoice from the Village.
- 4. *Indemnities.* The permit holder, by accepting a permit under this section, agrees to indemnify, defend, and hold harmless the Village, its elected and appointed officials, officers, employees, agents, representatives and volunteers (collectively, the "indemnified parties") from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorneys' fees, costs, and expenses of whatsoever kind or nature in any manner caused in whole or in part, or claimed to be caused in whole or in part, by reason of any act, omission, fault, or negligence, whether active or passive, of the permit holder or anyone acting under its direction or control or on its behalf, even if liability is also sought to be imposed on one or more of the indemnified parties. The obligation to indemnify, defend, and hold harmless the indemnified parties shall be applicable even if the liability results from an act or failure to act on the part of one or more of the indemnified parties. However, the obligation does not apply if the liability results from the willful misconduct of an indemnified party.
- 5. *Adverse Impact on Adjacent Properties.* The permit holder shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the facility.

VILLAGE OF SISTER BAY ZONING CODE

- 1 5. *General Maintenance.* The wireless communications facility and any associated
2 structures shall be maintained in a neat and clean manner and in accordance with all
3 approved plans and conditions of approval. All concealment measures shall be
4 maintained to provide effective concealment.
- 5 7. *Graffiti Removal.* All graffiti on facilities shall be removed at the sole expense of the
6 permit holder within forty-eight (48) hours after notification from the Village unless a
7 greater timeframe for compliance is established in such notification.
- 8 8. *Relocation.* At the request of the Village, pursuant to (9) of this Section, the permit
9 holder shall promptly and at its own expense permanently remove and relocate any
10 wireless telecommunications facility in the right-of-way.
- 11 9. *Abandonment.* The permit holder shall promptly notify the Village whenever a facility
12 has not been in use for a continuous period of sixty (60) days or longer and must comply
13 with (10) of this Section.
- 14 10. *Restoration.* A permit holder who removes or relocates a facility from the right-of- way
15 must restore the right-of-way in accordance with (11) of this Section.
- 16 11. *Records Retention.* The permit holder shall retain full and complete copies of all permits
17 and other regulatory approvals issued in connection with the facility, which includes
18 without limitation all conditions of approval, approved plans, resolutions, and other
19 documentation associated with the permit or regulatory approval. In the event the
20 Village cannot locate any such full and complete permits or other regulatory approvals
21 in its official records, and the permit holder fails to retain full and complete records in
22 the permit holder’s files, any ambiguities or uncertainties that would be resolved
23 through an examination of the missing documents will be conclusively resolved against
24 the permit holder.
- 25 12. *Radio Frequency Emissions.* Every wireless facility shall at all times comply with
26 applicable FCC regulations governing radio frequency emissions, and failure to comply
27 with such regulations shall be treated as a material violation of the terms of the permit.
- 28 13. *Certificate of Insurance.* A certificate of insurance which is sufficient to demonstrate to
29 the satisfaction of the Zoning Administrator that the applicant has the capability to
30 cover any liability that might arise out of the presence of the facility in the right-of-way
31 shall be provided to the Zoning Administrator.

32 (7) Application Processing and Appeal:

- 33 (a) *Rejection for Incompleteness.* Notices of incompleteness shall be provided in conformity
34 with federal, state, and local law, including 47 C.F.R. §1.6003(d) as amended.
- 35 (b) *Processing Timeline.* Wireless permit applications (including applications for other permits
36 necessary to place or modify the facility), and appeals will be processed in conformity with
37 the shot clocks set forth in federal, state, and local law, as amended.
- 38 (c) *Written Decision.* In the event that an application is denied (or approved with conditions
39 beyond the standard permit conditions) the Administrator shall issue a written decision with
40 the reasons therefore, supported by substantial evidence contained in a written record.
- 41 (d) *Appeal to Village Board.* Any person adversely affected by the written decision of the Zoning
42 Administrator or the Plan Commission may appeal that decision to the Village Board within
43 thirty (30) days of that written decision, which may decide the issue(s) de novo, and whose
44 written decision will be the final decision of the Village. An appeal by a wireless infrastructure
45 provider must be taken jointly with the wireless service provider that intends to use the
46 wireless telecommunications facility. The fee shall be required for an Appeal to the Zoning
47 board of Appeals.
- 48 (e) *Decision Deadline.* All appeals shall be conducted so that a timely written decision may be
49 issued in accordance with the applicable shot clock.

50 (8) Expiration and Revocation.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (a) *Expiration.* A wireless permit issued pursuant to an eligible facilities request shall expire at
2 the same time the permit for the underlying existing wireless telecommunications facility
3 expires. All other wireless permits shall be valid for a period of five (5) years from the date of
4 issuance. Upon expiration of the wireless permit, the permit holder must either:
5 1. Remove the wireless telecommunications facility; or,
6 2. Submit an application to renew the permit at least ninety (90) days prior to its expiration.
7 The facility must remain in place until the renewal application is acted on by the Village
8 and any appeals from the Village’s decision are exhausted.
- 9 (b) *Revocation For Breach.* A wireless permit may be revoked for failure to comply with the
10 conditions of the permit or applicable federal, state or local laws, rules or regulations. Upon
11 revocation, the wireless telecommunications facility must be removed within thirty (30) days
12 of receipt of written notice from the Village. All costs incurred by the Village in connection
13 with the revocation, removal, and right-of-way restoration shall be paid by the permit holder.
- 14 (c) *Failure to Obtain Permit.* Unless exempted from permitting by (2)(b) of this section, a
15 wireless telecommunications facility installed without a wireless permit must be removed
16 within thirty (30) days of receipt of written notice from the Village. All costs incurred by the
17 Village in connection with the notice, removal, and right-of-way restoration shall be paid by
18 entities who own or control any part of the wireless telecommunications facility.
- 19 (9) Relocation. Except as otherwise prohibited by federal or state law, a permit holder must promptly
20 and at its own expense, with due regard for seasonal working conditions, permanently remove and
21 relocate any of its wireless telecommunications facilities in the right-of-way whenever the Village
22 requests such removal and relocation. The Village may make such a request to prevent the facility
23 from interfering with a present or future Village use of the right-of-way; a public improvement
24 undertaken by the Village; an economic development project in which the Village has an interest
25 or investment; when the public health, safety, or welfare require it; or when necessary to prevent
26 interference with the safety and convenience of ordinary travel over the right-of-way.
27 Notwithstanding the foregoing, a permit holder shall not be required to remove or relocate its
28 facilities from any right-of-way that has been vacated in favor of a non-governmental entity unless
29 and until that entity pays the reasonable costs of removal or relocation to the permit holder.
- 30 (10) Abandonment.
- 31 (a) *Cessation of Use.* In the event that a permitted facility within the right-of-way is not in use
32 for a continuous period of sixty (60) days or longer, the permit holder must promptly notify
33 the Village and do one of the following:
34 1. Provide information satisfactory to the Zoning Administrator that the permit holder’s
35 obligations for its facilities under this section have been lawfully assumed by another
36 permit holder.
37 2. Submit to the Zoning Administrator a proposal and instruments for dedication of the
38 facilities to the Village. If a permit holder proceeds under this section, the Village may,
39 at its option:
40 a. Accept the dedication for all or a portion of the facilities.
41 b. Require the permit holder, at its own expense, to remove the facilities and perform
42 the required restoration under (11); or,
43 c. Require the permit holder to post a bond or provide payment sufficient to
44 reimburse the Village for reasonably anticipated costs to be
45 incurred in removing the facilities and undertaking restoration under (11).
46 3. Remove its facilities from the right-of-way within one (1) year and perform the required
47 restoration under (11), unless the Plan Commission waives this requirement or provides
48 a later deadline.
- 49 (b) *Abandoned Facilities.* Facilities of a permit holder who fails to comply with (10)(a), and, which
50 for one (1) year, remain unused shall be deemed to be abandoned. Abandoned facilities are

VILLAGE OF SISTER BAY ZONING CODE

1 deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the
2 Village may, at its option:

- 3 1. Abate the nuisance and recover the cost from the permit holder or the permit holder's
4 successor in interest;
- 5 2. Take possession of the facilities; and/or
- 6 3. Require removal of the facilities by the permit holder or the permit holder's successor
7 in interest.

8 (11) Restoration. In the event that a permit holder removes or is required to remove a wireless
9 telecommunications facility from the right-of-way under this section, or relocate it pursuant to (9),
10 the permit holder must restore the right-of-way to its prior condition in accordance with Village
11 specifications. However, a support structure owned by another entity authorized to maintain that
12 support structure in the right-of-way need not be removed but must instead be restored to its prior
13 condition. If the permit holder fails to make the restorations required by this section, the Village,
14 at its option may do such work. In that event, the permit holder shall pay to the Village, within
15 thirty (30) days of billing therefore, the cost of restoring the right-of-way.

16 (12) Placement on Village Owned or Controlled Structures. The Village may negotiate agreements for
17 placement of wireless telecommunications facilities on Village owned or controlled structures in
18 the right-of-way. The agreement shall specify the compensation to the Village for use of the
19 structures. The person or entity seeking the agreement shall reimburse the Village for all costs the
20 Village incurs in connection with its review of an action upon the request for an agreement.

21 (13) Location Preferences. The locations for siting the equipment involved in receiving or transmitting
22 electromagnetic waves associated with wireless telecommunication services are listed in the
23 following order of preference.

- 24 (a) On existing, towers that otherwise meet federal, state or local regulations.
- 25 (b) On existing structures such as buildings, water towers and utility poles.
- 26 (c) On new towers less than 100 feet in height located in the Institutional District.
- 27 (d) On new towers 100 feet or greater in height located in the Institutional District.
- 28 (e) On new towers less than 100 feet in height located in a B-1, B-2, or B-3 District.
- 29 (f) On new towers 100 feet or greater in height located in a B-1, B-2, or B-3 District.
- 30 (g) On new towers less than 100 feet in height located in an R-1, R-2, R-3, R-4, or CS-1 District.
- 31 (h) On new towers 100 feet or greater in height located in an R-1, R-2, R-3, R-4, or CS-1 District.

32 (14) Definitions. Definitions in this section may contain citations from or references to Title 47 of the
33 Code of Federal Regulations Sec. 1.6100 and Sec. 1.6002. In the event that any referenced section
34 is amended, creating a conflict between the definition as set forth in this section and the amended
35 language of the referenced section, the definition in the referenced section, as amended, shall
36 control. For the purposes of this section, the terms below shall have the following meanings:

37 Administrator. The Zoning Administrator/Village Administrator or their designee.

38 Application. A formal request, including all required and requested documentation and
39 information, submitted by an Applicant to the Village for a wireless permit.

40 Applicant. A person filing an application for placement or modification of a wireless
41 telecommunications facility in the right-of-way or on public or private land.

42 Base Station. The same as in Title 47 of the Code of Federal Regulations - Sec. 1.6100(b)(1), which
43 defines the term to mean a structure or wireless telecommunications equipment at a fixed
44 location that enables FCC-licensed or authorized wireless communications between user
45 equipment and a communications network. This definition does not include towers.

46 Eligible Facilities Request. Defined in Title 47 of the Code of Federal Regulations - Sec. 1.6100(b)(3),
47 and means any request for modification of an existing tower or base station that does not
48 substantially change the physical dimensions of such tower or base station, involving:

- 49 (i) Collocation of new transmission equipment;
- 50 (ii) Removal of transmission equipment; or,

VILLAGE OF SISTER BAY ZONING CODE

1 (iii) Replacement of transmission equipment.

2 FCC. The Federal Communications Commission.

3 Right-of-way. The surface of, and the space above and below the entire width of an improved or
4 unimproved public roadway, highway, street, bicycle lane, landscape terrace, shoulder, side
5 slope, and public sidewalk over which the Village exercises any rights of management and control
6 or in which the Village has an interest.

7 Shot Clocks. The timeline for action established by the FCC. A ninety (90) day shot clock has been
8 set for processing collocation applications (adding to existing structures) and a one hundred fifty
9 (150) day shot clock for processing other applications.

10 Small Wireless Facility Consistent with Title 47 of the Code of Federal Regulations Sec. 1.6002(I). A
11 facility that meets each of the following conditions:

- 12 1. The structure on which antenna facilities are mounted:
 - 13 a. Is 50 feet or less in height, or,
 - 14 b. Is no more than 10 percent (10%) taller than other adjacent structures, or,
 - 15 c. Is not extended to a height of more than 50 feet or by more than 10 percent (10%) above
16 its pre-existing height, whichever is greater, as a result of the collocation of new antenna
17 facilities.
- 18 2. Each antenna (excluding associated antenna equipment) is no more than 3 cubic feet in
19 volume;
- 20 3. All other wireless equipment associated with the structure, including the wireless equipment
21 associated with the antenna and any pre-existing associated equipment on the structure, is
22 cumulatively no more than 28 cubic feet in volume;
- 23 4. The facility does not require antenna structure registration;
- 24 5. The facility does not result in human exposure to radiofrequency radiation in excess of the
25 applicable safety standards specified by federal law.

26 Support Structure. Any structure capable of supporting wireless telecommunications equipment.

27 Tower. The same as in Title 47 of the Code of Federal Regulations Sec. 6100(b)(9), which defines
28 the term as any structure built for the sole or primary purpose of supporting any Federal
29 Communication Commission (FCC) licensed or authorized antennas and their associated facilities,
30 including structures that are constructed for wireless communications services including, but not
31 limited to, private, broadcast, and public safety services, as well as unlicensed wireless services
32 and fixed wireless services such as microwave backhaul, and the associated site. This definition
33 does not include utility poles.

34 Underground Areas. Those areas where there are no electrical facilities or facilities of the
35 incumbent local exchange carrier in the right of way; or where the wires associated with the same
36 are or are required to be located underground; or where the same are scheduled to be converted
37 from overhead to underground. Electrical facilities are distribution facilities owned by an electric
38 utility and do not include transmission facilities used or intended to be used to transmit electricity
39 at nominal voltages more than 35,000 volts.

40 Utility Pole. A structure in the right-of-way designed to support electric, telephone, and similar
41 utility distribution lines and associated equipment. A tower is not a utility pole.

42 Wireless Infrastructure Provider. A person that owns, controls, operates, or manages a wireless
43 telecommunications facility or portion thereof within the right-of-way or on public or private
44 property.

45 Wireless Permit or Permit. A permit issued pursuant to this section and authorizing the placement
46 or modification of a wireless telecommunications facility of a design specified in the permit at a
47 particular location within the right-of-way or on public or private property and the modification of

VILLAGE OF SISTER BAY ZONING CODE

1 any existing support structure to which the wireless telecommunications facility is proposed to be
2 attached.

3 Wireless Regulations. Those regulations adopted pursuant to Sec. 5(b)(1) to implement the
4 provisions of this section.

5 Wireless Service Provider. An entity that provides wireless services to end users.

6 Wireless Telecommunications Equipment. Equipment at a fixed location that enables FCC-licensed
7 or authorized wireless communications between user equipment and a communications network.

8 Wireless Telecommunications Facility or Facility. A facility at a fixed location in the right-of-way or
9 on public or private property consisting of a base station, antennas and other accessory equipment,
10 and a tower and underground wiring, if any, associated with the base station.

11 **Sec. 66.0505 Wind Power Generating Towers**

12 Wind power generation shall be permitted in any district in the Village, in conformance with Wisconsin
13 2009 Act 40, PSC 128, and shall be permitted on the waters of Green Bay within the jurisdiction of the
14 Village.

15 **Sec. 66.0506 Outdoor Displays**

16 (1) Outdoor Displays Which Are Allowed on a Regular Basis in the B-1 District and Do Not Require a
17 Permit.

18 (a) No permit will be required if the owner of a business in the B-1 District wishes to display
19 merchandise which is for sale outdoors, excluding the items included in (4). The display
20 must satisfy the following requirements: The outdoor display of merchandise shall not
21 extend more than fifty percent (50%) from the building into the required front setback
22 area.

23 1. Signs, screening, enclosures, landscaping or materials being displayed shall not
24 interfere in any manner with either on-site or off-site traffic visibility, including
25 pedestrian traffic.

26 2. The display area shall not inhibit the use of or number of required parking stalls.

27 3. Display areas shall be separated from any vehicular parking or circulation area and the
28 separation shall be clearly indicated.

29 4. If goods are removed from the display area, all support fixtures shall also be removed.

30 (2) Outdoor Displays Which Are Allowed on a Regular Basis in the B-2 and B-3 Districts and Do Not
31 Require a Permit.

32 (a) No permit will be required if the owner of a business in the B-2 District or the B-3 District
33 wishes to display a small amount of merchandise which is offered for sale outdoors,
34 excluding the items included in (4). The display must satisfy the following requirements:

35 1. The appearance of the display must be proportionate to the size of the building in
36 which the store is located.

37 2. The items to be displayed outdoors must be placed at least 20 feet from the face of
38 the curb. If it will be impossible for a business owner to satisfy the 20 foot regulation
39 a small display will be allowed by the building entrance.

40 (3) Number of Sidewalk Sales Allowed Per Calendar Year.

41 (a) No permit will be required for sidewalk sales in any of the business districts, but no more
42 than twelve (12) of such sales will be allowed in a calendar year.

43 (b) The appearance of the merchandise displayed during a sidewalk sale must also be
44 proportionate to the size of the building in which the store is located.

45 (4) Outdoor Displays Which Do Require a Permit in all Business Districts.

46 (a) If the owner of a business in any business district within the Village limits wishes to display
47 larger items such as automobiles, trucks, motorcycles, RV's, campers, ATV's, boats and the
48 like, a permit which delineates the area where the large item display will be allowed is
49 required, but the display must meet the following requirements:

VILLAGE OF SISTER BAY ZONING CODE

- 1 1. The display shall not extend more than 20 percent (20%) from the building into the
- 2 front yard area, and may not extend into the required side or rear setbacks.
- 3 2. Automobiles, trucks, motorcycles and boats shall only be displayed or placed on a
- 4 surface as specified in Sec. 66.0403(6)(a).
- 5 3. The display area shall not inhibit the use of or number of required parking stalls.
- 6 4. Display areas shall be separated from any vehicular parking or circulation area, and
- 7 the separation shall be clearly indicated.
- 8 5. If goods are removed from the display area, all support fixtures shall also be removed.

VILLAGE OF SISTER BAY ZONING CODE

SECTION 600 – MODIFICATIONS

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Sec. 66.0601 Height Modifications

The district height limitations included elsewhere in this chapter may be exceeded, but shall be in accord with the following: *[See Also Sec. 66.0323(3) for Height Modifications in the B-3 District]*

- (1) Architectural Projections. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter, but may be regulated by FCC or FAA regulations where applicable. The cupolas shall not exceed 64 square feet in floor area including stairwells and shall not be higher than 8 feet above the adjacent roof ridge and not contain any living quarters.
- (2) Special Structures. Special structures, such as elevator penthouses, grain elevators, necessary mechanical appurtenances, cooling towers, fire towers, solar collectors, substations and smoke stacks, are exempt from the height limitations of this chapter.
- (3) Essential Services. Essential services, utilities, water towers and electric power and communication transmission lines are exempt from the height limitations of this chapter.
- (4) Observation Towers. Observation towers shall not exceed in height two times their distance from the nearest lot line.
- (5) Agricultural Structures. Agricultural structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.

Sec. 66.0602 Setback Modifications

The setback requirements included elsewhere in this chapter may be modified as follows:

- (1) Architectural Projections. Architectural projection, such as eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies and similar architectural features may encroach into side yard setbacks by no more than 2 feet, subject to compliance with applicable standards of the Building Code and Fire Code. Eaves, overhangs, cornices, awnings, canopies and similar architectural features may encroach into the right-of-way subject to conditional use approval by the Plan Commission. Walls which are not part of a building and fences may be placed on the property line, subject to the requirements of standards on landscaping and fences and walls.
- (2) Essential Services. Essential Services, utilities and electric power and communication transmission lines are exempt from the setback requirements of this chapter.
- (3) Emergency Ingress and Egress. In the absence of a deck or other structure to provide safe ingress and egress to a second story or higher floor in a building existing at time of this amendment, a landing not to exceed sixteen square feet shall be allowed within a required side yard setback. The burden of proof to illustrate a second or story higher floor had a pre-existing ingress or regress shall be upon the applicant.

VILLAGE OF SISTER BAY ZONING CODE

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VILLAGE OF SISTER BAY ZONING CODE

SECTION 700 - SIGNS

Please Note: This entire section of the Zoning Code was revised as the result of the passing and adoption of Ordinance 185-041211, but in accord with the ruling of the Supreme Court in the case entitled, “Reed v. Town of Gilbert”, Ordinance 244-100416 was also passed and adopted, and, therefore, this section was further amended and recreated in the following fashion. It has subsequently been amended.

Sec. 66.0700 Purpose and Intent

(1) The purpose of this Sign Code is to provide the legal framework and minimum standards to safeguard life, property, and public welfare by regulating and controlling the number, size, quality of materials, construction, location, illumination, installation and maintenance of all signs that are compatible with zoning regulations. This section of the Zoning Code recognizes the need for well-maintained and attractive sign displays within the Village and the need for adequate business identification, advertising and communication. Because of the unique qualities of the Village of Sister Bay, which need to be protected and enhanced, a high degree of control over the construction materials of signs is deemed to be an important public purpose, but this section does authorize the use of signs on public and private property, provided those signs are:

- (a) Compatible with the zoning district regulations.
- (b) Compatible with the approved Architectural Design Manual and other approved guidelines and manuals.
- (c) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- (d) Legible, readable, visible and well designed for the circumstances in which they are used.
- (e) Respectful of the reasonable rights of other advertisers.
- (f) Not covering any major architectural detail.

Sec. 66.0701 Design Guidelines

(1) The Village recognizes the decision of the United States Supreme Court, as outlined in *Reed v. Gilbert*. As such, Sec. 66.0701 is intended to act as a set of suggestions to sign producers and property owners on what types of signs the Village would prefer to see in order to preserve the small town charm of the community.

(2) Signs are one of the most prominent visual elements of a street. Well-designed signs add interest and variety to building facades and help to attract customers. In general, a sign is the best representation of the business to the passing pedestrian or motorist, and the following design guidelines shall be used as an important part of sign review and approval.

- (a) Before starting to design a sign, take a careful look at the building. Is there an obvious space on the building where the sign would look appropriate without covering architectural details? Some of the Village’s older buildings were designed with a horizontal “sign space” stretching across the top of the storefront which should be used. If this “sign space” does not exist, perhaps there is adequate wall area for a wall sign with appropriate space for a projecting sign.
- (b) Take a look at neighboring buildings. Is there a predominant type of sign or a size precedent? In designing a sign, it is important to have an understanding not only of the building but also of the compatibility within the neighborhood. The basis for decisions on sign type, size and location should come from architectural concerns. The specific definitions and regulations governing the various types of signs in this section should be studied before actual design begins.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (3) Simplicity. An effectively designed sign with bold, easily recognized symbols and clear crisp
2 lettering will identify a business or activity efficiently and attractively, enhance the area in which
3 it is located and complement the general appearance of the street and Village.
- 4 (4) Color. Restraint should be exercised when selecting colors. On most signs, no more than three
5 (3) colors should be used: one for background, a contrasting color for lettering, and a third for
6 perhaps emphasis (such as for borders, motifs, or shading of letters to give it a three-dimensional
7 look). Colors should be chosen which complement each other as well as the general tone of the
8 building.
- 9 (5) Messages. Messages should be simple for rapid comprehension by the public. Pictures, symbols,
10 and logos can add individuality and character to signs, in addition to making them easier to read.
- 11 (6) Materials. Sign materials shall be compatible with the surrounding area. Sign materials shall be
12 consistent with or at least complement the original construction materials and architectural style
13 of the building façade on which they are to be displayed.
- 14 (7) Lettering. Lettering styles should complement the style and period of the building on which they
15 appear. Traditional block and curvilinear styles, which are easy to read, are preferred. Generally,
16 different type styles should not be used on the same sign to avoid a cluttered appearance.

17
18 **Secs. 66.0702 - 66.0709, Reserved**

19 **Sec. 66.0710 Business District Signage with Permit**

- 20 (1) In General. Signs are permitted in all business districts subject to the requirements in this chapter.
- 21 (2) Determination of Allowable Signage. The area of each building’s signage shall be the lineal feet
22 of the front of the building multiplied by the story factor. A basement shall not count as a story.
23 *[See Sec. 66.0753(6) to determine the manner in which to ascertain the linear front footage of a*
24 *building.]* No single projecting or ground sign may exceed 24 square feet in area per side.

25
26 **PLEASE REFER TO THE TABLE ON THE FOLLOWING PAGE**
27 **TO CALCULATE HOW MANY SQUARE FEET OF SIGNAGE**
28 **WILL ACTUALLY BE ALLOWED FOR YOUR PROPERTY. TO**
29 **DO THAT, MEASURE THE WIDTH OF THE FRONT OF**
30 **YOUR BUILDING, AND THEN USE THE PROPER**
31 **MULTIPLIER FOR THE BUILDING WIDTH, TAKING INTO**
32 **ACCOUNT HOW MANY STORIES THE BUILDING**
33 **ACTUALLY HAS. (FOR EXAMPLE, A ONE STORY BUILDING**
34 **THAT IS 100 FEET IN WIDTH WOULD BE ALLOWED TO**
35 **DISPLAY 59.40 SQUARE FEET OF SIGNAGE.)**
36 **[100 X 0.594 = 59.40]**
37

VILLAGE OF SISTER BAY ZONING CODE

1 (3) Allowable Signage Determination Table.

| Building Width Range in Feet | Multiplier | | |
|---|----------------------|----------------------|------------------------|
| | One Story | Two Story | Three Story |
| 0 | 0.750 | 0.830 | 0.900 |
| 5 | 0.750 | 0.830 | 0.900 |
| 10 | 0.750 | 0.830 | 0.900 |
| 15 | 0.750 | 0.830 | 0.900 |
| 20 | 0.750 | 0.830 | 0.900 |
| 25 | 0.750 | 0.830 | 0.900 |
| 30 | 0.750 | 0.830 | 0.900 |
| 35 | 0.721 | 0.798 | 0.865 |
| 40 | 0.711 | 0.787 | 0.853 |
| 45 | 0.701 | 0.776 | 0.842 |
| 50 | 0.692 | 0.765 | 0.830 |
| 55 | 0.682 | 0.754 | 0.818 |
| 60 | 0.672 | 0.743 | 0.807 |
| 65 | 0.663 | 0.733 | 0.795 |
| 70 | 0.653 | 0.722 | 0.783 |
| 75 | 0.643 | 0.711 | 0.772 |
| 80 | 0.633 | 0.700 | 0.760 |
| 85 | 0.624 | 0.689 | 0.748 |
| 90 | 0.614 | 0.678 | 0.737 |
| 95 | 0.604 | 0.668 | 0.725 |
| 100 | 0.594 | 0.657 | 0.713 |
| 105 | 0.585 | 0.646 | 0.702 |
| 110 | 0.575 | 0.635 | 0.690 |
| 115 | 0.565 | 0.624 | 0.678 |
| 120 | 0.556 | 0.613 | 0.667 |
| 125 | 0.546 | 0.602 | 0.655 |
| 130 | 0.536 | 0.592 | 0.643 |
| 135 | 0.526 | 0.581 | 0.632 |
| 140 | 0.517 | 0.570 | 0.620 |
| 145 | 0.507 | 0.559 | 0.608 |
| 150 | 0.497 | 0.548 | 0.597 |
| 155 | 0.488 | 0.537 | 0.585 |
| 160 | 0.478 | 0.527 | 0.573 |
| 165 | 0.468 | 0.516 | 0.562 |
| 170 | 0.458 | 0.505 | 0.550 |
| 175 | 0.449 | 0.494 | 0.538 |
| 180 | 0.439 | 0.483 | 0.527 |
| 185 | 0.429 | 0.472 | 0.515 |
| 190 | 0.419 | 0.462 | 0.503 |
| 195 | 0.410 | 0.451 | 0.492 |
| 200 | 0.400 | 0.440 | 0.480 |
| Over 200 | 0.390 | 0.429 | 0.468 |

VILLAGE OF SISTER BAY ZONING CODE

- 1 (4) Window Signs. All businesses are allowed window signs, which may be placed only on the inside
2 of buildings and shall not exceed twenty-five percent (25%) of the glass area of the windows
3 fronting on a public street. Window signs that do not display the name, logo or product, as
4 specified above, or those window signs, of which the sign copy changes weekly, shall not require
5 a permit; window signs that display the name, logo or product, or those window signs where the
6 sign copy does not change once a week, shall count towards the overall signage allowed in Sec.
7 66.0710(2) and (3), and a permit shall be required.
- 8 (5) Awning Signage. All businesses are allowed signage on awnings/canopies. If the signage on the
9 awning/canopy includes the business name or logo, a permit shall be required; if the signage on
10 the awning/canopy does not include the business name or logo, no permit is required.
11 Awning/canopy signage may include logos, business names, symbols and wording placed only on
12 the flap. All signage is restricted to the outermost vertical flap only and the vertical flap shall not
13 exceed 25% of the height of the awning/canopy. Signage is not allowed on the sides of the flap
14 or the horizontal or slanted portion of the awning/canopy. An awning/canopy covering
15 pedestrian or vehicle access areas signs shall provide no less than 8 feet vertical clearance
16 between the bottom of the sign and the ground (finished surface), directly beneath the
17 awning/canopy. Signage on awnings, as specified above, shall not count towards total signage
18 unless a sign permit is required.
- 19 (6) Signage at the Entrance of Tenant Spaces. One sign placed at the entrance of the space for each
20 separate tenant space in multi-tenant buildings may be placed on the building and each directory
21 sign shall not exceed 2 square feet per side. In lieu of one entrance directory sign for each
22 separate tenant space, a single wall sign may be permitted. The area of the wall sign shall be no
23 larger than the cumulative amount of the permitted separate entrance directory signs. The in lieu
24 of sign shall be in addition to the sign areas allowed above and shall conform to all of the
25 requirements of this section.
- 26 (7) Certain Sandwich Board Signs. [See Section 66.0714]
- 27 (8) Permitted Types of Signs. A business may divide the total permitted signage into any combination
28 of the four types listed below, not to exceed the total permitted area limits set forth in (b) above.
- 29 (a) *Wall signs.* Wall signs placed flat against the exterior walls of a building shall not extend
30 above the roofline. Wall signs shall not extend beyond the ends of the wall to which they
31 are attached.
- 32 (b) *Projecting signs.* Projecting signs fastened to, suspended from or supported by structures,
33 shall not extend more than 6 feet into the required yard area, shall not extend into any
34 public right-of-way, shall not extend over any driveway and, shall be at least 10 feet from
35 all side lot lines. Except in areas where there are public sidewalks which are cleared of snow
36 by the Village, the projecting sign shall not be located at a point higher than seventy-five
37 percent (75%) of the wall measured from the top of the foundation where it is located. In
38 those areas where the sidewalks are cleared of snow by the Village, there shall be a
39 minimum clearance of 92 inches from the bottom of projecting signs to the sidewalk.
- 40 (c) *Ground signs.* Ground signs shall not exceed 8 feet in height. Ground signs shall be located
41 at least 10 feet from any street right-of-way and at least 2 feet away from any side or rear
42 lot line except as specified in (a) below, but if any and all adjoining property owner(s)
43 execute an applicable agreement a 0 foot side or rear setback will be allowed. Ground signs
44 shall comply with the traffic visibility requirements set forth in Sec. 66.0401. All ground
45 signs shall include landscaping at the base of the sign.
- 46 1. In the B-3 Downtown Business District ground signs may be located no closer than 10
47 feet from the face of the curb, if the existing building and/or terrain is not suitable for
48 the setback as specified above.
- 49 2. All parcels shall be limited to one ground sign, regardless of the number of businesses,
50 buildings on the site or the number of street frontages abutting the property.

VILLAGE OF SISTER BAY ZONING CODE

- (d) *Vending Machine Signage.* Only vending machines without internal illumination are permitted in all business districts.

Sec. 66.0711 Commercial Center Signage with Permit

A commercial center, as defined in this chapter, may be permitted the following signage in addition to the approved building signage as specified in Sec. 66.0710(4)-(8)(b).

- (1) Signs Used for Commercial Centers. Commercial Centers shall be allowed as follows:
 - (a) Two (2) ground signs may be provided. Two (2) ground signs may be permitted along the State Highway abutting a commercial center. If the commercial center has no State Highway frontage, the number, size and location of the signage shall be determined by the Plan Commission.
 - (b) The ground signs shall not exceed 72 square feet per side in total area and not exceed 8 feet in height. The location shall be approved by the Plan Commission prior to the issuance of a sign permit.
- (2) Business or Tenant Signage. The signage specified in Sec. 66.0710(6) may be provided for each individual tenant business in a commercial center. In a multi-tenant building, each business shall be permitted signage up to 12 square feet per sign side for a total of not more than 24 square feet total. In a single tenant building the business shall be permitted signage up to 12 square feet per side on the interior of the shopping center facing the parking lot.
- (3) Additional On-Premise Signage. One additional ground sign on the shopping center property may be permitted subject to the following restrictions:
 - (a) The maximum size of the sign shall not exceed 36 square feet per side.
 - (b) The location shall be approved by the Plan Commission prior to the issuance of a Sign Permit.

Sec. 66.0712 Multi-Use Development with Permit

A multi-use development, as defined in this chapter, may be permitted the following signage in addition to the approved building signage as specified in Sec. 66.0710(4)-(8)(b).

- (1) Signs Used for Multi-Use Developments. Multi-Use Developments shall be allowed as follows:
 - (a) One (1) ground sign may be provided for the development.
 - (b) The ground sign shall not exceed 36 square feet per side in total area and not exceed 8 feet in height. The location shall be approved by the Plan Commission prior to the issuance of a sign permit.
- (2) Business or Tenant Signage. The signage specified in Sec. 66.0710(6) may be provided for each individual tenant business in a multi-use development. In addition, each business shall be permitted signage up to 12 square feet per sign side for a total of not more than 24 square feet total.

Sec. 66.0713 Off-Premise Signage with Permit

This section shall only apply to businesses located on a State Highway. Off-premise directional signs shall only be allowed for entities located within the Village limits. All off-premise signs shall require a sign permit and shall be restricted to the following uses:

- (1) Off-Premise Directional Signs on Highway 42 or 57
 - (a) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state, and if not adopted by this state, with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.
 - (b) Off-premise signs on either state highway require a permit.
 - (c) The basis of approval shall be as follows:
 - 1. The Plan Commission shall approve of sign locations.
 - 2. There shall be only one (1) sign on the highway for each entity requesting such signage.

Sec. 66.0714 Sandwich Board Signage with Permit

VILLAGE OF SISTER BAY ZONING CODE

1 Sandwich board signs are permitted subject to the following conditions:

- 2 (1) Entities may use sandwich board signs on their property in front of their properties in the B-1,
3 B-2, B-3, I-1 and P-1 Districts as permitted, provided that the sandwich board signs will not be
4 located on any sidewalk or bikeway if one is present or in any public right-of-way.
- 5 (2) Sandwich Board Sign Impact on Total Permitted Signage:
 - 6 (a) A sandwich board where the messages and content change on a weekly basis shall not
7 count towards the total signage allowed under Section 66.0710.
 - 8 (b) A sandwich board where the wording or image is unchanging shall count toward the total
9 signage allowed under Section 66.0710. Any sandwich board permitted under this
10 subsection shall also comply with (3)—(7) below.
- 11 (3) The sandwich board sign must be located in front of the property, and will not cause a hazard to
12 traffic or adjoining properties. These signs shall require a permit and shall not exceed 6 square
13 feet in area on one side or 12 square feet on all sides.
- 14 (4) The sandwich board sign must be removed from its display location whenever the permit holder
15 is not open to the public.
- 16 (5) Festivals, non-profits, organizations and businesses under contract with the Village may use
17 sandwich board signs on Village owned property or other property in any district as permitted
18 provided that the sandwich board signs will not be located on any sidewalk or bikeway if one is
19 present or in any public right-of-way.
- 20 (6) The Plan Commission shall establish a sandwich board design guide, which will reflect various
21 preferred designs and colors. The guide shall be updated periodically.
- 22 (7) The fee for a sandwich board sign permit will be delineated in the most recently adopted version
23 of the Village’s fee schedule.

24 **Secs. 66.0715 - 66.0719, Reserved**

25 **Sec. 66.0720 On-Premise Signs without Permit**

26 Except as prohibited in Sec. 66.0770, the following signs are permitted in all zoning districts without a
27 permit, subject to the following regulations:

- 28 (1) Construction Area Signage. Temporary signs on a property during a period of construction may
29 be placed on a construction site without a permit, provided that there shall be no more than one
30 (1) such sign located on the premises; no sign shall exceed 18 square feet in area on one side or
31 36 square feet on all sides; and the sign shall be removed within seventy-two (72) hours following
32 the issuance of an occupancy permit.
- 33 (2) Development Agreement Temporary Signs. Temporary signs issued as part of a development
34 agreement shall be removed as specified in that agreement.
- 35 (3) Bulletin Boards. Bulletin boards are not to exceed 4 square feet in area on one side located on
36 the building.
- 37 (4) Signs Cut Into Buildings. Signs and tablets when cut into any masonry surface or when
38 constructed of metal and affixed flat against a structure will count towards total allowable
39 signage, and be reviewed by the Plan Commission as an architectural feature and approved or
40 denied based on total allowable signage.
- 41 (5) Official Signs. Official signs, such as traffic control, parking restrictions, Village welcome signs and
42 related entrance signs, and public notices when approved by the Zoning Administrator.
- 43 (6) Lot Signs. On-premise signs located at the entrance and exit of a driveway or street shall not
44 exceed 2 square feet.
- 45 (7) Parking Signs. Signs in parking lots shall be mounted no less than 4 feet from the ground and shall
46 not exceed 24 inches high by 30 inches wide.
- 47 (8) Flags. Property owners shall be permitted up to three flags of no more than 15 square feet each.
48 Feather flags, tear drop flags or flags of similar style are prohibited.
- 49 (9) Signs on External Walls. One sign on an external wall is allowed per commercially zoned unit. The
50 maximum allowable size for such sign is 4 square feet. If it is over 4 square feet in size the sign’s

VILLAGE OF SISTER BAY ZONING CODE

1 area shall be included in the total signage calculation. All signs must be mounted on the building.
2 Erasable blackboards or glass-enclosed cases are acceptable.

3 (10) “OPEN” Signs. One lighted or unlighted “OPEN” sign which is no larger than 9” X 20” (1.25 square
4 feet in size), is allowed per business. Open signs must be a consistent frame of light; flashing lights
5 or any patterns of light are not allowed. If the business is located too far from the roadway for
6 this size sign to be discernable a larger “OPEN” sign may be approved at the discretion of the Plan
7 Commission. Such signs shall not be considered when calculating the allowable amount of signage
8 for a business.

9 (11) Gas Price Signs. Gas price signs shall not be considered when calculating the allowable amount of
10 signage for a business. Gas price signage which is no larger than 40” X 44”, (12.25 square feet in
11 size), is allowed. Anything larger than that must be reviewed by the Plan Commission on a case-
12 by-case basis.

13 (12) For Sale or Lease Signs. Signs advertising the sale or lease of property shall be limited to one sign,
14 except a corner lot is allowed one sign on each street bordering the lot. Said signs shall not
15 exceed 5 square feet in size, and the signs shall not be erected prior to a signed listing contract,
16 and, shall be removed within ten (10) days of a signed sale document or lease. “For Lease” signs
17 shall be prohibited on a property licensed as a short-term rental.

18 **Sec. 66.0721 On/Off-Premise Signs without Permit**

19 (1) Temporary Signs - Designated Events. During the 48 hour period leading up to a designated
20 festival or event (including the day/days of the event) that has been approved by the Village Parks,
21 Property & Streets Committee a property owner may be allowed:

- 22 (a) Only one additional sign per lot.
- 23 (b) The sign shall be set back a minimum of 10 feet from all lot lines.
- 24 (c) The sign area shall not exceed 12 square feet, or for a business up to the allowable amount
25 of signage.
- 26 (d) The sign shall not exceed 6 feet in height.
- 27 (e) Temporary signs must be removed within twenty-four (24) hours after the festival or event.

28 (2) Failure to Comply with Standards. Any entity utilizing temporary signs authorized by (1) above
29 that fails to follow the standards delineated in that section shall be notified in writing that all
30 future seasonal, special event and fund raising signage shall require a regular sign permit and shall
31 be subject to the forfeiture that is delineated in the most recently adopted version of the Village’s
32 fee schedule at the discretion of the Zoning Administrator.

33 **Sec. 66.0722 Other On/Off-Premise Signs with Permit**

- 34 (1) (Reserved)
- 35 (2) Changeable Copy Signs. Changeable copy signs, fixed or moveable, may be permitted If approved
36 by the Plan Commission.
- 37 (3) Temporary Signs - Other Events. The temporary use of banners, balloons, streamers, pennants,
38 and other similar signage in any district may be allowed provided that the media will not be
39 located on any sidewalk or bikeway if one is present or in any public right-of-way. The signs cannot
40 be erected more than 7 days before the event and must be removed within 1 day after the event.
41 The property owner must grant permission in writing for the placement of the sign/media. The
42 sign/media, will not be located closer than ten feet to an adjacent property; driveway, and will
43 not cause a hazard to traffic or adjoining properties. This type of sign/media shall require a permit
44 and shall not exceed 12 square feet in area on one side or 24 square feet on all sides.

45 **Secs. 66.0723 - 66.0729, Reserved**

46 **Sec. 66.0730 Residential Districts Signage with Permit**

47
48 The following signs are permitted in any residential district and are subject to the following regulations:
49

VILLAGE OF SISTER BAY ZONING CODE

- 1 (1) Signs. Signs authorized on a property are not to exceed 6 feet in height and 24 square feet in area
2 on one side and 48 square feet in area on all sides, placed at the entrance to a subdivision or
3 development. The sign shall be located no closer than 10 feet to any street right-of-way, nor closer
4 than 10 feet to any side or rear lot line.
- 5 (2) Temporary Signs. Temporary signs for the purpose of designating a new building or development
6 may be permitted for a limited period of time provided that the sign shall not exceed 18 square
7 feet in area on one side and 36 square feet in area on all sides and shall be located no closer than
8 10 feet from any street right-of-way, nor closer than 10 feet to any side or rear lot line. The
9 developer may use such signage to market the development provided that the sign shall not be
10 in place for more than sixty (60) days of the issuance of an occupancy permit. Projects covered by
11 a development agreement may specify the date for the removal of the sign.
- 12 (3) Other Signs. Signs over show windows or doors or on a non-conforming business establishment
13 may not exceed 8 square feet in area.

14 **Sec. 66.0731 Countryside District Signage with Permit**

15 The following on-premise signs are permitted in the CS-1 District:

- 16 (1) All signs permitted in residential districts in the Village.
- 17 (2) On-premise signs which do not exceed 24 square feet in area. There shall be no more than one
18 such sign for each highway upon which the property faces. If attached to the building, such signs
19 shall be no higher than the roofline. If located on the ground, such signs shall not be higher than
20 8 feet above the ground.
- 21 (3) Ground signs which do not exceed 24 square feet in area on one side or 48 square feet on all
22 sides.

23 **Sec. 66.0732 Institutional and Park Districts Signage with Permit**

24 The following signs are permitted in the Institutional and Park districts in the Village, and are subject
25 to the following regulations:

- 26 (1) Private and public institutional signage must be approved by the Plan Commission.
- 27 (2) Signs on publicly owned land shall meet the following criteria:
 - 28 (a) Such signs shall be securely fastened, constructed and continuously maintained in such a
29 manner as to prevent damage from the natural elements.
 - 30 (b) Such signs shall be located in such a manner to minimize visual impacts to areas located
31 outside of the park facilities.
 - 32 (c) Such signs shall be permitted for the sole purpose of generating funds for Village authorized
33 programs and facilities. In all cases, the overall aesthetics of the park and the surrounding
34 area shall be a significant consideration in the placement and design of the signs.
 - 35 (d) An agreement between the Village and the sign sponsor shall be executed specifying annual
36 fees and a maintenance schedule.
 - 37 (e) Such signs shall be permitted subject to Plan Commission discretion.

38 **Secs. 66.0733 - 66.0749, Reserved**

39 **Sec. 66.0750 Sign Permit**

- 40 (1) Application Requirements. Application for a sign permit shall be made on forms provided by the
41 Zoning Administrator and shall contain or have attached thereto at least the following
42 information:
 - 43 (a) Name, address and telephone number of the applicant. Location of building, structure, or
44 lot to which or upon which the sign is to be attached or erected.
 - 45 (b) Name of person, firm, corporation, or association erecting the sign.
 - 46 (c) In cases where more than one business occupies a single building, the assignment of on-
47 building sign area to the various businesses shall be at the discretion of the property owner.
48 This allocation shall be specified in the sign permit application.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (d) Written consent of the owner or lessee of the building, structure, or land to which or upon
- 2 which the sign is to be affixed.
- 3 (e) A scale drawing of such signage, indicating the dimensions, the materials to be used, the
- 4 colors on the sign, the type of illumination, if any, and the method of construction and
- 5 attachment. The drawing shall be drawn at a scale no smaller than one-eighth (1/8) inch
- 6 equals 1 foot and shall be prepared, signed and sealed by a registered professional engineer
- 7 when required by the Zoning Administrator.
- 8 (f) A scale drawing indicating the location and position of such sign in relation to nearby
- 9 buildings or structures. The drawing shall be at a scale no smaller than 1 inch equals 50 feet.
- 10 (g) Copies of any other permits required.
- 11 (h) Signs requiring State approval shall provide a copy of such approval with the sign permit
- 12 application.
- 13 (i) Additional information may be required by the Zoning Administrator or Plan Commission.
- 14 (2) Time Limits. Sign permit applications shall be filed with the Zoning Administrator, who may
- 15 approve or deny the application, in writing, within twenty (20) working days after submittal. A
- 16 sign permit shall become invalid, if work authorized under the permit has not been completed
- 17 within six (6) months of the date of issuance.
- 18 (3) Fee. At the time of the filing of the application for a sign permit, the applicant shall furnish to the
- 19 Zoning Administrator the fee for the permit in accordance with the most recently adopted version
- 20 of the fee schedule for the Village.
- 21 (4) Waiver of Some Requirements. The Zoning Administrator may waive the requirements for certain
- 22 plans, specifications, data, or drawings when the application is to execute minor alterations or
- 23 repairs to a sign, provided that the proposed construction, alteration, or repair is sufficiently
- 24 described in the application for the permit.

25 **Sec. 66.0751 Construction Standards**

- 26 (1) Sign Materials. Signs should be constructed predominantly of natural materials, such as rough
- 27 cedar, pine or other types of wood. Stained glass may also be used. Manufactured materials that
- 28 give the appearance of natural materials are also permitted. Signs with relief are encouraged.
- 29 Supporting members or braces of all signs shall be constructed of approved materials.
- 30 (2) Covering Architectural Details. Signs shall not cover architectural details such as, but not limited
- 31 to arches, sills, moldings, cornices and transom windows. It may be required that existing
- 32 signboards or sign bands be used for placement of signs.
- 33 (3) Construction Standards. The applicant shall be responsible for obtaining the necessary permits
- 34 to comply with Village and State building, electric and WisDOT Codes.
- 35 (4) Protection of the Public. The temporary occupancy of a sidewalk or street or other public
- 36 property during construction, removal, repair, alteration or maintenance of a sign is permitted
- 37 provided the space occupied is roped off, fenced off or otherwise isolated. The Zoning
- 38 Administrator shall be notified at least twenty-four (24) hours in advance of such proposed
- 39 obstruction.
- 40 (5) Sign Location Affecting Egress. No signs or any part thereof or sign anchors, braces, or guide rods
- 41 shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe, and no such
- 42 sign or any part of any such sign or any anchor, brace or guide rod shall be erected, put up, or
- 43 maintained so as to hinder or prevent ingress or egress through such door, doorway, or window,
- 44 or prevent the raising or placing of ladders against such building by the Fire Department, as
- 45 necessity may require.
- 46

47 **Sec. 66.0752 Color and Lighting**

- 48 (1) Colors that are of the neon or fluorescent families may not be used as they do not promote the
- 49 historic preservation of the Village.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (2) Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs,
2 signals or devices. Signs may be illuminated, but non-flashing.
- 3 (3) Signs in residential districts shall not be illuminated.
- 4 (4) No sign shall be illuminated except as follows:
 - 5 (a) Natural illumination or background illumination from street lighting or parking lot lighting.
 - 6 (b) Shielded spotlights designed to focus the light only on the sign.
 - 7 (c) The maximum permitted illumination on the face shall not exceed 5 foot-candles.
 - 8 (d) “Halo” lit/reverse channel letter signage, i.e., aluminum faces and sides, (returns), mounted
9 on “stand-offs” away from the wall which project LED’s to the wall surface giving the sign
10 a “halo” effect, are allowed with a permit.
- 11 (5) Searchlights may not be used in the Village without a permit. The Plan Commission may permit
12 the temporary use of a searchlight for advertising purposes in business districts, provided that
13 the searchlight will not be located in any public right-of-way, will not be located closer than 20
14 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties.
15 Searchlight permits shall not be granted for a period of more than five (5) days in any six-month
16 period. If, however, representatives of federal, state or local government agencies wish to
17 operate a searchlight in the Village for official business, no permit will be required.

18 **Sec. 66.0753 Measuring Signs**

- 19 (1) Area of Sign. Measurement of sign area shall be calculated as the sum of the area within the
20 smallest regular rectangle that will encompass all elements of the actual sign face, including any
21 writing, logos, representations, emblems, or any figures or similar characters, together with any
22 material forming an integral part of the display or forming the backing surface or background on
23 which the message or symbols are displayed.
- 24 (2) Wall Sign. For a sign painted on or applied to a building or to a freestanding wall, the area shall
25 be considered to include all lettering, wording, and accompanying designs or symbols, together
26 with any background of a different color than the natural color, or finish material of the building
27 or architectural wall. The architectural wall shall be subject to Plan Commission approval of the
28 site and landscaping plan. The main supporting sign structure (i.e., brackets, posts, foundation,
29 etc.) shall not be included in the area measurement.
- 30 (3) Letter Signs. The gross surface area of a skeleton letter wall sign consisting of individual letters
31 and/or symbols shall be determined by calculating the horizontal length of the combined areas
32 of the smallest rectangles, which encompass each word, letter, figure and emblem on the sign by
33 the vertical height of the outside dimensions of the whole sign.
- 34 (4) Two-Sided Signs. When a sign has two or more faces, the area of all faces shall be included in
35 determining the area, except that where two (2) faces are placed back to back and the angle
36 between the faces measures 45 degrees or less, the total sign area shall be computed by
37 measuring the square footage of a single face. When the angle between sign faces measures
38 greater than 45 degrees, the total sign area shall be computed by adding the square footage of
39 each face.
- 40 (5) Sign Height. Maximum or minimum sign height shall be measured from the ground surface
41 adjacent to the center of the bottom of the structure supporting the sign to the top of the sign
42 surface being regulated.
- 43 (6) Length of Lineal Building Front Footage. The term “length of lineal building front footage” is
44 defined as the length of the wall of the building adjacent and parallel or closely parallel to any
45 abutting street or public right-of-way. If the building is located on a corner lot then the side of the
46 building used for addressing purposes shall be deemed the front of the building. If the front of
47 the building is uneven, then that portion of the building that is adjacent and parallel to the
48 abutting street that is within 25 feet of the primary front wall shall be included in the total length
49 of the lineal building front footage.

VILLAGE OF SISTER BAY ZONING CODE

1 **Sec. 66.0754 Maintenance of Signs**

- 2 (1) Maintenance and Repair. Every sign, including, but not limited to those signs for which permits
3 are required, shall be maintained in safe, presentable, and good structural condition at all times,
4 including replacement of defective parts, painting (except when a weathered or natural surface
5 is intended), repainting, cleaning, and other acts required for the maintenance of such sign.
- 6 (2) Compliance Standards. The Zoning Administrator shall require compliance with all standards of
7 this section. If a sign is not modified to comply with the standards outlined in this section, the
8 Zoning Administrator shall require its removal in accordance with (4) of this section.
- 9 (3) Abandoned Signs. All signs or messages shall be removed by the owner or lessee of the premises
10 upon which an on-premise sign is located when the business it advertises is no longer conducted
11 or, for an off-premise sign, when the lease payment and rental income are no longer provided,
12 unless there is evidence that the owner or agent is marketing the property for sale or lease. If the
13 owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner thirty (30)
14 days written notice to remove such sign. Upon failure of the owner or lessee to comply with this
15 notice, the Village may cause the sign to be removed and all costs of such removal shall be
16 collected as a special assessment on the next succeeding tax roll.
- 17 (4) Deteriorated or Dilapidated Signs. The Zoning Administrator shall give the owner or lessee of any
18 premises on which a deteriorated or dilapidated sign is located, sixty (60) days written notice to
19 repair any deteriorated or dilapidated signs and remove such condition, without enlarging or
20 structurally altering such signs.
- 21 (a) If it is determined that such deteriorated or dilapidated signs cannot be repaired without
22 structurally altering or changing the sign, then the owner or lessee of such sign shall obtain
23 a permit from the Zoning Administrator for such changes or alterations.
- 24 (b) Upon failure of the owner or lessee to comply with the notice set forth in this section, or in
25 the event of the failure of the owner or lessee to obtain a permit as set forth in Sec. 66.0750,
26 the Village may cause the sign to be removed and all costs of such removal shall be collected
27 as a special assessment on the next succeeding tax roll.

28 **Secs. 66.0755 - 66.0769, Reserved**

29 **Sec. 66.0770 Prohibited Signs**

30 The following signs are prohibited in all districts:

- 31 (1) Abandoned signs.
- 32 (2) Any sign advertising or identifying a business or organization, which is either defunct or no longer
33 located on the premises. Exceptions are granted to landmark signs, which may be preserved and
34 maintained even if they no longer pertain to the present use of the premises.
- 35 (3) Flashing, alternating, rotating or swinging signs or devices, whether illuminated or not, visible
36 from the right-of-way.
- 37 (4) Floodlighted or reflection illuminated signs for which the light source is positioned so that its light
38 source is visible from a public right-of-way by vehicular traffic, or for which the light source is
39 visible from adjoining property.
- 40 (5) Internally illuminated signs, and neon signs other than OPEN signs.
- 41 (6) Flashing signs, signs with an intermittent or flashing light source, signs containing moving parts,
42 and signs containing reflective elements, which sparkle or twinkle in the sunlight.
- 43 (7) Electronic message centers, variable message signs that utilize computer generated messages or
44 some other electronic means of changing copy, including displays using incandescent lamps,
45 LED's, LCD's or a flipper matrix.
- 46 (8) Unclassified Signs:
- 47 (a) Signs that are a hazard or dangerous distraction to vehicular traffic or a nuisance to
48 adjoining residential property are prohibited.
- 49 (b) No sign shall resemble, imitate or approximate the shape, size, form or color of a traffic
50 sign, signal or device.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (c) No sign shall be located to interfere with the visibility or effectiveness of any official traffic
- 2 sign or signal or with driver vision at the access point of any intersection.
- 3 (d) No sign shall be erected, relocated or maintained to prevent free ingress or egress from any
- 4 door, window or fire escape, and no sign shall be attached to a standpipe, fire escape or
- 5 utility pole.
- 6 (e) No sign shall contain, include or be illuminated by flashing light or by any light directed
- 7 toward a neighboring residence, roads or highways.
- 8 (f) No sign shall contain, include or be composed of any conspicuous animated part.
- 9 (g) No sign shall be painted on rocks or affixed to trees or any public infrastructure such as
- 10 utility poles, street signs or similar equipment, including truck bodies, furniture, yard art,
- 11 mailboxes, school bus waiting shelters, or similar objects not designed to support a ground
- 12 sign.
- 13 (9) Inflatable advertising devices or signs.
- 14 (10) Murals shall be a conditional use and shall be reviewed and approved by the Plan Commission for
- 15 location, size and material only without regard to artistic content and shall be limited to no more
- 16 than 24 square feet.
- 17 (11) Billboard signs larger than the maximum permitted square footage per face.
- 18 (12) Signs taller than 8 feet in height.
- 19 (13) A “V” sign shall be prohibited unless the backs of both signs display no letters or symbols and are
- 20 landscaped to screen their backsides.
- 21 (14) Reflective lights.
- 22 (15) Mobile signs unless permitted as a temporary use.
- 23 (16) No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted or
- 24 structurally altered in the Wetland W-1 District.
- 25 (17) Short-Term Rental Signage. No property with a non-conforming use or detached single family
- 26 dwelling in the R-1, R-2, R-3, or CS-1 Districts that is used for short-term rentals shall have a sign
- 27 erected on it advertising the name of the short-term rental or the availability thereof.

28
29 **Secs. 66.0771 - 66.0779, Reserved**

30 **Sec. 66.0780 Legal Non-conforming Signs**

- 31 (1) Notification of Non-Conformance. Upon determination that a sign is non-conforming, the Zoning
- 32 Administrator shall use reasonable efforts to so notify, in writing, the user or owner of the
- 33 property on which the sign is located of the following:
- 34 (a) The sign’s non-conformity.
- 35 (b) Whether the sign is eligible for characterization as a legal non-conforming sign or is
- 36 unlawful.
- 37 (2) Signs Eligible For Characterization As Having Legal Non-Conforming Status. Any sign located
- 38 within the Village limits or located in an area annexed to the Village hereafter, which does not
- 39 conform to the provisions of this chapter, is eligible for characterization as a legal
- 40 non-conforming sign and is permitted, providing it also meets the following requirements:
- 41 (a) The sign was covered by a sign permit prior to the date of adoption of the prior zoning
- 42 ordinance, this code or an amendment.
- 43 (b) If no permit was required by the Village at the time the sign was erected, and the sign was
- 44 not changed or altered after the effective date of this code or a prior zoning ordinance in a
- 45 manner that under this chapter would have caused a loss of non-conforming status.
- 46 (c) An existing sign located closer than 10 feet to the street right-of-way in the B-3 District shall
- 47 not be deemed non-conforming solely on that basis.
- 48 (3) Loss of Legal Non-Conforming Status. A sign loses its legal non-conforming status when any one
- 49 of the following occurs:

VILLAGE OF SISTER BAY ZONING CODE

- 1 (a) The sign is structurally altered in any way, except for normal maintenance or repair, which
- 2 tends to or makes the sign less in compliance with the requirements of this section then it
- 3 was before alteration.
- 4 (b) The sign is damaged to such an extent that the cost to repair or reconstruct such sign
- 5 exceeds fifty percent (50%) of the assessed value of the sign.
- 6 (c) The design, logo or wording of the sign is altered.
- 7 (d) The replacement of a non-conforming sign with an identical sign may be allowed, subject
- 8 to obtaining a permit. The new sign must utilize permitted materials.
- 9 (4) Legal Non-Conforming Sign Maintenance and Repair. Nothing in this section shall relieve the
- 10 owner or user of a legal non-conforming sign, or the owner of the property on which the sign is
- 11 located, from the provisions of this section regarding safety, maintenance and repair of the sign.
- 12 All work, including repainting, requires a permit.

13 **Secs. 66.0781 - 66.0789, Reserved**

14 **Sec. 66.0790 Historic Signs**

- 15 (1) Signs of historic significance which make a contribution to the cultural or historic quality of the
- 16 Village because of their unique construction materials or unique design, unusual age, prominent
- 17 location within the Village, or unique craftsmanship from another period of time may be
- 18 exempted from any or all size, height, number, animation, lighting, or setback requirements of
- 19 the section, when the Plan Commission finds that the following conditions exist:
- 20 (a) The sign is of exemplary technology, craftsmanship, or design of the period in which it was
- 21 constructed and means of illumination (neon, incandescent or replica fixtures); and is not
- 22 significantly altered from its historic period. If the sign has been altered, it must be restored
- 23 to its historic function and appearance.
- 24 (b) The sign may be integrated into the architecture of a period building.
- 25 (c) A sign not meeting the criteria listed above may be considered a historic sign if it
- 26 demonstrates extraordinary aesthetic quality, creativity or innovation in design.
- 27 (d) Historic signs are exempt from the requirements of Sec. 66.0780, *Legal Non-Conforming*
- 28 *Signs.*
- 29 (e) Signs considered historic must be approved by the Plan Commission via public hearing and
- 30 Findings of Fact that are documented in the Plan Commission meeting minutes. The
- 31 application for such approval shall be via a Sign Permit Application and if approved, the
- 32 permit be issued identifying the sign as a Historic Sign per this section. This subsection shall
- 33 be amended to include the designation upon Board approval and be listed below.
- 34 i. *The Patio* sign located at 10440 Orchard Drive
- 35 (f) Signs determined to be historic and listed in subsection (e) above shall require a deed
- 36 restriction indicating the restrictions listed above applicable to the sign. The sign owner shall
- 37 bear the cost of recording the deed restriction.
- 38

39 **Sec. 66.0791 Compliance**

40 Except as otherwise authorized, no sign visible from a state or county road, from any Village street,

41 from a private street, from a public parking lot, from a private parking lot, from the water or from any

42 adjacent property shall be located, erected, moved, repainted with different colors, reconstructed,

43 extended, enlarged or structurally altered, including the placement of various components of the sign,

44 until a permit has been reviewed and approved by the Plan Commission or designated representative

45 and a permit has been issued to the property owner or building occupant by the Zoning Administrator.

46 Signs located on a property or location with multiple buildings or businesses under common or

47 separate ownership shall not be exempt from the requirements of this section. Additions to and

48 alterations of existing signs and their support structures require a new permit.

VILLAGE OF SISTER BAY ZONING CODE

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SECTION 800 - PERFORMANCE STANDARDS

Sec. 66.0801 Compliance

This section of the Zoning Code permits specific uses in specific districts; and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. All structures, land, air and waters shall, hereafter, in addition to their use and site regulations, comply with the following performance standards.

Sec. 66.0802 Air Pollution

No person or activity shall emit any fly ash, dust, particulate matter, fumes, vapors, mists or gases in such quantities that would constitute a nuisance to surrounding property owners. Dust and other types of pollution borne by the wind from such sources as storage areas, yards and roads within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, fencing or other acceptable means. The release of materials intrinsically odorous or capable of being odorous, by either bacterial decomposition or chemical reaction, which renders it perceptible from beyond the lot, shall be prohibited.

Sec. 66.0803 Fire and Explosive Hazards

- (1) All activities involving the utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry and approved by the Sister Bay Liberty Grove Fire Chief or designee.
- (2) All materials that range from active to intense burning shall be utilized, processed or stored only within completely enclosed buildings, which have incombustible exterior walls and an automatic fire extinguishing systems. Storage of flammable and explosive material, except as prohibited by (3), shall be in accordance with the requirements of Chapter COMM. 10 of the Wisconsin Administrative Code, or its successor code, and the requirements of Chapter NFPA 30.
- (3) Notwithstanding the requirements of subsection (2), the storage or sale of fireworks as regulated by Wis. Stats. §167.10 shall not be permitted in the B-1, B-2 or B-3 zoning districts except as listed below:
 - (a) An agent of the Village of Sister Bay with the appropriate Village issued permit for a fireworks display done in conjunction with a Village festival or Village event may store fireworks for not more than 96 hours consistent with the storage requirements in Wis. Stats. §167.10.

Sec. 66.0804 Heat

No activity shall emit heat that is measurable outside its premises, except activities which may emit direct or sky reflected heat, which shall not be felt outside their district. All operations producing intense heat shall be conducted within a completely enclosed building.

Sec. 66.0805 Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall withdraw water or discharge any liquid or solid materials to exceed, or contribute toward the exceeding of the minimum standards set forth in Chapter NR 102 of the Wisconsin Administrative Code, or its successor code. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to or endanger the public health,

VILLAGE OF SISTER BAY ZONING CODE

1 safety, comfort and welfare or cause injury or damage to any property or business. No use shall
2 discharge at any point into any public or private sewage disposal system or stream, or into the ground,
3 any liquid or solid material, except activities that are conducted in accordance with the regulations of
4 the Wisconsin Department of Natural Resources.

5
6 **Sec. 66.0806 Radioactivity and Electrical Disturbances**

7 No activity shall emit radioactivity or electrical disturbances outside its premise that affect the use of
8 neighboring premises.

9 **Sec. 66.0807 Vibration**

10 No activity in any district shall emit vibrations, which are discernible by the Zoning Administrator
11 without instruments outside its premises. Any construction or utility installation activity that requires
12 blasting of rock shall require a notification plan for neighboring properties and the issuance of a permit
13 by the Zoning Administrator.

14 **Sec. 66.0808 Noise**

15 Any activity or operation of any use producing noise, other than ordinary vehicular noise, shall be
16 conducted so that no noise from the activity or operation shall exceed the following limits at the lot
17 line on which the noise is emanating for a duration of thirty (30) seconds or longer: All districts except
18 (P-1) - Variable noises at or above 75 decibels.

19 **Sec. 66.0809 Outdoor Lighting**

20 (1) Purpose and Intent. This section regulates all outdoor lighting installed on residential, business
21 and institutional sites, both publicly and privately owned within the Village, with the exception of
22 outdoor lighting on public streets, public bikeways and public walkways. The purpose of this
23 section is to create standards for outdoor lighting that do not interfere with the reasonable use
24 of residential, business and institutional sites, that prevent light trespass and conserve energy yet
25 maintain night time safety. If outdoor lighting is installed, it shall be in conformance with the
26 provisions of this section of the Municipal Code, the Building Code and all other codes and
27 regulations as applicable, and under appropriate permit and inspection.

28 (2) General Requirements.

29 (a) All outdoor lighting fixtures installed by November 13, 2004 and thereafter maintained
30 upon private or public residential, business, and institutional property shall comply with the
31 following standards:

- 32 1. The maximum allowable light trespass shall be 0.5 horizontal foot-candles 4
33 feet above ground. The point of measurement of this offending light shall be
34 at the property line for residential, commercial, institutional or public use.
35 The measurement shall not include any ambient natural light.
- 36 2. Light sources shall be shielded or installed so that there is not a direct line of sight
37 between the light source and its reflection and at a point five feet or higher above the
38 ground of adjacent property and public streets. The light source shall not be of such
39 intensity to cause discomfort or annoyance.
- 40 3. Any outdoor lighting fixture installed on a parking lot shall use dark sky approved
41 lighting, in particular a hood and lens that are shielded to direct light downward.
- 42 4. The lighting system shall be extinguished or reduced to fifty percent (50%) no later
43 than thirty (30) minutes after the close of business for the day. The fifty percent (50%)
44 reduction shall be applied to the entire lot or structure.
- 45 5. All lamp types utilized for search lighting shall not be allowed. Outdoor lighting fixtures
46 used to illuminate sports fields and tennis courts shall be reduced by fifty percent
47 (50%) past 10:00 PM.
- 48 6. Flashing, flickering, and other distracting lighting, which may distract motorists is
49 prohibited.

VILLAGE OF SISTER BAY ZONING CODE

- 7. Light fixtures shall not be permitted within required buffer yards.
- 8. All outdoor fixtures installed prior to November 13, 2004 shall be exempt from this section except as follows: If any modifications, construction or changes to an existing outdoor lighting fixture system is proposed to affect fifty percent (50%) or more of the total number of fixtures, then all fixtures shall comply with the provisions of this section.

- (b) All outdoor lighting fixtures installed on R-2 residential projects or sites shall conform to subsection (4)(a) herein. All outdoor lighting fixtures shall be maintained according to materials initially submitted to the Plan Commission. Trees and shrubbery shall not be located where they significantly reduce or block parking lot or roadway lighting. Outdoor lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and tennis courts, parking lots, parking structures, garages, landscape areas, product display areas, building overheads and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.

(3) Specific Design Requirements.

- (a) A lighting system for parking facilities and outdoor merchandising areas in commercial, institutional, agricultural, and recreational areas shall be designed to provide the lighting intensities and uniformities described as follows:
 - 1. *Open Parking Facilities.* The illumination requirements of an open parking facility depend on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium and Low, reflecting both traffic and pedestrian activity. The following examples are non-exclusive and include:
 - a. *High Activity Facilities:* Facilities where athletic events or major cultural or civic events are conducted.
 - b. *Medium Activity Facilities:* Shopping centers, retail parking areas, hospital and clinic parking, cultural civic or recreational events and fast food facilities.
 - c. *Low Activity Facilities:* Employee parking, educational facilities, office buildings and church parking areas.

(4) Lighting Load. An outdoor lighting system for illuminating buildings and structures shall have a maximum connected lighting load of five (5) watts per lineal foot. Watts shall mean lamp wattage and ballast consumption.

- (a) An R-2 residential site shall be lighted to provide at least .25 foot-candle on any surface in the lot with an average illumination level of at least .75 foot-candles.
- (b) Outdoor light fixtures shall be designed and installed to minimize light trespass. The uniformity ratio between the average illumination and minimum illumination shall be no greater than 4:1.
- (c) For an outdoor merchandising area, the maximum level in seventy-five percent (75%) of the lot shall not exceed 20 foot-candles. A contiguous area not to exceed twenty-five (25%) of the lot may be illuminated to a level, which shall not exceed 40 foot-candles.
- (d) The maximum illumination level under an outdoor canopy shall not exceed 20 foot-candles at any point.
- (e) Lighting systems that project light upwards such as architectural and sign lighting shall be designed to minimize the amount of light that does not illuminate the target area.

VILLAGE OF SISTER BAY ZONING CODE

Horizontal Illumination Required for Parking Facilities

Open Parking Facilities

| General Parking & Pedestrian Area | | | | Vehicle Use Area (Driveway) | | | |
|-----------------------------------|-----------------------------------|-------------------------|--------------------------------|-----------------------------|------------------------------|----------------------------------|-------------------------------------|
| Level | *Min. Foot-Candles (FC) on Pavem. | Max. Av. (FC) on Pavem. | *Max. Uniform Ratio (Ave.-Min) | **Max. Sq. Foot Light Load | *Min. Foot-Candles on Pavem. | Max. Ave. Foot-Candles on Pavem. | *Maximum Uniformity Ratio (Ave-Min) |
| High | 0.6 FC | 3.75 FC | 5:1 | 0.12 | .67 FC | 2.5 FC | 5:1 |
| Med. | 0.4 FC | 2.5 FC | 5:1 | 0.1 | .33 FC | 1.5 FC | 5:1 |
| Low | 0.2 FC | 1.5 FC | 5:1 | 0.08 | .125 FC | 1.0 FC | 5:1 |

Covered Parking Facilities

| Areas | Min.Foot-Candles Average on Pavement | Min. Foot-Candles on Pavement | Max. Av Foot-Candles on Pavem. | Max. Uniformity Ratio (Ave.-Min.) | Max. Watts/Sq. Ft. Lighting Load |
|----------------------------------|--------------------------------------|-------------------------------|--------------------------------|-----------------------------------|----------------------------------|
| General Parking/ Pedestrian Area | 5 FC | 1.25 FC | 9 FC | 4:1 | 0.2 |
| Private Controlled Entry Parking | 3 FC | .75 FC | 6 FC | 4:1 | 0.2 |

*Not mandatory within 4 feet of edge of pavement

** Not mandatory for driveways

“Watts” shall mean lamp wattage and ballast consumption.

- (5) Approval Procedures. Any person desiring to install outdoor lighting fixtures shall submit to the Zoning Administrator and Village Engineer the following materials for review:
- (b) A catalog page, cut sheet or photograph of the lighting fixtures, including the mounting method.
 - (b) A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture.
 - (c) A plot plan showing the location of all outdoor lighting fixtures proposed, the mounting or installation height, the overall illumination levels and uniformities and the point where 0.5 horizontal foot-candles occurs on the property or adjacent property at a distance 4 feet above the ground. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
 - (d) A graphic depiction of the lighting fixture’s lamp concealment and light cutoff angles.
 - (e) Upon review of the material described above, the Zoning Administrator and Village Engineer may authorize the installation of outdoor lighting fixtures.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (6) Supplemental Information. The following table provides a reference point for visualizing low-
2 level foot-candles. A 4-watt night lamp was used to determine the listed values. The used light
3 meter’s lowest measurable reading is 0.1 FC (with +/- 5% accuracy). Readings were taken 8 inches
4 below the 4-watt lamp.

| Reading Location | Foot-Candle (FC) |
|------------------|-------------------|
| At Lamp | 1.5 FC |
| 1-Foot | 0.9 FC |
| 2-Foot | 0.2 FC |
| 3-Foot | > 0.1 FC < 0.2 FC |
| 46-inch | 0.1 FC |
| > 46-inch | >0.0 FC < 0.1 FC |

5 **Sec. 66.0810 Outdoor Entertainment Facilities**

- 6 (1) Purpose and Intent. In order to maintain order, limit noise disturbances, and ensure that adequate
7 parking is provided for outdoor entertainment facilities, Village officials believe it is in the best
8 interest of the members of the public to enact regulations which state that as of December 20,
9 2022 newly created outdoor entertainment facilities will only be allowed as a Conditional Use in
10 the B-1, B-3 and P-1 Districts.
- 11 (2) General Requirements. If a Conditional Use Permit is issued for an outdoor entertainment facility
12 in any of the previously mentioned zoning districts after December 20, 2022, the following
13 conditions will automatically be imposed:
- 14 (a) The perimeter of all outdoor entertainment areas shall be physically delineated above
15 ground by means of a fence, gate, landscaping or other barrier approved by the Zoning
16 Administrator.
 - 17 (b) No entertainment, sales, or service shall occur outside the building or the delineated
18 entertainment area.
 - 19 (c) All outdoor activities generating noise above 75 dBA shall cease by 10:00 PM. Nothing in
20 this section shall prohibit indoor activities from occurring past 10:00 PM. Compliance with
21 other noise regulations enumerated in the Municipal Code shall be applicable.
 - 22 (d) Parking shall be provided on site and the operation is not eligible for a parking adjustment
23 per Sec. 66.0404.
 - 24 (e) Parking shall be calculated at a rate of one (1) space per 100 square feet of outdoor
25 entertainment space.

VILLAGE OF SISTER BAY ZONING CODE

1

VILLAGE OF SISTER BAY ZONING CODE

SECTION 900 - NON-CONFORMING USES, STRUCTURES AND LOTS

Sec. 66.0900 Non-Conforming Use Definitions

The following definitions and categories shall apply to non-conforming uses and structures.

- Nonconforming Use means a use of land, water, building or structure that existed lawfully before November 15, 1973, or prior to an amendment thereto, that does not conform with the use restrictions in the current ordinance.
- Health and Safety of the Public is the protection from injury, illness, danger and other harm.
- Public Welfare is the protection from nuisances, economic interest, convenience, community character and the vision expressed in the Village’s Smart Growth Plan.

Sec. 66.0901 Existing Non-Conforming Uses

A lawful nonconforming use be continued, although the use does not conform with the provisions of this chapter; however,

- (1) Expansion of the Non-Conforming Use Prohibited. Only that portion of the land or water or building or structure in actual use may be so continued, and the use may not be extended, enlarged, substituted, or moved; except when required to do so by law or order or so as to comply with the provisions of this chapter. The expansion of parking or loading space to conform to the code is permitted.
- (2) Repairs and Structural Alterations. The total structural repairs or alterations in such a nonconforming building, premises, or structure shall not, during its life, exceed 50 percent of the assessed value of the building, premises, or structure unless permanently changed to a conforming use. The village uses county equalized assessed valuations to determine value.
- (3) Discontinuance. If such non-conforming use is discontinued or terminated for a period of twelve (12) consecutive months, any future use of the land or water or building or structure shall conform to the provisions of this chapter.
- (4) Burden of Proof. The owners of property claiming to have a legal non-conforming use or a lawful conditional use have the burden to prove that such use is in fact a non-conforming use or lawful conditional use in accordance with Sec. 66.0922, *Interpretation and Proof of Uses*.
- (5) Changes and Substitutions. A non-conforming use of land or water or building or structure may be changed to a less intense non-conforming use with the approval of a Conditional Use Permit by the Plan Commission when it can be demonstrated that the new use is in fact less detrimental to the other uses in the area.
 - (a) Once a non-conforming use has been changed to conform, it shall not revert to a non-conforming use.
 - (b) Once the Plan Commission has permitted the substitution of a less restrictive non-conforming use for an existing non-conforming use, the substituted use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Plan Commission.
- (6) Multiple Occupancy Developments (MODs). MODs are a grouping of residential rental units on the same lot that pre-dated the Village adopting zoning regulations and do not meet the definition of the terms hotel, motel or condominium. These uses are not listed in a specific zoning district and are regulated by Conditional Use Permit. There are two types of multiple occupancy developments:
 - (a) Multiple Occupancy Development, Short-Term. Units are rented on a transient basis; and,
 - (b) Multiple Occupancy Development, Long-Term. Units are rented for periods of thirty (30) consecutive days or more.

1. Short-Term MODs. All units in Short-Term Multiple Occupancy Developments which predated zoning, and in which such rentals were not discontinued for

VILLAGE OF SISTER BAY ZONING CODE

1 twelve (12) months or more can continue to be rented, but any expansion of the
2 use may only be authorized by Conditional Use Permit. Said units can continue
3 to be rented as they were prior to Act 59, but proof of said rental history shall be
4 provided to the Village so as to determine the intensity of the non-conforming
5 use. Since the use cannot be enlarged or extended, the number of days the
6 development can be rented is limited to the number of days in a calendar year it
7 was rented prior to the adoption of Act 59. The non-conforming use must still
8 comply with Chapter 18 of the Municipal Code, *Business Regulation*.

- 9 2. *Long-Term MODS*. Units in Long-Term Multiple Occupancy Developments cannot
10 be rented for periods of time less than thirty (30) consecutive days, but if a
11 primary dwelling exists within the development, that one dwelling alone can be
12 utilized as a short-term rental. If more than one unit in a long-term multiple
13 occupancy development were to be rented for periods of less than thirty (30)
14 days, the entire property would have to transition to a Short-Term Multiple
15 Occupancy Development.

16 Sec. 66.0902 Conforming Structures on Non-Conforming Lots

- 17 (1) Continued Use Allowed. The use of a conforming structure existing at the time of the adoption
18 or amendment of this chapter may be continued although the lot area or lot width does not
19 conform to the requirements of this chapter.
- 20 (2) Additions and Enlargements. Additions and enlargements to the conforming structures are
21 permitted and shall conform to the established building setback, height, parking, loading and
22 access dimensional standards of this chapter unless a variance is granted from the Board of
23 Appeals.
- 24 (3) Existing Structures on Non-Conforming Lots. Existing conforming structures on non-conforming
25 lots, which are damaged or destroyed by fire, explosion, flood, or other calamity, may be
26 reconstructed and shall conform to the established building setback, height, parking, loading, and
27 access provisions of this chapter.

28 Secs. 66.0903 - 66.0909, Reserved

29 Sec. 66.0910 Non-Conforming Structure Definitions

30 The following definitions and categories shall apply to non-conforming structures:

- 31 • Nonconforming Structure means a dwelling, or other building or structure that existed
32 lawfully before November 15, 1973, or prior to an amendment thereto, that does not
33 conform with one or more development regulations in the current zoning ordinance.
- 34 • Health and Safety of the Public is the protection from injury, illness, danger and other
35 harm.
- 36 • Public Welfare is the protection from nuisances, economic interest, convenience,
37 community character and the vision expressed in the Village's Smart Growth Plan.

38 Sec. 66.0911 Non-Conforming Structures

39 The use of dwelling, building, or structure existing at the time of the adoption or amendment of this
40 chapter may be continued, although the structure's size or location does not conform to the
41 established building setback, height, floor area, green space, parking, loading, access and/ or
42 dimensional standards of this chapter.

- 43 (1) Burden of Proof. The owners of property claiming to have a legal non-conforming conditional
44 use, have the burden to prove that such structure is in fact a non-conforming structure in
45 accordance with this chapter.
- 46 (b) Additions and Enlargements to Existing Non-Conforming Structures. Non-conforming
47 structures shall not be moved, enlarged, remodeled or modified except where necessary to
48 bring the structure more into conformance with this chapter. All additions, modifications,

VILLAGE OF SISTER BAY ZONING CODE

1 or relocations shall meet the dimensional standards of this chapter unless a petition for
2 grant of variance has been approved by the Zoning Board of Appeals.

3 (2) Damage to Existing Non-Conforming Structures. Existing non-conforming structures which are
4 damaged by fire, explosion, flood, or other calamity after March 2, 2006, may be restored to, or
5 replaced at, the size, location, and use it had immediately before the damage or destruction
6 occurred. The replacement structure may only be larger in footprint or floor area than the original
7 nonconforming structure only if necessary for the structure to comply with applicable State of
8 Federal requirements. If reconstruction or enlargement is not necessary, and the structure is in
9 need of repair only, said repairs are allowed provided:

- 10 (a) The use of the building does not change in scope.
- 11 (b) No walls are reconstructed; new siding is permissible.
- 12 (c) No new roof structure is allowed; roof repair is allowed, new roofing materials are
13 permissible as long as the truss system is not rebuilt.
- 14 (d) No plumbing is added to a building that otherwise had no plumbing.

15 (4) Remodeling Existing Non-Conforming Structures. Existing non-conforming structures may be
16 remodeled provided:

- 17 (a) The use of the building does not change in scope.
- 18 (b) The floor area or footprint of the building does not change.
- 19 (c) No new foundation is installed.
- 20 (d) No exterior walls are reconstructed; repair is allowed of individual wall segments, new
21 siding is permissible.
- 22 (e) No new roof structure is allowed; roof repair is allowed, new roofing materials are
23 permissible as long as the truss system is not rebuilt.
- 24 (f) No plumbing is added to a building that otherwise had no plumbing.

25 **Secs. 66.0912 - 66.0919, Reserved**

26 **Sec. 66.0920 Existing Non-Conforming Lots**

27 A lot which is located in the B-1 Business District or the R-1, R-2 or R-3 Residential Zoning Districts
28 which does not contain sufficient area to conform to the dimensional standards of this chapter, but
29 which is at least 65 feet in width at the building line and 65 feet in width at the ordinary high-water
30 mark or rear lot line, and which is 10,000 square feet in area, may be used as a building site provided
31 that the use is permitted in the zoning district, and the lot is on record in the Door County Register of
32 Deeds Office prior to November 16, 1973. All lots in the R-4 Small Lot Residence District, regardless of
33 the date of creation, shall conform to the dimensional standards in Sec. 66.0314(4).

34 **Sec. 66.0921 Wetland Non-Conforming Uses**

35 Notwithstanding the provisions of Wis. Stats. §62.23(7)(h), the repair, reconstruction, renovation,
36 remodeling, or expansion of a legal non-conforming structure, or any environmental control facility
37 related to a legal non-conforming structure located in the W-1 District and in existence at the time of
38 adoption or subsequent amendment of this chapter, or of an environmental control facility in existence
39 on November 13, 2004 related to that structure, is permitted pursuant to Wis. Stats. §62.231(5).
40 However, Wis. Stats. §62.23(7)(h) applies to any environmental control facility that was not in
41 existence on November 13, 2004, but was in existence on the effective date of this chapter or
42 amendment.

43 **Sec. 66.0922 Interpretation and Proof of Uses**

44 The owners of property who want to alter their use that they claim is either a legal non-conforming
45 use or a lawful conditional use should apply for the alteration of the use, or the building in which it is
46 located, with the Zoning Administrator. The Zoning Administrator, after a review of Village records,
47 may require documentation from the applicant to prove their claim. Based upon a review of the
48 submitted documentation, the Zoning Administrator may approve or deny the applicant's claim. If
49 denied, the applicant may seek an interpretation of the matter from the Plan Commission.

VILLAGE OF SISTER BAY ZONING CODE

1 **Sec. 66.0923 Intensification of Non-Conforming Uses**

2 Any time a use is intensified by increasing the number of occupants, traffic, sales, or similar expansion
3 of the use, the non-conforming features of the lot, such as non-conforming driveways, parking areas,
4 signs, landscaping, green space, or other non-conformities shall be brought into compliance with this
5 chapter. However, the intensification of a use shall not require the landowner to bring the lot into
6 conformance with the dimensional lot width and area standards or the setback provisions of this
7 chapter. With respect to the intensification of a use, in no case shall a non-conforming feature of a lot
8 located in a public right-of-way be allowed to continue.

VILLAGE OF SISTER BAY ZONING CODE

1

VILLAGE OF SISTER BAY ZONING CODE

SECTION 1000 – OTHER PERMITS AND REGULATIONS

Sec. 66.1000 Tree Cutting Regulations

(1) Tree Cutting Regulations. Outside of the area delineated as the Bluff Overlay District, the purpose of tree cutting regulations applicable to the shorelands area is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shore land.

(a) *Tree Cutting.* Tree cutting in a strip paralleling the shoreline and extending 350 feet inland from all points along the normal high-water mark of the shoreline shall be limited in accordance with the following regulations:

1. No more than thirty percent (30%) of the length of this strip (as measured along the ordinary high-water mark) shall be clear-cut to the depth of the strip.
2. Provided, further, that cutting of this thirty percent (30%) shall not create a clear-cut opening in this strip greater than 30 feet wide for every 100 feet of shoreline measured along the ordinary high-water mark.
3. In the remaining seventy percent (70%) length of this strip (distance measured along the ordinary high-water mark), cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boathouses, as seen from the water and to control erosion.
4. Sufficient vegetation shall be left between all side lot lines and development (as defined in Sec. 66.2100) to screen the development from view from adjacent lots.

(b) *Special Cutting Plan.* A special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a conditional use permit. In applying for such a permit, the Commission may require the lot owner to submit a drawing of their lot including the following information: Location of all structures, location of parking, and gradient of the land, existing vegetation, proposed cutting, and proposed replanting. The Commission may grant such a permit only if it finds that such special cutting plan:

1. Will not cause undue erosion or destruction of scenic beauty.
2. Will provide substantial shielding from the water of dwellings, accessory structures and parking area. The Commission may condition such a permit upon a guarantee of tree planting by the lot owner. Such an agreement shall be enforceable in court.
3. Is consistent with accepted forestry management practices.

(c) *Tree Topping.* “Tree topping”, which is defined as tree cutting or sculpturing where only a portion of the tree is removed to improve the view, is prohibited within the shoreland area of the Village.

(d) *Violations.* Anyone found in violation of the tree cutting regulations shall pay the greater of two (2) times the price of a citation for a violation of the zoning code, plus court costs if applicable, or, the value of the tree as determined by a qualified Forester of the Village’s choice. The violator shall pay the cost of the Forester to conduct their valuation. Additionally the violator shall revegetate the cleared site to the same density as prior to the violation occurring, as determined by the Plan Commission. Every day of violation shall constitute a separate offense. Trees to be planted to rectify the violation shall be of such size, density, and variety so as to screen buildings. A revegetation plan shall be submitted to the Zoning Administrator by a professional landscape engineer and the trees planted by a landscape firm registered in the state of Wisconsin to conduct business. The Zoning Administrator reserves the right to require the violator to apply for a conditional use permit and appear before the Plan Commission to have the revegetation plan approved.

(2) Tree Cutting Regulations Beyond the Shoreland Area

VILLAGE OF SISTER BAY ZONING CODE

- 1 (a) *Purpose.* The purpose of these regulations is to provide for the protection and preservation
2 of the trees and woodlands of the Village beyond the shoreland area. The Village recognizes
3 that its Comprehensive Plan states that woodlands, wetlands and green space areas serve
4 as wildlife habitat, flood storage areas and provide natural settings for the Village, and that
5 they should be protected. In addition, woodlands are an integral and important part of the
6 Village's attractiveness as a residential, recreational and resort community, and as such
7 provide an important economic asset to the Village.
- 8 (b) *Applicability.* These tree cutting regulations shall apply to that area of the Village in all
9 zoning districts outside of the shoreland area and the Bluff Overlay District. These
10 regulations shall apply to trees or similar woody vegetation having at least one (1) well-
11 defined stem that is at least 3 inches in diameter measured at a height of 4 1/2 feet above
12 the ground. These regulations shall not apply to the removal of dead, diseased or dying trees
13 when removed using accepted forest management practices and sound soil conservation
14 practices, or the management of an orchard.
- 15 (c) *Tree Cutting Provisions.* Trees or similar woody vegetation shall only be removed if one (1)
16 or more of the following conditions are present:
- 17 1. There is a necessity to remove trees, which pose a safety hazard to pedestrian or
18 vehicular traffic or threaten to cause disruption of public services.
 - 19 2. There is a necessity to remove trees which pose a safety hazard to buildings.
 - 20 3. There is a necessity to remove diseased trees or trees weakened by age, storm, fire or
21 other injury.
 - 22 4. There is a necessity to observe good forestry practices, i.e., the number of healthy trees
23 that a given parcel of land will support.
 - 24 5. There is a necessity to remove trees in order to construct permitted structures and
25 other approved development (as defined in Sec. 66.2100) because of the need for
26 access around the proposed structure for construction equipment; access to the
27 building site for construction equipment; essential grade changes, and surface water
28 drainage and utility installations. Only those areas approved for the placement of a
29 physical improvement may be cleared of trees. Sufficient vegetation shall be left
30 between all side lot lines and development to screen the development from view from
31 the adjacent lots.
 - 32 6. There is a necessity for compliance with other ordinances.
 - 33 7. There is a necessity to provide access to sunlight for solar collectors.
- 34 (d) *Special Cutting Plan.* As an alternative to the regulations contained in this sub-section, a
35 special cutting plan allowing greater cutting may be permitted by the Plan Commission by
36 issuance of a Conditional Use Permit. In applying for such a permit, the Commission shall
37 require the lot owner to submit a drawing of their lot, including the following information:
38 Location of parking, location of improvements, gradient of the land, existing vegetation,
39 proposed cutting, and proposed replanting. The Commission may grant such a permit only
40 if it finds that such special cutting plan:
- 41 1. Will not cause undue erosion or destruction of scenic beauty; and,
 - 42 2. Shall be accomplished using accepted forest management practices and sound soil
43 conservation practices.
- 44 (3) Compliance With Land Use Disturbance Provisions. Tree cutting shall comply with the provisions
45 of Sec. 66.1015, *Land Disturbance Regulations.*
- 46 (a) *Violations.* Anyone found in violation of the tree cutting regulations shall pay the greater of
47 two times the price of a citation for a violation of the zoning code, plus court costs if
48 applicable, or, the value of the tree as determined by a qualified Forester of the Village's
49 choice. The violator shall pay the cost of the Forester to conduct their valuation.
50 Additionally the violator shall revegetate the cleared site to the same density as prior to the

VILLAGE OF SISTER BAY ZONING CODE

1 violation occurring, as determined by the Plan Commission. Every day of violation shall
2 constitute a separate offense. Trees to be planted to rectify the violation shall be of such
3 size, density, and variety so as to screen buildings. A revegetation plan shall be submitted
4 to the Zoning Administrator by a professional landscape engineer and the trees planted by
5 a landscape firm registered in the state of Wisconsin to conduct business. The Zoning
6 Administrator reserves the right to require the violator to apply for a conditional use permit
7 and appear before the Plan Commission to have the revegetation plan approved.

8 **Secs. 66.1001 - 66.1014, Reserved**

9 **Sec. 66.1015 Land Disturbance Regulations**

10 (1) General Design Principles. Control measures shall apply to all aspects of the proposed land
11 disturbance use or activity and shall be in operation during all stages of the disturbance activity.
12 The following principles shall apply to soil erosion and sediment control:

- 13 (a) Stripping of vegetation, grading or other soil disturbance shall be done in a manner which
14 will minimize soil erosion.
- 15 (b) No site shall be cleared of top soil, trees and other natural features before the required
16 zoning and building permits are issued. Whenever feasible, natural vegetation shall be
17 retained and protected. Only those areas approved for the placement of physical
18 improvements may be cleared. The extent of the disturbed area and the duration of its
19 exposure shall be kept within practical limits. Sufficient vegetation shall be left between all
20 side lot lines and development (as defined in Sec. 66.2100) to screen the development from
21 view from the adjacent lots.
- 22 (c) Temporary seeding, mulching or other suitable stabilization measures shall be used to
23 protect exposed critical areas during construction or other land disturbance.
- 24 (d) Drainage provisions shall accommodate increased runoff resulting from modified soil and
25 surface conditions during and after development or disturbance. Water from the land
26 disturbing activity shall not create a hazard by exceeding the safe capacity of the receiving
27 water body in the area; shall not cause undue channel erosion or an undue increase in water
28 pollution by increased scour and transport of particles; shall not otherwise endanger the
29 downstream property owners or their property; and shall not cause property damage,
30 nuisance or erosion on adjacent properties. Safe capacity is defined as the rate of flow that
31 can be handled without flooding. Such provisions shall be in addition to all existing
32 requirements. The Village Engineer shall review and approve all storm water and drainage
33 plans for the project.
- 34 (e) Water runoff shall be minimized and retained on the site whenever possible to facilitate
35 groundwater recharge.
- 36 (f) Sediment shall be retained on the site.
- 37 (g) Diversions, sediment basins and similar required structures shall be installed prior to any
38 on-site grading or disturbance.
- 39 (h) No filling shall be allowed that will result in water being dispersed onto adjacent lots.

40 (2) Maintenance. All necessary soil erosion and sediment control measures installed under this
41 chapter shall be adequately maintained until such measures are permanently stabilized, as
42 determined by the Zoning Administrator. The Zoning Administrator shall give the applicant, upon
43 request, a certificate indicating the date on which the measures called for in the approved plans
44 were completed.

45 (3) Filling and Dumping Regulations. In order to promote the health and safety of the Village, to
46 protect life and property from flooding, to preserve stormwater retention areas, and to ensure
47 consistency with the Village's Comprehensive Plan, filling and dumping activity shall require a
48 Conditional Zoning Permit in the case where a Building Permit is not required, when the filling and
49 dumping increases the original base elevation more than 6 inches.

VILLAGE OF SISTER BAY ZONING CODE

1 (4) Exemptions. Agricultural activities are specifically exempt from this section.

2 **Secs. 66.1016 - 66.1019, Reserved**

3 **Sec. 66.1020 Pier Permits**

4 (1) Definitions. The definitions contained Wis. Stats. §30.01 are incorporated in and adopted as part
5 of this section.

6 • Pier. Means any structure extending into navigable waters from the shore with water on both
7 sides, built or maintained for the purpose of providing a berth for watercraft or for loading or
8 unloading cargo or passengers onto or from watercraft. Such a structure may include a boat
9 shelter, which is removed seasonally. Such a structure may include a boat hoist or boatlift, and
10 the hoist or lift may be permanent or may be removed seasonally. The term “dock” shall also
11 mean pier.

12 • Pre-Existing Pier. Means a pier that has been placed in the riparian zone in the same general
13 location and with the same general size and configuration during any of the three (3) years
14 prior to the enactment of this section is considered a pre-existing pier if it is not extended or
15 expanded after the adoption of this section (October 25, 2005). The seasonal removal of a pier
16 does not affect its status as a permissible pre-existing pier if it is re-established in substantially
17 the same form and same general location.

18 • Riparian Zone. Means the area of water adjacent to a parcel of riparian land within which the
19 riparian owner may place structures. The riparian zone is bounded by the land and the line of
20 navigation. The side boundaries of the riparian zone are to be determined consistent with Sec.
21 NR 326.07 of the Wisconsin Administrative Code, or its successor code.

22 (2) Permit Required.

23 (a) No riparian owner shall construct any pier in the Village without first having secured a permit
24 therefore from the Village. A permit is valid for the life of the pier, whether a permanent or
25 portable pier, as long as its location and construction remain substantially unchanged, and
26 the pier and its use comply with the provisions of this section.

27 (b) Any required U.S. Army Corps of Engineers or Department of Natural Resources permit
28 required for the proposed pier shall be obtained prior to issuance of a pier permit from the
29 Village of Sister Bay.

30 (c) The applicant for any pier used for commercial purposes, to generate revenue, or in riparian
31 zones abutting multiple-family residential housing shall make application to the Plan
32 Commission of the Village of Sister Bay for a pier permit and must meet all standards of this
33 section.

34 (d) A pre-existing pier, which fails to conform to the requirements of this section, is permissible
35 as a non-conforming structure. Owners of non-conforming structures may perform repairs
36 and maintenance upon the non-conforming structure without expanding the structure. A
37 permit shall be required for any modification of a pre-existing pier.

38 (3) Application For Permit. All applications for a permit shall be made in writing on forms provided
39 by the Village Administrator. The application shall include a copy of any permit required by the
40 U.S. Army Corps of Engineers and/or the Department of Natural Resources. The application shall
41 include the fee as established by resolution of the Board of Trustees to be the same as a Standard
42 Zoning Permit.

43 (4) Determination of Applicability. The Village may determine that the opinion of a consultant is
44 necessary to determine whether the pier proposed by the applicant meets the standards of this
45 ordinance or may have an environmental impact. In such event, the applicant shall be required to
46 reimburse the Village for all consulting fees and expenses incurred in such review.

47 (5) Standards For Pier Construction.

48 (a) No solid pier or pier that uses rock-filled cribs as a foundation shall be allowed unless a
49 permit for such pier has been issued by the Department of Natural Resources.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (b) No pier shall totally enclose any portion of navigable waters.
- 2 (c) No pier shall be placed less than 25 feet from the side boundaries of the owner’s riparian
- 3 zone.
- 4 (d) No pier may include attached lighting in excess of that required in aid to navigation, or signs
- 5 unless they are specifically authorized in permits issued by the Department of Natural
- 6 Resources, Wisconsin Department of Transportation or U.S. Army Corps of Engineers. Low-
- 7 level pedestrian lighting shall be permitted consistent with the requirements of Sec.
- 8 66.0809.
- 9 (e) All pier materials shall be of neutral colors so that they blend in with their surroundings.
- 10 (f) No roofs, canopies, decks, water slides or other construction not essential for mooring
- 11 watercraft shall be permitted.
- 12 (g) No pier shall unreasonably obstruct navigation or otherwise interfere with public rights in
- 13 navigable waters.
- 14 (h) No pier shall unreasonably interfere with the rights of other riparian owners.
- 15 (i) No pier shall be constructed or maintained with a screen or in any other manner, which
- 16 would trap or accumulate aquatic plants.
- 17 (j) Unless they are pre-existing, the total number of piers shall not exceed one (1) for riparian
- 18 zones abutting parcels with single-family dwellings and shall not exceed two (2) for riparian
- 19 zones abutting parcels with two-family dwellings. The total number of piers for riparian
- 20 zones abutting multiple-family residential developments, or common areas for
- 21 condominiums or residential subdivisions, shall be determined by the Plan Commission, but
- 22 shall not exceed the total number of dwelling units.
- 23 (k) No parcel of land shall have more than one (1) pier. The pier shall be sized so as to
- 24 accommodate no more than a total of three (3) boats or watercraft.
- 25 (6) Removal of Unlawful Construction. Any pier that is not in compliance with the requirements of
- 26 this section shall constitute an unlawful obstruction to navigable waters, and the procedures for
- 27 removal of such unlawful structures shall be as provided in Wis. Stats. §30.13. Any pier that is not
- 28 in compliance with the
- 29 provisions of this section shall constitute a public nuisance and may be subject to abatement
- 30 procedures as provided by law.
- 31 (7) Enforcement – Forfeiture. Any person or entity in violation of this section may be subject to the
- 32 forfeiture that is delineated in the most recently adopted version of the fee schedule for the
- 33 Village, plus costs, for each violation, with each day that the unlawful structure remains in place
- 34 constituting a separate offense. In addition, the Village may seek an order to abate the public
- 35 nuisance, seek removal of the unlawful structure under applicable law, and may be awarded the
- 36 costs of prosecution, including reasonable attorney fees, for any proceeding filed hereunder.
- 37 (8) Conditional Use Permit.
- 38 (a) An applicant for a pier permit may request a conditional use permit to vary from the terms
- 39 of this section as will not be contrary to the public interest, where, owing to special
- 40 conditions, a literal enforcement of the provisions of this section will result in practical
- 41 difficulty or unnecessary hardship, so that the spirit shall be observed, public safety and
- 42 welfare secured, and substantial justice done. The request shall be handled in the same
- 43 manner as a Conditional Use Permit as specified in Sec. 66.1535.
- 44 (b) A request for a Conditional Use Permit from the terms of this section shall be submitted in
- 45 writing to the Zoning Administrator with payment to the Village of Sister Bay of the
- 46 conditional use permit fee.
- 47 (c) A request for a Conditional Use Permit shall be forwarded to the Village’s Marina
- 48 Committee, which shall submit a recommendation to the Plan Commission within thirty (30)
- 49 days. Upon receipt of the recommendation from the Marina Committee, the Conditional
- 50 Use Permit shall be considered by the Plan Commission with a Conditional Use Permit to be

VILLAGE OF SISTER BAY ZONING CODE

1 granted only upon the vote of a majority of the Plan Commission members present. In
2 considering the request for a Conditional Use Permit the Plan Commission shall consider the
3 factors set forth in Section (8)(a) hereof, as well as other relevant information.

- 4 (d) The Plan Commission shall conduct a public hearing on the Conditional Use Permit request
5 as required under Sec. 66.1801, including notice to adjoining riparian property owners
6 within 300 feet of the subject property. The recommendation of the Plan Commission shall
7 be forwarded to the Board of Trustees as required in Sec. 66.1535.

8 (9) Appeals.

- 9 (a) The applicant or any party aggrieved by a decision of the Village Administrator upon a pier
10 permit application may appeal such decision by filing a written request for appeal within
11 thirty (30) days after the determination to issue or deny the application to the Plan
12 Commission of the Village of Sister Bay, with the appeal request to be filed with the Village
13 Clerk.

- 14 (b) The applicant or any party aggrieved by a decision of the Plan Commission upon a pier
15 permit application may appeal such decision by filing a written request for appeal within
16 thirty (30) days after the determination to issue or deny the application to the Board of
17 Appeals of the Village of Sister Bay, with the appeal request to be filed with the Village Clerk.

18 **Secs. 66.1021 - 66.1024, Reserved**

19 **Sec. 66.1025 Impact on Housing Stock**

- 20 (1) Purpose. The purpose of these regulations is to ensure that commercial projects that create
21 employment opportunities for area residents also address the shortage of employee housing and
22 create housing opportunities given the seasonal nature of employment in the Sister Bay area.

- 23 (2) Definitions. For the purposes of this section:

- 24 • Housing. The term “housing” shall include dwelling units or rooms in hotels, motels, inns,
25 single-family housing and apartments that are in compliance with the Zoning Code, and, if
26 applicable, properly licensed by the State of Wisconsin.

- 27
28 (2) Applicability. The following standards apply to:

- 29 (a) All new developments in the B-1, B-2 and B-3 Districts.
30 (b) Projects in the B-1, B-2 or B-3 Districts that require a Certificate of Compliance.

- 31 (3) Requirement. As a condition of site plan and zoning approval, the Plan Commission shall review
32 the employment being created by the project. The Plan Commission may give consideration to
33 offsetting some of the required employee parking if employee housing dwelling units are created
34 on site. The Plan Commission may give consideration to offsetting some of the required green
35 space to a maximum credit of five percent (5%) if employee housing dwelling units are created on
36 site.

37 **Secs. 66.1026 - 66.1029, Reserved**

38 **Sec. 66.1030 Impact on Workforce Housing**

- 39 (1) Purpose. The purpose of these regulations is to ensure that residential projects address the need
40 for workforce housing.

- 41 (2) Applicability. The following standards apply to new developments in the R-2 District.

- 42 (a) Requirements. As a condition of site plan and zoning approval, the Plan Commission shall
43 review the number of housing units being created for the project. If the Plan Commission
44 determines that the need for workforce housing remains as outlined in Chapters 3 and 4 of the
45 2003 Comprehensive Plan, or its updated Plan, and as defined in Sec. 66.0314, then the Plan
46 Commission may make certain adjustments to the density requirements delineated in Sec.
47 66.0312. The Plan Commission may increase the overall project unit density by 0.2 units for each
48 dwelling unit that meets the requirements of workforce housing.

VILLAGE OF SISTER BAY ZONING CODE

1 **Secs. 66.1031 - 66.1034, Reserved**

2 **Sec. 66.1035 Property Addressing**

- 3 (1) Purpose. The purpose of this section is to establish the procedures used to implement and
4 administer a uniform addressing system in the Village of Sister Bay that utilizes address numbers
5 determined by the Door County Land Use Services Department. The basis for the assignment of
6 property address numbers shall be the Door County Baseline Addressing System.
- 7 (2) Responsibilities. The Door County Land Use Services Department shall be responsible for assigning
8 all property addresses upon submission of the necessary information from the Zoning
9 Administrator.
- 10 (3) Fees and Charges. The Village Board shall establish the fees for the issuance of property addresses.
- 11 (4) Progression and Spacing of Number Lines. The property addressing in the Village shall comply
12 with a system that assigns numbers based upon the following formula:
13 (a) 150 even numbers per mile (~35.2-foot intervals) on the east and north sides of roads.
14 (b) 150 odd numbers per mile (~35.2-foot intervals) on the west and south sides of roads.
- 15 (5) Measurement of Number Line. Number lines indicating grid location with regard to the
16 appropriate baseline shall be measured to the point where the principal driveway intersects with
17 the road. Possible exceptions may be made for corner lots and double frontage lots. Adjustments
18 may be made at the time of number assignment so as to maintain consistent sequencing of
19 address numbers.
- 20 (6) Property Address Application. All requests for property addresses shall be in writing and provided
21 to the Zoning Administrator.

22 **Sec. 66.1036 Criteria for Address Number Assignment**

- 23 (1) New Development. Addresses are assigned prior to the issuance of a Zoning Permit for a principal
24 use. Address numbers shall be assigned when the principal use of a property or a driveway location
25 has been determined. Issuance of an address number may also be triggered by:
26 (a) Submission of an application for a Driveway Permit.
27 (b) Requests from builders or public utilities.
28 (c) Field inspection.
29 (d) Requests from property owners.
- 30 (2) Accessory Building Addressing. New numbers will generally not be assigned to new buildings
31 accessory to the principal use (i.e., a new house will be assigned a number, but a detached garage
32 or storage building will not be
33 assigned a number). Accessory buildings may be assigned a separate address if accessed by a
34 separate legal driveway or if accessed by the principal driveway, but housing a separate use.
- 35 (3) Accessory Uses. An accessory use with no other accompanying principal use may also require an
36 address.
- 37 (4) Driveways.
38 (a) Address numbers are generally required when there is a driveway (existing or proposed)
39 that serves or will serve a principal use or accessory use, as described above in 66.1036(1)
40 (a). Address numbers shall not be assigned until a driveway location has been determined.
41 (b) Driveways that do not serve a principal use may not require address numbers. Door County
42 will maintain discretion in this matter.
43 (c) Each development or lot on a shared driveway shall be assigned an address. A summary sign
44 displaying the road name and each address shall be placed at the intersection of the
45 driveway and the road. The cost of such sign shall be paid for by the affected property
46 owner(s).
- 47 (5) Condominiums and Apartments.
48 (a) Each building shall be assigned one address number with each unit further identified by
49 additional numbers or letters.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (b) Townhouse and duplex units with individual driveways and entrances may be assigned
2 unique address numbers.
- 3 (6) Meandering Roads.
- 4 (a) Assignment of address numbers shall be based on predominate road direction with the
5 numbers per mile spacing maintained. [See Section 66.1035(4)] Number assignment may be
6 adjusted to accommodate additional road length.
- 7 (b) Where the road makes a 90° directional change for more than one-half (1/2) mile, that road
8 segment may be numbered consistent with the directional change.
- 9 (6) Looping Roads.
- 10 (a) For roads that begin and end on a single road, resulting in two parallel sides, the loop road
11 shall be split in half and appropriate side designations shall be given to the name of the road.
12 For example, a loop road named Circle Road might be split into North Circle Road and South
13 Circle Road. Therefore, two (2) developments on Circle Road might have the same address
14 number, but different road names.
- 15 (b) The number range on the two (2) sides shall be similar. An even and odd number shall abut
16 at the change of direction.
- 17 (c) Short loop roads may be addressed based on primary direction if number density allows.
- 18 (7) Cul-de-Sacs. An even and an odd number will abut at some point on the turning circle of a cul-de-
19 sac.

20 Sec. 66.1037 Address Sign Criteria and Placement

- 21 (1) Residential Buildings. All single family and two family residential buildings and all institutional
22 buildings shall have street numbers at least 3 inches high, placed on the exterior wall of the
23 principal building, or immediate proximity to the principal building that faces the street providing
24 access to the building. All such residential units shall also have street numbers, not less than 2
25 inches high, placed on their respective mailbox if one exists.
- 26 (2) Multi-Family Buildings. All multifamily buildings shall have street numbers at least 3 inches high,
27 placed on the exterior wall of the principal building that faces the street and located adjacent to
28 the individual unit entrances to the buildings.
- 29 (3) Business Buildings. All business buildings shall have street numbers at least 6 inches high, placed
30 on the exterior wall of the principal building facing the street, service drive or parking lot providing
31 access to that building and located adjacent to any primary entrance door.
- 32 (4) Other Buildings. All business structures, which have a rear service door, shall identify the occupant
33 and the street address conspicuously on the rear door in contrasting and reflective letters and
34 numbers at least 6 inches in height, and shall be continually maintained.
- 35 (5) Address Sign Placement for Buildings with Excessive Setback from the Street. Buildings that are
36 setback more than 80 feet from the centerline of the street shall be required to place an address
37 sign as required below, unless a mailbox is placed where the address sign would be placed. The
38 criteria for address signs is a follows:
- 39 (a) Address signs shall be securely fastened. No metal fence posts are to be used for posting
40 address numbers. Alternate methods may be used where ground conditions prohibit
41 placement of a post. The Door County standard green number sign is prohibited.
- 42 (b) Signs shall be placed to the right side of driveways, when viewed from the road, if practical.
43 Signs may be placed to the left side of the driveway if number visibility is better
44 accomplished or if right side installation is not practical. Exceptions may be possible for
45 corner lots or double frontage lots. The sign face shall be toward the road.
- 46 (c) Signs shall be located not greater than 20 feet from the edge of the driveway. Variation may
47 be allowed at the Village's discretion, such as for, but not limited to, corner lots and double
48 frontage lots.
- 49 (d) Signs shall not be set back further than 10 feet from the road right-of-way. The sign shall be
50 in a horizontal position at approximately 4 1/2 to 5 feet above the road level.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (e) The address sign numbers shall be at least 3 inches high.
2 (6) Sign Standardization. Property owners are permitted to use any color, material, size (meeting or
3 exceeding the minimums), shape, or style of sign for the addressing as required in (5)(a) – (e)
4 above as long as no prohibited types are used.

5 **Sec. 66.1038 Street and Road Naming**

- 6 (1) Administration. The Plan Commission shall approve all public and private street and road names.
7 The Plan Commission may name and or rename roads when deemed appropriate. Requests for
8 new road names may come from the Village Board, land developers, or private citizens.
9 (2) Official Street Map. There is hereby established an official street map of the Village of Sister Bay.
10 The Plan Commission shall designate all public and private streets on the official street map. (Refer
11 to Sec. 54.050 of the Municipal Code for a delineation of the requirements for the Village’s “Official
12 Map”, which is a different type of mapping.)
13 (3) Street Naming Criteria. All public and private roads serving four (4) or more principal uses or
14 intended principal uses shall be named and addressed using the following criteria:
15 (a) New road names shall be easy to pronounce and easily recognizable in emergency
16 situations. Each road name shall be unique in spelling and sound. The Plan Commission shall
17 base acceptance of a proposed road name on whether or not the proposed name is already
18 in use within the Village, and seek to avoid duplicate names already in existence in Door
19 County, including incorporated areas.
20 (b) Road names shall not contain hyphens.
21 (c) 1st, 2nd, etc. shall not be used.
22 (d) Alphabetical characters shall not be allowed as road names.
23 (e) New road names shall not include compass directions or abbreviated directions.
24 (f) New road names shall not exceed eighteen (18) characters in length including the road type.
25 (g) New roads that are an extension of existing roads shall maintain the same road name.
26 (4) Road Types. Road type designations (Road, Lane, Circle, etc.) shall adhere to the Urban and
27 Regional Information Systems Association’s (URISA) policies and procedures.
28 (5) Street Name Sign Standards. The Plan Commission shall establish a standard type of sign for street
29 names. The standard shall include the sign location and type of post. No other signage shall be
30 allowed on street name sign posts. All material and labor costs associated with the purchase and
31 installation of street name signs for private developments and private streets shall be borne by
32 the property owner or developer.

33 **Sec. 66.1039 County Administration of Village Numbering**

34 The Door County Land Use Services Department shall maintain a record of all assigned addresses and
35 of all road names and their locations. The Door County Land Use Services Department may adopt
36 policies and practices as necessary to manage the County’s addressing system and to ensure fulfillment
37 of the purpose of the Uniform Addressing System Ordinance.

38 **Sec. 66.1040 Property Address Reassignment Implementation**

- 39 (1) Any new building addresses assigned after the effective date of these regulations shall be based
40 upon the Door County address assignment numbering system.
41

42 **SEC. 66.1050 – SITE PLAN & ARCHITECTURAL REVIEW**

43 **Sec. 66.1050 Site Plan and Architectural Review**

44 For the purpose of promoting compatible development, stability of property values, and to prevent
45 impairment or depreciation of property values, no person shall commence any use or erect any
46 structure without first obtaining the approval of detailed site and architectural plans, as set forth in
47 this section prior to the issuance of a Zoning Permit. Except those uses in the Country Walk Shops
48 commercial center development where a use is changed solely to a retail use, the Plan Commission

VILLAGE OF SISTER BAY ZONING CODE

1 shall review architectural plans and site plans showing existing and proposed structures, neighboring
2 uses, parking areas, driveway locations, sidewalk widths and locations, loading and unloading areas,
3 highway access, traffic generation and circulation, drainage, the utilization of landscaping, existing
4 natural resources and the proposed operation in all districts. However, this process shall not be
5 required in the CS-1 District, unless the development site contains wetlands as shown on either the
6 July 1, 1992, Final Wetlands Inventory Map issued by the Wisconsin Department of Natural Resources,
7 or its successor map, or wet areas as shown on the Village’s latest topographic maps or woodlands
8 (this is not the same as the Woodland Overlay District) as shown on the most recent aerial photos of
9 the Village. Single-family and two-family dwellings shall not be subject to site plan and architectural
10 review by the Plan Commission, however, if in the opinion of the Zoning Administrator, such residential
11 plans exhibit design or appearance characteristics to require architectural review, the Zoning
12 Administrator shall refer the application and such written opinion to the Plan Commission for review.

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

16 (a) - (i) (Reserved)

17 (j) No building or use shall be permitted that would have a negative impact on the
18 maintenance of safe and healthful conditions for the Village.

19 (k) Buildings and uses shall maintain existing topography, drainage patterns and vegetative
20 cover insofar as is practical. The Plan Commission may require that drainage easements be
21 executed.

22 (l) Appropriate buffers shall be provided between dissimilar uses as set forth in Sec.
23 66.0303(d).

24 (m) Buildings and uses shall provide for safe and efficient traffic circulation and driveway
25 locations as set forth in Sec. 66.0406, *Highway Access*.

26 (n) Fire Protection and Hydrants. The intent of this section is to ensure adequate water supply
27 for fire-fighting purposes to structures and buildings. The Village Engineer and Fire Chief
28 shall certify in writing that sufficient water flow and pressure exists to serve the project for
29 fire protection. For the purpose of placing hydrants, normal access routes are defined as
30 pavement, sidewalks, streets, driveways and paths leading to the building that are clear and
31 maintained year round. The normal access route does not include grass, parking stalls,
32 ditches, hills, shrub beds, fences, walls or any other area not typically used for ingress or
33 egress to a building.

34 1. *Buildings Where Fire Hydrants Are Required.* Any building, except single and two-family
35 dwellings, hereafter erected, shall provide, at the owner’s expense, approved water
36 hydrants. Hydrants shall be located so that no part of a building is more than 300 feet
37 from an approved hydrant by normal access routes. This requirement may be modified
38 upon written request by the owner to both the Fire Chief and Utility Manager who must
39 both concur in writing why the modification should be
40 permitted. The request may be approved only if the fire protection provided to the
41 building is not reduced by the modification. Required hydrants shall be free standing
42 and shall be installed not more than 50 feet or less than 25 feet from the building
43 exterior wall. No hydrant shall be placed closer than 50 feet to any other hydrant. The
44 Fire Department Fire Inspector and Utility Manager will approve the actual location of
45 all fire hydrants. Two (2) copies of the building plans, including the site plan, shall be
46 provided to the Zoning Administrator for Fire Department use, in addition to any copies
47 of building plans required by the Zoning Administrator.

48 2. *Accessibility.* In all developments in districts other than R-1, R-3, R-4 and CS-1, the
49 buildings, grading and landscaping shall be constructed, installed and maintained in
50 such a fashion that the Fire Department can have access around the entire building(s)

VILLAGE OF SISTER BAY ZONING CODE

- 1 during the entire year. The Fire Chief shall provide written confirmation of such access
2 to the Plan Commission prior to site plan approval.
- 3 (o) Buildings and uses shall be provided with adequate access to the Village’s street and
4 highway system as set forth in the Municipal Code. Adequate street cross-sections
5 appropriate to the permitted use shall be provided by the developer.
- 6 1. Access onto major streets should be held to the minimum necessary to provide safe
7 and efficient traffic flow as determined by the Plan Commission.
- 8 2. Provisions shall be made for cross access between compatible business developments.
- 9 3. Primary access to business developments shall not be through residentially zoned
10 areas.
- 11 4. The Plan Commission may require that dedications of right-of-way be executed for the
12 public streets serving the property.
- 13 (p) Buildings and Uses Shall Provide Adequate Parking and Loading Areas.
- 14 1. No loading dock or overhead doors shall face upon a street right-of-way in business
15 districts unless no practical alternative exists.
- 16 2. Uninterrupted parking lots along the full street frontage of business developments
17 abutting a public right-of-way are inappropriate, and will not be permitted, except
18 where the physical orientation of the lot makes it necessary. Parking should be directed
19 to the side or rear of the lot, where it is less visually intrusive. In the B-2 and B-3
20 Districts, none of the off-street parking for business developments directly abutting a
21 public right-of-way shall be located between the front of the building and the primary
22 abutting street.
- 23 (q) Each retail or service building in excess of 15,000 square feet in gross floor area must
24 contribute to the establishment or enhancement of community and public spaces by
25 providing a community amenity on the premises such as a patio/seating area, water
26 feature, clock tower, or pedestrian plaza with benches. Retail buildings in excess of 30,000
27 square feet in gross floor area must provide at least two (2) of these amenities.
- 28 (r) Sidewalks shall be provided along all sides of the lot that abut a public street, and a
29 continuous internal pedestrian walkway must be provided from the perimeter public
30 sidewalk to the principal customer entrance. Sidewalks shall be at least 5 feet in width, but
31 wider widths may be required in commercial areas, or, widths may be reduced by a three-
32 fourths (3/4) majority vote of the Plan Commission. If the sidewalk is to be installed by the
33 Village, an 11 foot easement shall accommodate the sidewalk. For public safety purposes
34 and potential infrastructure needs, sidewalks shall be separated from the road curb or road
35 edge by a vegetated buffer of no less than three feet, unless a lesser separation distance is
36 approved by a three-fourth (3/4) majority vote of the Plan Commission. The internal
37 pedestrian walkways must be distinguished from driving surfaces with contrasting
38 materials to enhance pedestrian safety. Examples of acceptable materials include, but are
39 not limited to special pavers, bricks, or scored concrete. A bikeway shall be provided along
40 the side of a lot designated as a bikeway route by the Village or Door County. The Plan
41 Commission may require that easements be executed for the public sidewalk and bikeway
42 on the property.
- 43 (s) All signs must be designed and constructed in accordance with Sec. 66.0700, *Signs*.
44 Buildings and uses shall be provided with adequate public sanitary sewer and water services
45 as approved by the appropriate utility. Storm water drainage facilities may be required. The
46 Plan Commission may require that easements be executed for water and sanitary lines on
47 the property.
- 48 (t) Buildings and uses shall be provided with adequate lighting installed in a manner that does
49 not interfere with users of adjacent properties.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (u) Buildings and uses shall be provided with dumpsters and trash receptacles in a number and
2 location appropriate for the use as determined by the Plan Commission. All dumpsters shall
3 be fenced and/or screened from view from street rights-of-way and adjacent residential
4 uses.
- 5 (v) The required green space shall be designed as an integral part of the site, and shall not
6 include those areas required for parking, loading or other impervious surfaces.
- 7 (w) Wetlands shall not be cleared, filled or drained if the development will result in significant
8 adverse impacts to the functional values of the affected wetlands, significant adverse
9 impacts to water quality or other environmental consequences. They shall be protected
10 within an overall development plan for the property. In order to make this determination,
11 the owner or developer of any property or properties that are involved with any of the
12 following shall have any wetland on the property, as outlined on the 1992 Final Wetland
13 Inventory Map or as subsequently identified, staked and legally described:
- 14 1. Rezoning
 - 15 2. Subdivision Plat
 - 16 3. Conditional Use
 - 17 4. Official Map Amendment
 - 18 5. Certified Survey Map
 - 19 6. Building Permit
- 20 (x) Woodlands shall, to the greatest practical extent possible, be protected within an overall
21 development plan for the property. In order to make this determination, the owner or
22 developer of any property or properties that are involved with any of the following shall have
23 any woodland on the property, as shown on the most recent aerial photo of the Village, staked,
24 inventoried and legally described:
- 25 1. Rezoning
 - 26 2. Subdivision Plat
 - 27 3. Conditional Use
 - 28 4. Official Map Amendment
 - 29 5. Certified Survey Map
 - 30 6. Building Permit
- 31 (y) From a practical standpoint, development may occur on a cleared or restored site, with
32 appropriate governmental permits, of up to 20,000 square feet in area; if the wetland and
33 woodland property is at least five (5) acres in area and is at least 150 feet in width.
- 34 (z) Wetlands may be used in the density calculation of a development, but in no case shall they
35 constitute more than twenty-five percent (25%) of the minimum lot area required.
- 36 (2) Sureties. The Plan Commission shall impose time schedules for the completion of buildings,
37 parking areas, green space utilization, and landscaping. The Plan Commission may require
38 appropriate sureties to guarantee that improvements will be completed on schedule; as well as
39 the approved protection of the identified wetlands and woodlands on the approved plan.
- 40 (3) Appeals. Any person or persons aggrieved by any decisions of the Plan Commission related to
41 plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed
42 with the Village Clerk within thirty (30) days after filing of the decision with the Zoning
43 Administrator.
- 44 (4) Modification of Standards. The Plan Commission may modify any of the above standards by a
45 three-fourths (3/4) majority vote of the Commissioners, but only if supplemental design elements
46 or improvements are incorporated into the project, which compensate for the modifications of
47 the particular standard.

VILLAGE OF SISTER BAY ZONING CODE

1 **Secs. 66.1051 - 66.1054, Reserved**

2 **Sec. 66.1055 Architectural Review Criteria**

3 (1) Purpose and Intent. Section 66.1050 was adopted by the Village, for all zoning districts, to
4 promote the health, safety, aesthetics, and general welfare in and of the Village, by:

- 5 (a) Protecting the general appearance of buildings, structures, and open areas, and ensuring
6 adequate light, air and privacy for property; and encouraging architectural standards that
7 promote high quality design and use of quality materials, and composition of materials that
8 are attractive and compatible with existing buildings, and to maintain property values.

9 (2) Architectural Review Board.

10 (a) The Village shall appoint an Architectural Review Board to assist and provide
11 recommendations to the Plan Commission based on the conditions of the Village's
12 architectural standards.

13 (b) The Plan Commission members shall serve as the Architectural Review Board, unless and
14 until the Board of Trustees appoints five (5) residents to serve one (1) year terms on the
15 Architectural Review Board. Unless the Board of Trustees appoints an Architectural Review
16 Board, all references in this section shall be to the Plan Commission.

17 (3) Architectural Review Process. The Village's Plan Commission shall be responsible for and has the
18 authority to hear, review and act upon proposed commercial, multi-family residential and mid-
19 use architectural plans for new construction, renovation, remodeling and restoration work, and,
20 if applicable, shall consider recommendations from the Architectural Review Board.

21 (a) Plans for architectural review shall be submitted in accord with this section and
22 administered by the Zoning Administrator.

23 (b) The Plan Commission shall not permit any design or exterior appearance, which is of such
24 unorthodox or abnormal character in relation to the surroundings, as to be unsightly or
25 offensive to generally accepted taste. Additionally, the Plan Commission shall not permit
26 the design or exterior appearance, which is so identical with those adjoining structures to
27 create excessive monotony and drabness.

28 (4) Design Criteria. In making its findings and determination concerning each proposed project, the
29 Plan Commission or the Architectural Review Board shall review each plan based on the
30 conditions of the Village's architectural standards, including but not limited to the following, to
31 create:

- 32 (a) A high-quality design, composition/usage of materials, colors, and construction;
33 (b) A diversity of architectural styles, building scale and massing, building roof lines and shape;
34 and,
35 (c) A compatibility with surrounding land uses and geographic location.

36 (5) Manual of Design. The Architectural Review Board shall establish a Manual of Design that
37 includes photographs, drawings and color samples that represent preferred designs. The Manual
38 of Design shall be updated periodically.

39 (6) Architectural Standards. The purpose of these standards is to assist the Village Plan Commission,
40 the Architectural Review Board, and the public with a standard to achieve quality in architectural
41 design and to create a sense of place through the appropriate use and composition of materials,
42 architectural styles, and land use planning and design.

43 (a) *Exterior Architectural Treatment.* The image of the Village is influenced to a large degree
44 by the design, character and architectural aesthetics of its buildings. Architectural
45 treatment must be addressed by the following standards:

- 46 1. *Massing/Scale.* The massing of a building refers to the overall size, bulk or volume of
47 space, which a building encloses. Scale is conveyed by elements or parts of the building
48 facade where doorways, windows, and details enable people to gauge its relative size
49 and character in relationship to the size of the human form.

VILLAGE OF SISTER BAY ZONING CODE

- 1 a. The scale of the buildings must be compatible with the overall massing and the
2 individual parts of adjacent buildings, especially adjacent to residential areas.
- 3 b. Building heights of new construction must not exceed the maximum building
4 height allowed in each zoning district.
 - 5 i. A gradual transition to the maximum building height is permitted.
 - 6 ii. The relationship between façade height and width must be maintained.
- 7 c. Transitions between adjacent residential structures and new non-residential
8 structures to be constructed must also be achieved by the incorporation of
9 horizontal human-scale features in rooflines and building elevations.
- 10 d. Avoid creating vast blank building walls in areas visible from the street or adjacent
11 residential areas.
- 12 e. Design facades must convey human-scale through fenestration, building
13 articulation or detailing.
- 14 2. *Form/Proportion.* The form and proportion of a building’s elevation and roof are basic
15 form-giving characteristics that are important in relating a new building to other
16 buildings and to its setting.
 - 17 a. Elements of a building must be emphasized to clearly show the division of roof and
18 walls. Color, materials and/or details must be utilized to express this division.
 - 19 b. Building components and appurtenances, including doors, windows, canopies and
20 trim, must maintain this proportion to each other and to the building as a whole.
- 21 3. *Fenestration/Entrances.* The fenestration of building facades is the orderly
22 arrangement of openings within the elevations of the building.
 - 23 a. Design openings must form a unified composition in proportion to the building
24 elevation.
 - 25 b. Large blank walls, which are exposed to view, must be avoided by creating
26 horizontal and vertical interest. Utilize fenestration, related detailing, and
27 articulation to provide scale and relief to the building façade. These architectural
28 characteristics shall be easily identified by the viewer.
 - 29 c. Oversized fenestration elements, which tend to create a monumental scale, shall
30 be avoided unless specifically required by the type of building or relationship to
31 its surroundings.
 - 32 d. Building entrances must be designed to be clearly identifiable and easily
33 recognizable from parking lots and pedestrian circulation routes.
 - 34 e. Design, quality of material, scale and character of a building, especially the
35 location of the entryway, must help identify its importance and be compatible
36 with entrances of adjacent buildings.
 - 37 f. Hierarchy of entrances through scale, detailing, and design features must be
38 clearly expressed.
 - 39 g. Entrances of freestanding buildings must be located and be clearly identifiable
40 from the adjacent street or service drive.
- 41 (b) *Materials/Details.* Achieve a cohesive and consistent architectural character in new
42 construction through the use of exterior building materials and details that are similar to or
43 compatible with adjacent buildings.
 - 44 1. Materials must be selected to adequately suit the type of building and style in which
45 it is intended to serve.
 - 46 2. Buildings must have the same materials, or those which are architecturally
47 harmonious shall be used on all building elevations and other exterior building
48 components such as dumpster facilities or other accessory structures, including
49 signage.

VILLAGE OF SISTER BAY ZONING CODE

- 1 3. In any building in which the structural frame is exposed to public view, the structural
2 materials must also meet these standards.
- 3 4. A primary facade material must be used consistently on all building elevations to limit
4 the number of compatible secondary facade materials.
- 5 5. The sides and rear of buildings shall be as visually attractive as the front through the
6 design of roof lines, use of similar architectural detailing, and building materials.
- 7 (c) *Permitted Primary Façade Materials.* Exterior building materials and features for new
8 buildings or additions.
 - 9 1. Some examples of appropriate façade materials are:
 - 10 a. Brick
 - 11 b. Non-Reflective Glass
 - 12 c. Wood
 - 13 d. Stucco
 - 14 e. Decorative Architectural Tile
 - 15 f. Integrally Colored Textured Concrete
 - 16 g. Natural or Cultured Stone
 - 17 h. Architectural Block
 - 18 2. Some examples of prohibited primary façade materials are:
 - 19 a. Particleboard
 - 20 b. Shingle Siding (Roof Applications Only), Except For Cedar Shake Siding
 - 21 c. Wood Siding, i.e., Plywood Paneling and T-111
 - 22 d. Highly Reflective or Glare-Producing Glass With a 0.25 or Greater Reflective
23 Factor
 - 24 e. Industrial Metal Panels With or Without Exposed Fasteners
 - 25 f. Concrete Masonry Units
 - 26 g. Exposed Aggregate Pre-Cast Concrete
 - 27 h. Soft Coat Exterior Insulation Finish Systems
 - 28 i. Metal
- 29 (d) *Exemptions.*
 - 30 1. Additions to existing buildings that are presently made of the prohibited building
31 materials must comply with the provisions of this section for the addition. The
32 applicant may request an exemption to allow the addition to consist of the same
33 material as the existing building. The exemption must be approved by a three-fourths
34 (3/4) majority vote of the Architectural Review Board and the Plan Commission
35 present at the respective meeting, and would be subject to the Architectural Review
36 Board requiring enhancements to the façade, additional landscaping, or other means
37 to improve the aesthetics of the building. The exemption will be based on examination
38 of the following criteria:
 - 39 a. *Similarity.* The prevailing material(s) used on buildings in the same area.
 - 40 b. *Visibility.* The building should be well screened, and the Architectural Review
41 Board may require that the façade of the highly visible areas be improved or
42 screened with landscaping or by other means.
 - 43 2. An exemption to the prohibited materials may be obtained from the
44 Architectural Review Board for exceptional designs.
- 45 (e) *Architectural Requirements.* Building materials are critical in establishing the character and
46 aesthetic for the area. Appropriate and respectful attention must be given to the materials
47 that are selected for building facades. The following uses shall be consistent with the
48 standards for all buildings and building complexes:
 - 49 1. Building designs shall minimize the effects of size and scale by highlighting individual
50 dwelling units using separate entrances and integrating garages, (for multi-family

VILLAGE OF SISTER BAY ZONING CODE

- 1 buildings), use of variable roof lines, door and window openings, façade protrusions
2 or recesses, and use of porticos, overhangs, arcades, arches and outdoor patios.
- 3 2. Accessory structures must be compatible with the primary building in terms of its
4 character, roof shapes, building materials, colors and architectural details.
- 5 3. Building facades must incorporate unified and complimentary finish materials that
6 promote longevity and durability. Materials that are appropriate or prohibited are
7 defined in Sec. 66.1055(6)(c).
- 8 4. Colors shall be compatible, coherent and harmonious with existing materials in the
9 immediate area. Color schemes shall be used consistently throughout the property,
10 including on both the upper and lower portions of the building, and on all facades of
11 a building or structure. The following provisions must be adhered to unless the review
12 of the Plan Commission states otherwise.
- 13 5. Primary building facade colors on all four sides, including building accents, fixtures,
14 and signage, must be non-reflective and subtle.
- 15 6. Fluorescent, day-glow and/or neon colors shall not be permitted.
- 16 7. Colors must be selected relative to the chosen exterior building materials since it is a
17 critical design element relating to adjacent buildings and to create a compatible visual
18 environment within an area. In general, colors must be integral to a selected material
19 rather than applied on (painted) exterior building materials.
- 20 8. Colors for secondary facade materials shall be compatible with the predominant
21 colors, including accent colors. When such contrasting colors are utilized, the colors
22 must not dominate the visual character of the setting.
- 23 9. Variation in architectural detail, mass and proportion of individual buildings may be
24 used to provide visual interest where more than one building is located on a single
25 parcel or multiple buildings, which are part of a development.
- 26 10. Roofs are elements of buildings, which significantly affect the architectural character.
27 The roof is vital to the overall design theme of a building since it is related to its mass,
28 scale, form, and proportion.
- 29 11. For all visible roofs, roofing materials and construction must be high quality, such as
30 but not limited to, standing-seam metal, slate, cedar, or architectural shingles. Roofing
31 materials and shape must be compatible with the architectural style of the building
32 and with surrounding buildings and roofs.
- 33 12. Corner Lot Buildings. Buildings on large corner lots have a tendency to create the
34 appearance of a single massive building, in conflict with the goals of Sec. 66.
35 1055(6)(a)1., *Massing/Scale*. The building shall:
- 36 a. Incorporate design factors in the building footprint to step back or change the
37 angle of the building to reduce the appearance of a long wall and
- 38 b. Incorporate architectural features in that portion of the building to create the
39 appearance of a different building.
- 40 (f) *Service and Utility Areas*. Buildings require mechanical equipment and service areas, which
41 are normally unsightly and noisy. These areas include, but are not limited to, loading docks,
42 exterior storage areas, dumpsters and mechanical equipment such as plumbing vent stacks,
43 transformers, fans and cooling towers. The following standards address the treatment of
44 service and utility areas in order to reduce the negative visual impact of such areas:
- 45 1. All service and utility areas shall be located away from the street and concealed from
46 building entrances, pedestrian areas, and adjacent residential buildings. Service areas
47 and related mechanical equipment shall be screened one hundred percent (100%)
48 with materials to match the primary exterior materials. Trash compactors and
49 dumpsters shall be located adjacent to truck loading areas and screened one hundred
50 percent (100%) with the primary exterior materials.

VILLAGE OF SISTER BAY ZONING CODE

- 1 2. Where dumpsters are not fully screened by the overall building envelope, the
2 following standards must be applied:
 - 3 a. Dumpsters must be screened on all sides.
 - 4 b. Dumpster enclosures must be compatible in design with the architectural style of
5 the primary building in terms of its scale, exterior materials used and color.
 - 6 c. Dumpster enclosures must not violate the building setback and parking
7 requirements of the zoning district in which the enclosures are located.
- 8 3. All above-grade utility connections, vents, and other projections must be located along
9 exterior walls away from high visibility areas, such as front facades or pedestrian areas.
10 These vents also include, but are not limited to, air conditioning units, air exchangers
11 and underground utility vaults.
- 12 4. Rooftop mechanical equipment shall not be mounted on buildings unless the roof
13 parapet (cornice) screens such equipment one hundred percent (100%) from public
14 view, as measured from grade elevation, from a minimum distance of 500 feet from
15 the building.
 - 16 a. The roof parapet shall be integrated as part of the building’s overall design.
 - 17 b. Each plan (including remodeling existing buildings) must be reviewed individually
18 based on location, finished grade elevation and the surrounding terrain to
19 determine the view of rooftop mechanical equipment.
- 20 (7) Building Vistas. All buildings, or groupings or nodes of buildings and structures, shall be designed
21 to be sensitive to existing views, or view corridors, and the contexts of the surrounding natural
22 and built environment.
- 23 (8) Amendments. The Plan Commission and/or the Architectural Review Board may adopt and
24 amend, from time to time, as appropriate and to be consistent with the provisions of this section,
25 the written design guidelines contained herein as well as the Design Manual that is contained
26 within the Village of Sister Bay Architectural Standards Guide.

27 **Secs. 66.1056 - 66.1059, Reserved**

28 **Sec. 66.1060 Landscaping**

29 The Plan Commission shall review landscaping plans for all new structures, uses and changes or
30 additions to existing structures and uses in all zoning districts except for single-family homes in the
31 CS-1, R-1, R-3 and R-4 Districts. Landscaping standards are established to ensure that landscaping
32 becomes an integral part of development in the business and residential districts. When buildings or
33 parking lots are extended, these regulations shall apply to the extended portion of the building or
34 parking lot. Location of landscape areas, plant materials, and protection afforded the plantings,
35 including curbing and provision for maintenance shall be subject to approval by the Plan Commission.
36 The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be
37 included in the calculation of the required minimum landscape area.

- 38 (1) Street Tree Plantings In Right-of-Way. All projects, developments and subdivisions shall provide
39 street trees planted every 35 feet along the right-of-way. The trees shall be of a species suitable
40 for the location. This provision may be waived by the Plan Commission if, in its opinion, the parcel
41 or lot is already wooded.
- 42 (2) Parking Lot Screening. Those parking areas for four (4) or more vehicles, if adjoining a residential
43 zoning district line or public right-of-way, shall be screened from casual view by an earth berm, a
44 solid wall, fence, evergreen planting of equivalent visual density or other effective means
45 approved by the Plan Commission. Such fence or berm and landscaping together shall be an
46 average of 3 feet in height between the parking areas and the street right-of-way and 6 feet in
47 height between the parking areas and any adjacent residential property line. All screening
48 materials shall be placed and maintained at a minimum height of 3 feet. The Plan Commission
49 may require greater screening requirements for parking of large trucks, semi-trailers and large
50 equipment.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (a) At least one (1) ornamental deciduous tree, no less than 2.5” caliper, shall be incorporated
- 2 into the design for every 35 linear feet of public street frontage.
- 3 (b) At least twenty-five percent (25%) of the total green space area shall be landscaped utilizing
- 4 plant materials, other than maintained turf, that contributes to ground coverage. For
- 5 purposes of determining the number of plants necessary to meet the minimum twenty-five
- 6 percent (25%) ground coverage requirement, plant types are categorized by their general
- 7 size and potential mature at-grade coverage area.

| Area of Coverage |
|---|
| Plant Type Provided |
| Evergreen Tree (>8’ Dia. 75 Square. Feet) |
| Large Shrub (6-8’ Dia. 38 Square Feet) |
| Medium Shrub (4-6’ Dia. 20 Square Feet) |
| Small Shrub (2-4’ Dia. 12 Square Feet) |
| Perennial (4.5” Pot 6 Square Feet) |

9 **Note: Shade and ornamental trees are not considered a plant type*
 10 *contributing to “at-grade” coverage.*

- 11 (c) To assure a diversity of color, texture and year-round interest, the total number of plant
- 12 materials must be comprised of a minimum of twenty-five percent (25%), but no more than
- 13 seventy percent (70%) Evergreens.
- 14 (3) Interior Landscape Area. All public off-street parking lots, which serve five (5) vehicles or more
- 15 and are created or extended after November 13, 2004, shall be provided with accessory
- 16 landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings
- 17 totaling not less than five percent (5%) of the surfaced area. Landscape islands or peninsulas shall
- 18 be dispersed throughout the off-street parking areas. Landscape islands shall provide a minimum
- 19 30 inch clear area for vehicle overhang and snow storage. One (1) shade tree shall be provided
- 20 within the interior planting area for every 300 square feet of interior landscaping. For parking lots
- 21 designed for twenty-five (25) parking spaces or more, interior parking lot landscaping shall be
- 22 provided at the following rates:

Percentage of Parking Lot To Be Covered
By Interior Plantings

| <u>Total Paved Area of Lot</u> | <u>Percent of Total Paved Area Which Must Be Interior Planting Area</u> |
|---------------------------------------|--|
| 0-49,999 Square Feet | 5% |
| 50,000 Square Feet Or Larger | 10% |

- 23
- 24 (4) Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large
- 25 expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a
- 26 minimum of 5 feet in width. A minimum of one (1) tree and five (5) shrubs are required for every
- 27 35 linear feet of the perimeter of the parking area and located within the perimeter landscape
- 28 area.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (5) Landscaping Adjacent To Buildings. There shall be at least a three foot landscape area provided
2 between the edge of pavement and the entrance elevation of the building. In the B-3 District, the
3 front yard setback area shall be landscaped.
- 4 (6) Screening Of Trash. Trash receptacles shall not be located within the front or street yard, and
5 shall be screened from casual view by means of screening that is compatible with the main
6 building/structure and landscaping.
- 7 (7) Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment
8 shall not be located within the front or street yard, shall be screened from casual view by means
9 of screening that is compatible with the main building/structure, and landscaping.
- 10 (8) Screening of Roof Mounted Mechanical Equipment. Roof mounted mechanical equipment shall
11 be screened from casual view.
- 12 (9) Retaining Walls. No retaining wall shall exceed 4 feet in height unless it has been designed and
13 its construction supervised by a Professional Engineer or Registered Landscape Architect. A
14 retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more
15 than 4 feet in height. A 4 foot high retaining wall shall be set back a minimum of 3 feet from the
16 previous step. Retaining walls that are less than 4 feet tall shall be stepped back at least the same
17 distance as the wall's height. Acceptable materials for retaining walls are: segmental masonry
18 type, timber, railroad ties or concrete. If the retaining wall is constructed of concrete, landscaping
19 must accompany the design of the retaining wall.
- 20 (10) Berms. Side slopes of berms shall not exceed a gradient of 1 foot vertical to 1 foot horizontal
21 unless approved by the Village Engineer.
- 22 (11) Buffer Yards. Appropriate buffers shall be provided between dissimilar uses as set forth in Sec.
23 66.0303(4).
- 24 (12) Submittal Requirements. A landscape plan (to scale) must be submitted which includes details of
25 all proposed landscaping, buffering and screening, including estimated cost of the landscaping.
26 These plans shall be prepared by a landscape professional and show the location and dimensions
27 of all existing and proposed structures, parking, drives, rights-of-way and any other permanent
28 features, and all other information required by the Plan Commission, including but not limited to
29 the following:
- 30 (a) A plant list and coverage chart showing the location, quantity, size (at time of planting and
31 at maturity), spacing and common names of all landscape materials used.
- 32 (b) The location and type of existing trees over 4 inches in diameter (measured 6 inches above
33 the ground) within the area to be developed.
- 34 (c) The location and percent of slope of all proposed berms using 1 foot contours.
- 35 (e) Detailed sections showing elevations of all proposed architectural features, such as walls,
36 lighting or water features.
- 37 (f) The Plan Commission shall impose time schedules for the completion of buildings, parking
38 areas, green space utilization, and landscaping. The Plan Commission may require
39 appropriate sureties to guarantee that the improvements will be completed on schedule;
40 as well as the approved protection of the identified wetlands and woodlands on the
41 approved plan.
- 42 (13) Modification of Standards. The Plan Commission may modify any of the above standards by a
43 three-fourths (3/4) majority vote of the Commissioners, but only if supplemental design elements
44 or improvements are incorporated into the project, which compensate for the modification of
45 the particular standard.
- 46 (14) Compliance. Landscaping shall be completed within twelve (12) months of the issuance of a
47 Certificate of Occupancy in accordance with the approved landscaping and site plan. All
48 landscaped and green space areas shall be continually maintained in accordance with the
49 approved landscaping and site plans. It is the responsibility of the owner to ensure that the
50 premises are properly maintained. Mature vegetative screens shall be maintained by the property

VILLAGE OF SISTER BAY ZONING CODE

1 owner to retain the required spacing and height characteristics. However, trees may be thinned
2 provided an opaque screening is still maintained.

3 **Secs. 66.1061 - 66.1064, Reserved**

4 **Sec. 66.1065 Utilities in Rights-of-Way**

5 (1) The Village finds compelling public interest in protecting the public health, safety and welfare of
6 its residents and properties in ensuring that all utilities are buried or located so as to mitigate
7 damage to nearby buildings, structures and vehicles, as well as to reduce risks posed by storms
8 which threaten service interruption, traffic disruption, and unsafe street conditions by being
9 located in the Village’s rights-of-way, regardless of any utility easement located thereon.

10 (2) No public or private utility or other person may locate any pole, tower, or other equipment on
11 the Village’s rights-of-way without first seeking a permit from the Village of Sister Bay Zoning
12 Administrator. Location of public utilities shall be restricted under the police powers reserved by
13 the Village.

14 (a) *Poles Placed After April 1, 2016.* All utility poles located in the Village’s rights-of-way require
15 a permit, for which the fee for a regular Zoning Permit which is delineated in the most
16 recently adopted fee schedule shall apply for each pole. Poles must not exceed a height of
17 35 feet.

18 1. Poles exceeding 35 feet in height may be allowed by Conditional Use Permit. The Plan
19 Commission must hold a public hearing for each proposed pole, with a class II notice
20 being inserted into the paper of record. All property owners within 1,000 feet shall
21 also be mailed notice of the proposed conditional use. The conditional use must be
22 approved with a three-fourths (3/4) vote of the Plan Commission.

23 2. To be considered for a Conditional Use Permit, poles exceeding 35 feet in height must
24 have a setback of twice their height from any driveway, fire hydrant, building or
25 structure, mailbox, flowerbed, flagpole, public or private parking space, public or
26 private public parking lot, drainage culvert, or catch basin.

27 3. The requester of the Conditional Use Permit must submit plans and specifications
28 indicating to the satisfaction of the Village’s engineers that the proposed pole can
29 manage the load of wires, equipment, or attachments proposed. No pole shall be
30 granted approval until after a review and approval by the Village’s engineers. No
31 review of a permit will begin until the requester has submitted all required
32 documentation, and paid a plan review fee, a conditional use application fee plus the
33 required deposit to cover the cost of engineering review.

34 (3) No poles are permitted in the area depicted on TID No. 1’s boundary area. No poles are allowed
35 on any public or private streets created and initially improved after April 1, 2016.

36 (4) The Village shall charge the inventory and safety inspection fee delineated in the most recently
37 adopted version of the fee schedule for the Village for every pole within its incorporated
38 boundaries in order to ensure their safety, and to ensure that no non-permitted poles are located
39 in the Village’s rights-of-way. This inspection will occur in even numbered years, and companies
40 shall be invoiced for the inspection at their office of record. Poles will be marked with a nailed
41 metal placard with the Village’s markings to ensure that no new poles are installed without a
42 permit.

VILLAGE OF SISTER BAY ZONING CODE

SECTION 1500 - ADMINISTRATION

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Sec. 66.1500 Plan Commission

- (1) Composition. The Village Plan Commission shall consist of three (3) Trustees, four (4) citizens and one (1) citizen with recognized experience who shall serve as an ex-officio member of the Plan Commission. The Village President will appoint the Plan Commission Chairperson, subject to Board approval. The citizen and Trustee members of the Plan Commission shall be appointed by the President, subject to confirmation by the Board of Trustees, for staggered terms of three (3) years commencing on May 1st of each year.
- (2) Powers and Duties. The Plan Commission shall perform such duties as are prescribed by Wis. Stats. §62.23, and to that extent are deemed the Zoning Board, and has such further powers as may be delegated to it by the Wisconsin Statutes and Village ordinances. (Please note the Zoning Board is different from the Zoning Board of Appeals.) The Plan Commission shall have the duties of making reports and recommendations related to the planning and development of the Village to public officials, agencies, public utility companies, civic, educational, and professional and other organizations, and citizens. The Plan Commission may employ consultants, to the extent that the Village budget allows, who may prepare surveys and studies, prepare plans and recommendations, and perform other duties assigned by the Plan Commission. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning. Decisions, interpretations, and recommendations of the Plan Commission shall take into account existing local, state and federal ordinances, statutes and regulations, together with recent modifications to those legal sources.

Secs. 66.1501 - 66.1504, Reserved

Sec. 66.1505 Public Information

- To the fullest extent possible, the Plan Commission and Zoning Administrator shall make available to the public, all reports and documents concerning the Village Comprehensive Plan and any component thereof. Further:
- (1) All available information in the form of reports, bulletins, maps and engineering data shall be readily available and widely distributed.
 - (2) Where practical, marks on bridges or buildings or other markers may be set to show the depth of inundation during the one hundred (100) year recurrence interval floodplain at appropriate locations within the floodplain.
 - (3) When practical, wetland boundaries may be staked in the field and said boundaries may be identified on a plat of survey.
 - (4) Information regarding the location of floodplains and wetlands shall be provided to realtors, lenders, and the public. If known, and upon request, a legal description of property containing floodplains or wetlands should include information designating the floodplain or wetland areas when property is transferred.
 - (5) Fees necessary to recover the costs of providing information to the public may be established by the Village Board.

Secs. 66.1506 - 66.1509, Reserved

Sec. 66.1510 Zoning Administrator Designated

- The Village Zoning Administrator, or their designee, is hereby designated as the administrative and enforcement officer for the provisions of this chapter. The duty of the Zoning Administrator, or their designee shall be to interpret and administer this chapter and to:
- (1) Maintain permanent and current records of all approvals and other actions, including, but not limited to, all maps, zoning ordinance amendments, zoning permits, conditional use permits,

VILLAGE OF SISTER BAY ZONING CODE

- 1 planned unit development approvals, temporary use approvals, sign permits, site plans,
2 certificates of compliance, variances, appeal interpretations, and applications.
- 3 (2) Determine that all zoning permit applications and their constituent plans; certificate of
4 compliance requests, sign permit applications and their constituent plans; and other applications
5 and plans comply with all the provisions of this chapter.
- 6 (3) Make interpretations regarding the provisions of this chapter.
- 7 (4) If requested or helpful, receive, file and forward (to the appropriate person, committee or agency)
8 all completed applications for any permits or procedures provided for in this chapter.
- 9 (5) Inspect all structures, lands and waters as often as necessary, to assure compliance with this
10 chapter.
- 11 (6) Issue permits as required by this chapter. Issuance may include conditions, as deemed necessary
12 to ensure compliance with this chapter.
- 13 (7) Upon receipt of a survey from a property owner or their agent, record the lowest floor elevations
14 of all structures erected, moved, altered or improved in the flood-land areas.
- 15 (8) Investigate all complaints made relating to the location of structures and the use of structures,
16 lands and waters, give notice of all violations of this chapter to the owner, resident, agent, or
17 occupant of the premises.
- 18 (9) Is permitted access to premises and structures during reasonable hours to make those inspections
19 as deemed necessary by the Zoning Administrator to ensure compliance with this chapter. If,
20 however, they are refused entry after presentation of their identification, they may procure a
21 special inspection warrant in accordance with Wis. Stats. §66.122.
- 22 (10) Prohibit the use or erection of any structure until they have inspected and approved such use or
23 erection.
- 24 (11) Institute, in the name of the Village, any appropriate action or proceeding against a chapter
25 violator, as provided by law.
- 26 (12) Request assistance and cooperation from the Door County Sheriff's Department and the Village
27 Attorney as deemed necessary.
- 28 (13) Attend all meetings of the Plan Commission and the Village Zoning Board of Appeals.

29 **Secs. 66.1511 - 66.1519, Reserved**

30 **Sec. 66.1520 Development Agreement Required**

- 31 (1) The applicant shall be required to enter into a Development Agreement with the Village at the
32 time of approval of an application for a Zoning Permit for all projects and developments listed
33 below:
- 34 (a) All new construction other than individual single-family homes, which are not part of an
35 active subdivision or condominium plat.
- 36 (b) Commercial projects, including those projects in existing buildings involving a change of use
37 or occupancy, expansion, or where the building is non-conforming for setback, height or
38 parking.
- 39 (c) The Plan Commission shall have the authority to exempt an applicant from securing a
40 Development Agreement with a three-fourths (3/4) majority of the Plan Commission. This
41 does not include those uses in the Country Walk Shops commercial center development
42 where a use is changed solely to a retail use, or, existing nonconforming commercial
43 buildings which elect to replace siding and existing windows or install new window
44 openings.
- 45 (2) Applicants shall agree to reimburse the Village for all costs incurred by the Village for engineering,
46 inspection, planning, legal and administrative expenses in:
- 47 (a) Processing, reviewing, revising, and approving conceptual, preliminary or final
48 development plans, including meeting time, regardless of whether the developer attended
49 or participated in the meeting; and,

VILLAGE OF SISTER BAY ZONING CODE

1 (b) Processing, reviewing, revising, drafting and approving any agreements, easements, deed
2 restrictions or other documents associated with the proposed use; and,

3 (c) Inspection and approval of construction and installation of all improvements provided for
4 in the development, including but not limited to, consultation reasonably required to
5 address issues and problems encountered during the course of design and construction of
6 the development. Such costs shall include the costs of Village consultants, including
7 engineers, attorneys, inspectors, planners, ecologists, agents, sub-contractors and the
8 Village’s own employees. Such costs shall also include those for attendance at meetings.
9 The cost for outside services shall be the direct costs incurred by the Village. The cost for
10 Village employees’ time shall be based upon the classification of the employee and the rates
11 established by the Village Board, from time to time, for each such classification.

12 (3) Failure to sign a Development Agreement within six (6) months of approval by the Village Board
13 shall be deemed a forfeiture of the Agreement offered, and any future land disturbance,
14 development, or use of the building or property shall be in compliance with this chapter. After
15 the proposed Development Agreement offer has expired, should a landowner wish to proceed
16 with the project in the future, they shall begin the application process anew.

17 **Secs. 66.1521 - 66.1524, Reserved**

18 **Sec. 66.1525 Terms of Development Agreement**

19 The Development Agreement shall, at a minimum, include the following terms and conditions:

20 (1) The condition that a site plan, a parking plan, trail locations or future trails easements, a grading
21 plan, a lighting plan, a stormwater management plan, a landscaping plan, building architectural
22 plans, a phasing plan must have been approved by the Plan Commission, and such other
23 requirements as are established by the Plan Commission have been satisfied.

24 (2) Imposition of the condition that any necessary streets and appurtenances thereto, including
25 sidewalks or trails, shall be constructed at the expense of the applicant, as required by the Plan
26 Commission, or, in accordance with the provisions of Chapter 54 of the Municipal Code, *Land*
27 *Division*, which are in effect at the time of such construction.

28 (3) Imposition of the condition that sanitary and water mains and laterals, and storm water drainage
29 facilities, and any related off-site improvements shall be paid for, constructed and installed by the
30 applicant as required by the Village, and the provisions of Chapter 62 of the Municipal Code,
31 *Utilities*, at applicant’s expense.

32 (4) Assignment of culvert and landscape maintenance responsibilities to the owner(s) of the property
33 in accordance with the submitted site plan and landscape plan, and the ability of the Village to
34 conduct such work, and charge all costs incurred by the Village as a special charge against the real
35 estate upon the owner’s failure to maintain.

36 (5) The applicant shall agree to indemnify and hold the Village and its agents harmless from and
37 against claims related to the performance of work at or for the site.

38 (6) The applicant’s principals shall be personally responsible for reimbursement of costs to the Village
39 in the event the applicant does not proceed with the actual installation as approved by the Village.

40 (7) The applicant shall be responsible for payment of the Village’s costs, disbursements and
41 attorney’s fees to draft and review the Development Agreement, and, in the event the Village
42 brings legal action to enforce compliance with this agreement and a final determination is made
43 in favor of the Village.

44 (8) Imposition of the condition that the terms and conditions of the agreement shall extend to the
45 heirs, administrators, successors in title and assigns of the applicant, including personal liability.
46 However, the applicant may not assign its rights, duties and responsibilities under this agreement
47 to any other third party without first obtaining the prior written consent of the Village.

48 (9) If acceptable to the Village, the Applicant shall convey all necessary easements to the Village.

49 (10) Other terms that the Village and the applicant shall agree to be appropriate.

VILLAGE OF SISTER BAY ZONING CODE

1 **Secs. 66.1526 - 66.1529, Reserved**

2 **Sec. 66.1530 Zoning Permit Required**

3 All Zoning Permits for new construction, expansion, reconstruction and remodeling and change of use
4 are issued under the condition that such construction shall comply with all applicable state and federal
5 standards and local building codes. Acceptance of a permit shall deem acceptance of all conditions
6 imposed upon the permit. No structure shall hereafter be located, erected, moved, reconstructed,
7 extended, enlarged, or structurally altered, or the use changed, until after the owner or their agent
8 has secured a zoning permit, if required, from the Zoning Administrator, or their designee, unless
9 otherwise exempted pursuant to Sec. 66.0501 of this chapter. Applications for a zoning permit shall
10 be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include
11 the non-refundable fee established by resolution of the Board of Trustees and all required plans. No
12 permit application will be processed until the Zoning Administrator has received a completed
13 application which contains the following, where applicable:

- 14 (1) Names and Addresses. Names and addresses of the applicant, the owner of the site, the
15 architect, the professional engineer and the contractor.
- 16 (2) Lot Description. A description of the subject site by lot, block and recorded subdivision, or metes
17 and bounds; address of the subject site; type of structure; existing and proposed operation or use
18 of the structure or site; number of employees; and the zoning district within which the subject
19 site lies.
- 20 (3) Plat of Survey. A plat of survey prepared by a registered land surveyor showing the following
21 information:
- 22 (a) Location of the lot referenced in the U.S. Public Land Survey;
 - 23 (b) North arrow and graphic scale;
 - 24 (c) Dimensions of the lot;
 - 25 (d) Street names of abutting streets and the name of the nearest intersecting street;
 - 26 (e) The distance from the corner of the lot to the nearest intersecting street;
 - 27 (f) The widths of abutting streets, sidewalks and alleys;
 - 28 (g) Location of easements; their purpose and their width;
 - 29 (h) Location and dimensions of all structures on the lot, both existing and proposed;
 - 30 (i) Existing lot grade and street grade, referenced to Village of Sister Bay datum;
 - 31 (j) Proposed lot grades and structure grades, referenced to Village of Sister Bay datum;
 - 32 (k) A pre-construction grade elevation shall be submitted for all principal buildings and
33 structures. Existing elevations, obtained by field observation, shall be provided to
34 adequately portray drainage patterns on and adjacent to the parcel for which the grading
35 plan is submitted. Such existing elevations shall include, at a minimum, a sufficiently tight
36 grid pattern of elevations, existing grades at lot corners, at grade breaks, adjacent top of
37 curbs, ground elevations at on-site and adjacent structure foundations, elevations at least
38 25 feet outside the parcel alongside and rear lot lines, ditch flow lines and culverts where
39 applicable, and all storm runoff receiving structures and drainage ways. In addition, cross-
40 sections of the principal building or structure shall be submitted indicating the
41 preconstruction grade elevation, and the highest and lowest finished grade elevations;
 - 42 (l) Setbacks of structures on adjacent lots;
 - 43 (m) Existing and proposed driveway locations and widths;
 - 44 (n) Existing and proposed street and highway access restrictions;
 - 45 (o) Location of existing and proposed parking and loading areas;
 - 46 (p) Type of monument at each corner of the lot;
 - 47 (q) Watercourses or existing drainage ditches;
 - 48 (r) The extent and elevation of floodplains and wetlands on the lot and within 40 feet of the
49 lot;
 - 50 (s) Location of hydrants, streetlights and street trees;

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.1530 – ZONING PERMIT REQUIRED

SEC. 66.1531 – ZONING PERMIT NOT REQ.

- 1 (t) If the property is in an area with a Master Grading Plan, the existing and proposed grades
2 of all corners of the lot and the grade of the structure controlled by such Master Drainage
3 Plan; and,
4 (u) The seal and signature of the surveyor.
5 (v) Location of all trees with a well-defined stem at least three (3) inches in diameter measured
6 at a height 4 ½ feet above the ground, and, which trees are to be removed during
7 construction.
- 8 (4) Plans. The following plans shall be drawn to scale and include the scale and dimensions as
9 appropriate or required by the Zoning Administrator. The intended use of all rooms shall be
10 identified on the floor plans.
11 (a) A site plan showing the proposed development in relation to all surface water, road, rights-
12 of-way, easements and lot lines.
13 (b) All foundation plans, including basement plans and the floor plan of said basement.
14 (c) All floor plans.
15 (d) All elevation views, including the height of the building, as measured from finished grade.
- 16 (5) Compliance With Building Codes; Burying Utilities. All construction and remodeling activity that
17 also requires building permits and inspections shall comply with Chapter 14 of the Municipal Code
18 of Ordinances, *Buildings and Building Regulation*, and other applicable Village and State Building
19 Codes. All utilities including electric, telephone, cable television, water and sanitary sewers shall
20 be buried for all new structures. Utilities shall also be buried for remodeling projects where the
21 value of the project is in excess of fifty percent (50%) of the equalized value. No utility shall be
22 buried without the express written approval of the Zoning Administrator or Utilities Director;
23 depending on disturbance activity involved, a permit may be required to bury the utility.
- 24 (6) Setback and Footing Inspection and Permit. The owner, tenant, contractor or agent shall notify
25 the Building Inspector in writing or on forms provided by the Building Inspector forty-eight (48)
26 hours (excluding Saturdays, Sundays and legal holidays), or as required by the Building Inspector,
27 if different, prior to the pouring of footings so that the Building Inspector may inspect the location
28 of the footings for compliance with the zoning permit and compliance with State building codes.
29 No footings shall be poured or otherwise made permanent until such inspection and approval of
30 the footings for compliance has been given by the Building Inspector.
- 31 (7) Waiver of Some Requirements. In the sole discretion of the Zoning Administrator, they may waive
32 the requirements for certain plans, specifications, data, or the plat of survey when the application
33 is to execute minor alterations or repairs to a building or structure, and documentation is already
34 on file at the Village Offices, or provided that the proposed construction, alteration, or repair is
35 sufficiently described in the application for the permit.
- 36 (8) Proposed Sewage Disposal Plan if Municipal Sewerage Service Is Not Available. This plan shall
37 include a copy of the permit issued by the appropriate regulatory agency for the installation of an
38 on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste
39 disposal.
- 40 (9) Proposed Water Supply plans If Municipal Water Service Is Not Available. This plan shall be in
41 accordance with State codes and shall be approved by the Village Engineer or Utilities Director,
42 who shall certify in writing that an adequate and safe supply of water will be provided.
- 43 (10) Proof of Approved Access and Address Assignment. If no approved village access to a site exists,
44 prior to development, the landowner shall secure a Driveway Permit. The Driveway Permit shall
45 only be issued if the culvert size, surface, width, and setbacks meet the provisions of this chapter.
46 Driveway permits are required for access to all roads, regardless of jurisdictional authority.
47 Before a zoning permit can be issued the landowner shall secure an address assignment in accord
48 with this chapter. Driveway permits are valid for one year; if no action commences to physically
49 install the access point within twelve (12) months of permit issuance, the permit shall be deemed
50 expired.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.1530 – ZONING PERMIT REQUIRED

SEC. 66.1531 – ZONING PERMIT NOT REQ.

- 1 (11) Culverts. No Zoning Permit shall be issued for the erection or construction of any building or
2 structure on platted or unplatted land along a public or private street with roadside ditches,
3 unless the owner or agent has arranged, with the Village Engineer, for the installation of a culvert
4 of such size and length to preserve the capacity and grade of any drainage ditch laid alongside the
5 public street or public service drive abutting the property. The Village Engineer shall determine
6 the size and length of the culvert required, but in no case shall the culvert extend beyond the
7 width of the driveway. A Driveway Permit shall be required for the installation of the culvert.
- 8 (12) Condominium Declaration. Any developer of land in the Village who elects to create a
9 condominium pursuant to Wis. Stats. Chapter 703 shall submit a copy of the Condominium
10 Declaration, and any amendment thereto, to the Zoning Administrator to be attached to the file
11 copy of the Zoning Permit Application or other application required by this chapter.
- 12 (13) Environmental Assessment. The developer shall provide an evaluation of the site for wetlands,
13 woodlands, ridges or swales, natural landforms or other natural areas if so directed by the Zoning
14 Administrator. For those properties in a Bluff Protection Overlay, or adjacent to said overlay, the
15 Zoning Administrator may require evidence from a professional engineer that the project will not
16 jeopardize the integrity of the escarpment or cliff face or result in undue water that could result
17 in dissolution of the karst feature. The Zoning Administrator may also request an environmental
18 assessment or impact assessment to ensure the integrity of the escarpment is not diminished;
19 there are no rare, endangered or threatened species present; or there are no cultural or historical
20 resources present.
- 21 (14) Grading Plan Review. A Grading Plan is an important element in preventing property damage,
22 flooding and view vistas. A Grading Plan takes into account the existing topography of the
23 development and its relationship with adjacent properties. Proper grading avoids the need for
24 retaining walls, storm drainage systems, swales on the development, and adjacent properties.
- 25 (a) Building construction projects that have less than a 2 foot change in elevation between the
26 pre-construction grade and finished grade are not required to have engineering review of
27 the grading plan.
- 28 (b) Building construction projects that are not otherwise exempt shall have a grading plan
29 prepared by a qualified professional engineer. The proposed project shall comply with the
30 Village's grading standards as developed by the Village Engineer. A Zoning Permit shall not
31 be issued for a project requiring a grading plan until it is approved by the Village Engineer.
- 32 (15) Additional Information. Additional information, such as a traffic impact analysis, or acoustics
33 report, as may be required by the Plan Commission, Village Engineer, Zoning Administrator,
34 Utilities Director, or Fire Inspector.
- 35 (16) Outstanding Fees and Assessments; Violations. No Zoning Permit shall be issued until the Village
36 has investigated the fact that all outstanding connection and development fees, citations, or
37 special assessments levied against the property have been fully paid or an agreement for payment
38 to the Village by the property owner has been executed.
- 39 (17) Zoning Permit For Use Expiration. Unless part of a Development Agreement, Regular Zoning
40 Permits to establish a use shall expire twelve (12) months from the date of issuance if no action
41 has commenced to establish the use. Any change of land use after the expiration of a Zoning
42 Permit shall be considered a violation of this chapter. Provided there has been substantial
43 progress towards the establishment of the use, the permit can be renewed for one (1) twelve (12)
44 month period. Subsequent renewals shall not be allowed, and the project will require the
45 authorization of a new permit and associated permit processes, such as site plan review and if
46 required, a Development Agreement. If part of a Development Agreement, permit expiration shall
47 be as described in the Development Agreement.
- 48 (18) Zoning Permit For Construction Expiration. Regular Zoning Permits for construction of a structure
49 shall expire twelve (12) months from the date of issuance or at the same time as the Building
50 Permit, or, if part of a Development Agreement, as described in that Development Agreement.

VILLAGE OF SISTER BAY ZONING CODE

1 Any exterior construction after the expiration of a Zoning Permit shall be considered a violation
2 of this chapter. Provided construction has been started within the initial twelve (12) months
3 following permit issuance, and there has been substantial progress towards completion of the
4 structure, then the permit may be renewed for one (1) twelve (12) month period. Subsequent
5 renewals shall not be allowed, and the project will require the authorization of a new permit and
6 associated permit processes, such as site plan review and if required, Development Agreement.

7 (19) Action in Writing. A Zoning Permit shall be granted or denied in writing by the Zoning
8 Administrator or their designee. For purposes of providing a land use decision, written
9 notification may be provided electronically; a copy of said decision shall be retained in the file.

10 (20) Resubmission. No regular Zoning Permit Application that has been denied shall be resubmitted
11 or processed within twelve (12) months of said denial unless substantial changes have been made
12 to the application that could result in the potential issuance of a permit. A new completed
13 application is required with each resubmission.

14 **Sec. 66.1531 Zoning Permit Not Required**

15 No Zoning Permit shall be required for any of the following activities; provided that any work that does
16 qualify for an exemption under this section shall be required to comply with the applicable setback,
17 height, and other requirements set forth in this chapter:

- 18
- 19 (1) Accessory structures shall require a regular Zoning Permit except: minor structures such as
20 birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the
21 personal pets of the residents of the property), tree houses, children’s play apparatus, functional
22 home heating oil storage tanks, clothesline poles, lawn ornaments, flag poles, mailboxes, garbage
23 containers (storage containers or fences to conceal refuse and recycling receptacles from public
24 view shall require a Zoning Permit), and ice fishing shanties. Accessory buildings greater than 120
25 square feet in area shall also require the issuance of a Building Permit.
 - 26 (2) For minor repairs, as determined by the Zoning Administrator, that do not alter the size or
27 position of an existing structure on a lot.

28 **Sec. 66.1532 Certificates of Occupancy and Compliance Required**

29 (1) Certificate of Occupancy. No vacant land shall be occupied or used; and no building or premises
30 shall be erected, altered, or create a change of use; and no non-conforming use shall be changed,
31 or extended until a Certificate of Occupancy has been issued by the Building Inspector. Such
32 certificate shall show that the building, premises or part thereof complies with the provisions of
33 the applicable State codes. Such certificate shall be applied for prior to the time of occupancy of
34 any land and/or building.

35 (2) Certificate of Compliance. No building or land authorized for development for which a permit or
36 other approval has been issued by the Zoning Administrator, Plan Commission or Village Board
37 shall be used for such purpose until a new Certificate of Compliance has been issued by the Zoning
38 Administrator or their designee. Such certificate shall show that the building or premises or part
39 thereof are in compliance with the provisions of the Zoning Code. Application for a Certificate of
40 Compliance shall be made in the same manner as for a Zoning Permit pursuant to Sec. 66.1530
41 of this chapter. It shall be the responsibility of the landowner to obtain the Certificate of
42 Compliance.

43 **Secs. 66.1533 - 66.1534, Reserved**

44 **Sec. 66.1535 Conditional Use Permit**

45 The Village Board has authorized the Zoning Administrator to issue a Conditional Use Permit for a
46 conditional use upon review and approval by the Plan Commission following a public hearing, or, if
47 required, a Development Agreement has been approved by the Village Board. The request for a permit
48 for a conditional use shall be filed with the Zoning Administrator on an official completed application
49 form and shall be accompanied by the required non-refundable fee and detailed written and graphic

VILLAGE OF SISTER BAY ZONING CODE

1 materials fully explaining the proposed development. The applicant shall explain in writing why a
2 Conditional Use Permit should be issued addressing the criteria in (9) below. A public hearing shall be
3 conducted by the Plan Commission.

4 (1) Applicant. Names and addresses of the applicant, owner of the site, architect, professional
5 engineer, contractor and all opposite and adjacent property owners of record.

6 (2) Project Description. Description of the subject site by lot, block, and recorded subdivision or by
7 metes and bounds; address of the subject site; type of structure; existing and proposed operation
8 or use of the structure or site; number of employees; and the zoning district within which the
9 subject site is located.

10 (3) Plat of Survey. A Plat of Survey prepared by a registered land surveyor showing all of the
11 information required under Sec 66.1530(3) for a Zoning Permit as well as the ordinary high-water
12 mark, and existing and proposed landscaping.

13 (4) Additional Information Required. Additional information as may be required by the Plan
14 Commission, Village Engineer, Zoning Administrator, Utilities Director or Fire Inspector.

15 (5) Conditional Uses Will be Reviewed as to Intent. A Conditional Use Permit Application will be
16 reviewed for compliance with the purpose and intent of the ordinance, as described in Section
17 100 of this chapter. Any conditions imposed shall serve the purpose of reinforcing code
18 requirements and furthering the purpose and intent of this chapter.

19 (6) Plan Commission Action. The Plan Commission encourages all applicants to present their
20 conceptual plans or land use proposal to the Commission prior to filing for a Conditional Use
21 Permit. Such preliminary review may minimize the need for changes later, save time and money
22 for the applicant, and avoid a denial or delay in review. The Plan Commission is empowered to
23 recommend to the Village Board approval of the permit and approval of a Development
24 Agreement for a conditional use if the following requirements are met. Uses which require such
25 a permit, are identified in the respective district regulations. The Plan Commission may make such
26 recommendation as it deems appropriate regarding approval of the request.

27 (7) Conditions. Conditions imposed on a permit must be related to the purpose and intent of the
28 ordinance, be based on substantial evidence, and be reasonable and to the extent that is
29 practicable and measurable. For purposes of conditions imposed on a conditional use permit,
30 “substantial evidence” means facts and information, other than merely personal preferences or
31 speculation, directly pertaining to the requirements and conditions an applicant must meet to
32 obtain a Conditional Use Permit, and that reasonable persons would accept in support of a
33 conclusion. Acceptance of the Conditional Use Permit shall be deemed acceptance of all
34 conditions contained therein.

35 (8) Issuance and Safeguards. If a Development Agreement is required, the permit for a conditional
36 use shall be part of the Development Agreement, and shall be attached thereto. In approving any
37 conditional use, the Plan Commission may prescribe appropriate conditions and safeguards in
38 conformity with this chapter. The Plan Commission may request that the Village be provided with
39 either a surety bond, cash escrow, a certificate of deposit, securities, or cash deposit prior to
40 issuance of the Conditional Use Permit. The security shall be used to guarantee compliance with
41 the conditions of the permit and shall be returned to the developer when a Certificate of
42 Compliance is issued.

43 (9) Decision Criteria. In making a determination on an application for a conditional use, the Plan
44 Commission shall consider all relevant factors specified in other sections of this chapter, including
45 the standards for specific requirements for certain land uses and activities. The Plan Commission
46 shall also consider the following criteria:

47 (a) Compatibility. “Compatibility” is defined as the compatibility of the proposed use with
48 existing development within the area.

VILLAGE OF SISTER BAY ZONING CODE

- 1 (b) *Health and Safety.* A finding must be made that the establishment, maintenance, or
2 operation of the conditional use will not be detrimental to or endanger the public health,
3 safety, comfort or general welfare.
- 4 (c) *Consistency with the Comprehensive Plan.* The relationship of the proposed use to the
5 objectives of the Village of Sister Bay’s Comprehensive Plan must be found. There must also
6 be a finding that the establishment of the conditional use will not impede the normal and
7 orderly development and improvement of surrounding property for uses permitted in the
8 district.
- 9 (d) *Importance of Services to the Community.* The importance of the services provided by the
10 proposed use to the community, if any, as well as the requirements of the use for certain
11 locations, if any, without undue inconvenience to the developer, and the availability of
12 alternative locations that are equally suitable must be taken into consideration.
- 13 (e) *Neighborhood Protections.* The sufficiency of the terms and conditions proposed to protect
14 and maintain the uses in the surrounding neighborhood must also be considered. The
15 conditional use may not be injurious to the use and enjoyment of other property in the
16 immediate vicinity for the purposes already permitted, nor can it substantially diminish and
17 impair property values within the surrounding area.
- 18 (10) Conformance With Other Requirements of the Chapter. The conditional use shall in all other
19 respects conform to the applicable regulations of the district in which it is located, including but
20 not limited to parking, landscaping, setbacks and other dimensional criteria.
- 21 (11) Public Hearing. Whenever a Conditional Use Permit is requested and the required public hearing
22 is scheduled and noticed by the Village as a Class 2 Notice, the Village shall give notice, by regular
23 mail, of the proposed conditional use to all property owners whose property lies within 300 feet
24 measured in a straight line from the exterior boundary of the property subject to the proposed
25 Conditional Use Permit. The notice shall be mailed at least ten (10) days prior to the hearing;
26 however, failure of a neighboring property owner to receive such mailed notice shall not
27 invalidate a public hearing. If action on the application is delayed more than one hundred twenty
28 (120) days from the date of public hearing, a new public hearing shall take place. If the delay is
29 the result of the action of the Plan Commission, the new hearing fee is waived; however, if the
30 new hearing is the result of a delay on the applicant’s part, the applicant shall pay for a new permit
31 fee, which is used to cover the costs of a new public hearing.
- 32 (12) Resubmissions. A Conditional Use Permit Application that has been heard and denied shall be
33 eligible to be resubmitted only if the applicant submits an affidavit to the Plan Commission
34 identifying how the new application materially differs from the previous application or identifying
35 substantial new evidence that will be offered. The Plan Commission shall review the affidavit and
36 then vote by simple majority of the members present on the question of whether the changes or
37 new evidence would be of such significance that the Plan Commission may consider changing the
38 previous decision. If the resubmission is accepted, the Plan Commission shall schedule a hearing
39 on the entire resubmitted application. If the Plan Commission rejects the resubmitted application,
40 a new application shall not be submitted during the following twelve (12) months.
- 41 (13) Notice to DNR. The Plan Commission shall transmit a copy of each application for a wetland
42 conditional use in the W-1 District to the Wisconsin Department of Natural Resources (DNR) by
43 certified mail at least ten (10) days prior to the public hearing. Final action on the application by
44 the Village Board shall not be taken for thirty (30) days from the date the DNR receives notice of
45 public hearing by certified mail or until the DNR has made its recommendation, whichever comes
46 first. A copy of all wetland conditional use decisions shall be transmitted to the DNR within ten
47 (10) days following the decision.
- 48 (14) Expiration of Conditional Use Permit for a Use. Conditional Use Permits that establish a “use”
49 shall expire twelve (12) months from the date of issuance if no action has commenced to establish
50 the use, unless a different time is established as a condition of granting the Conditional Use Permit

VILLAGE OF SISTER BAY ZONING CODE

1 or established in the Development Agreement. Any change of land use after the expiration of a
2 Conditional Use Permit shall be considered a violation of this chapter.

3 (15) Expiration of Conditional Use Permit for Construction. Conditional Use Permits that allow
4 “construction of a structure” shall expire twelve (12) months from the date of issuance, unless a
5 different time period is established as a condition of granting the Conditional Use Permit or per
6 the Signed Development Agreement. Any exterior construction that occurs after the expiration
7 of a Conditional Use Permit shall be considered a violation of this chapter and shall warrant
8 consideration for revocation of the Conditional Use permit in accordance with Sec. 66.1535(15)
9 of this chapter.

10 (16) Amendments. Changes subsequent to the initial issuance of a Conditional Use Permit, which
11 would substantially affect the conditions listed in Sec. 66.1535(7) of this chapter, shall require an
12 amendment to the Conditional Use Permit. The process for amending a permit shall generally
13 follow the same procedures as those required for granting a Conditional Use Permit as set forth
14 in this section, including filing a new Conditional Use Permit Application, payment of the
15 applicable non-refundable fee and conducting of a related public hearing.

16 (17) Revocation of Conditional Use Permit. Should a permit applicant, their heirs or assigns, fail to
17 comply with the conditions of the permit issued by the Zoning Administrator, or should the use
18 or characteristics of the use be changed without prior approval by the Plan Commission, the
19 Conditional Use Permit may be revoked. The
20 process for revoking a permit shall generally follow the same procedures as those required for
21 granting a Conditional Use Permit as set forth in this section.

22 (18) Grading Plan Review. A grading plan is required for all sites where a building with a slab or other
23 foundation is to be erected, or for a new hard surface, expansion of a hard surface, or
24 improvement so as to result in a hard surface. Examples of hard surfaces include but are not
25 limited to parking lots and tennis courts. The plan shall show pre-construction grade and final
26 grade of the site, noting any changes to be made to the grade. The plan is an important element
27 in preventing property damage, flooding and scenic beauty. A grading plan takes into account the
28 existing topography of the site and development and its relationship with adjacent properties.
29 The plan shall show the directional flow of water across the surface of the property, and how that
30 water will be maintained onsite to prevent property damage, including flooding and erosion.
31 Under no circumstance shall water be displaced onto adjacent properties or roadways that do
32 not have a storm sewer, ditch, natural waterway or manmade ditch which predated the adoption
33 of zoning capable of transporting the increase in water. Proper grading avoids the need for
34 retaining walls, storm drainage systems, swales on the development and adjacent properties.

35 (a) Building construction and hard surface projects that have less than a two-foot change in
36 elevation between the pre-construction grade and finished grade are not required to have
37 engineering review of the grading plan.

38 (b) Building construction and hard surface projects that are on a lot with a grade change of two
39 percent (2%) or more in elevation between the preconstruction grade and finished grade
40 shall have a grading plan prepared by a qualified professional engineer. The proposed
41 project shall comply with the Village’s Grading Standards as developed by the Village
42 Engineer. A Zoning Permit shall not be issued for a project requiring a grading plan until it
43 is approved by the Village Engineer; the cost of the Village Engineer’s time to review the
44 plan shall be bore by the applicant.

45 (19) Existing Conditional Uses. All uses existing on the effective date of this chapter, which would be
46 classified as conditional uses in the particular districts concerned, if they were to be established
47 after the effective date of this chapter, are hereby declared conforming conditional uses. Any
48 proposed change or expansion, including signage and parking, of the existing operation shall be
49 subject to the conditional use procedures and regulations in this section, as if such use was being
50 newly established.

VILLAGE OF SISTER BAY ZONING CODE

1 **Secs. 66.1536 - 66.1539, Reserved**

2 **Sec. 66.1540 Other Permits**

3 It is the responsibility of the permit applicant to secure all other necessary permits required by the
4 Village or any State, Federal, or County agency. This includes, but is not limited to, a water use permit
5 pursuant to Wis. Stats. Chapter 30, a water quality certification pursuant to Chapter NR 103 of the
6 Wisconsin Administrative Code, or its successor code, or a Wetland Fill Permit pursuant to section 404
7 of the Federal Water Pollution Act.

8 **Secs. 66.1541 - 66.1544, Reserved**

9 **Sec. 66.1545 Permit Fees**

10 All persons, firms, or corporations performing work, which by this chapter requires the issuance of a
11 permit or planning review, shall pay a non-refundable fee for such permit or review to the Village at
12 the time of application to help defray the cost of administration, investigation, advertising, hearings,
13 and processing of permits and variances and other required processes. The permits and processes for
14 which a fee is required are identified on the Resolution adopted by the Village Board that sets the Fee
15 Schedule.

16 **Secs. 66.1546 - 66.1549, Reserved**

17 **Sec. 66.1550 Violations**

18 It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions
19 of this chapter. Failure to secure the necessary permits prior to commencing construction or land use
20 activity shall also constitute a violation. In case of any violation, the Village Board, the Zoning
21 Administrator, the Plan Commission or any property owner who would be specifically damaged by
22 such violation may institute appropriate action or proceedings to enjoin or abate a violation of this
23 chapter. Every day of violation shall constitute a separate offense.

24 **Secs. 66.1551 - 66.1559, Reserved**

25 **Sec. 66.1560 Remedial Action**

26 Whenever an order of the Village Board, the Plan Commission or the Zoning Administrator has not
27 been complied with within thirty (30) days after written notice has been mailed or e-mailed to the
28 owner with a successful read receipt to the owner, the resident agent, or occupant of the premises,
29 the Village Board, the Plan Commission, the Zoning Administrator, or the Village Attorney may institute
30 appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such
31 structure, land, or water; and to cause to remove such structure or use.

32 **Secs. 66.1561 - 66.1569, Reserved**

33 **Sec. 66.1570 Penalties**

34 Penalties for violating the provisions of this chapter shall be in accordance with the provisions of the
35 Municipal Code.

36 **Secs. 66.1571 - 66.1574, Reserved**

37 **Sec. 66.1575 Renewal of Permits**

38 If construction has commenced prior to the expiration of a regular Zoning Permit or a Conditional Use
39 Permit, but is not completed prior to such expiration, a twelve (12) month renewal regular Zoning
40 Permit shall be issued by the Zoning Administrator upon submittal of a renewal application and
41 payment of the required fee. Additional renewals may only be granted by the Plan Commission. A
42 structure shall be deemed completed when the roof, exterior walls, doors, windows and sub-floors are
43 in place and finished and utility connections have been made and required landscaping and site
44 improvements have been made.

VILLAGE OF SISTER BAY ZONING CODE

SECTION 1600 - ZONING BOARD OF APPEALS

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Sec. 66.1601 Establishment

There is hereby established a Zoning Board Appeals for the Village for the purpose of hearing appeals and applications, and for granting variances and exceptions to the provisions of this Zoning Code. The Zoning Board of Appeals shall consist of five (5) members plus two (2) alternates appointed by the Village President and confirmed by the Village Board.

Sec. 66.1602 Organization

The Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of the Municipal Code of the Village and this chapter.

- (1) Meetings. Meetings shall be held at the call of the chairperson and shall be open to the public.
- (2) Minutes. Written minutes of the proceedings and a record of all actions shall be kept by the Zoning Administrator, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Village Clerk and shall be a public record.
- (3) Voting. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official; grant a variance; or make an interpretation.

Sec. 66.1603 Powers

The Zoning Board of Appeals shall have the following powers:

- (1) Errors. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by any administrative official in the enforcement of this chapter.
- (2) Variances. To hear and grant appeals for area variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety and welfare secured and substantial justice done. Use variances shall not be granted.
- (3) Permits. The Board may reverse, affirm wholly or partly, or may modify the order, requirements, or decision or determination appealed from, and may issue or direct the issuance of a permit.
- (4) Assistance. The Board may request assistance from other Village officials, departments, commissions and boards.
- (5) Oaths. The Chairperson or Vice-Chairperson as well as the Village Attorney may administer oaths and compel the attendance of witnesses.

Sec. 66.1604 Appeals and Applications

Appeals of the decision of the Zoning Administrator or any administrative official concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department or board of the Village. Such appeals shall be filed with the Village Clerk within thirty (30) days after the filing of the decision or order of the Zoning Administrator or any administrative official. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Village Clerk. Such appeals and applications shall include the following:

- (1) Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- (2) Plat of survey prepared by a registered land surveyor showing all of the information required under Sec. 66.1530 for a Zoning Permit when required by the Zoning Administrator or a firm/individual designated by the Village or a sketch drawn to a recognized map scale may be submitted.
- (3) Additional information required by the Plan Commission, Village Engineer, Zoning Board of Appeals, or Zoning Administrator.
- (4) A filing fee, as set forth in the Village's fee schedule, shall be submitted with the petition.

VILLAGE OF SISTER BAY ZONING CODE

1 **Sec. 66.1605 Hearings**

2 The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, shall give public
3 notice thereof as specified in Sec. 66.0801, and shall give due notice to the parties in interest, and the
4 Zoning Administrator. At the hearing, the appellant may appear in person, by agent, or by attorney.

5 **Sec. 66.1606 Notice to DNR**

6 The Zoning Board of Appeals shall transmit a copy of each application for an area variance to
7 regulations of the W-1 District to the Wisconsin Department of Natural Resources (DNR) by certified
8 mail at least ten (10) days prior to the public hearing. Copies of appeals in the W-1 District shall also
9 be submitted to the DNR by certified mail at least ten (10) days prior to any public hearing. Final action
10 on the variance application or appeal shall not be taken for thirty (30) days or until the DNR has made
11 its recommendation, whichever comes first. A copy of all decisions relating to variances to conservancy
12 district regulations or to floodland regulations, and a copy of all decisions to conservancy district and
13 floodland district appeals, shall be transmitted to the DNR within ten (10) days following the date of
14 such decision.

15 **Sec. 66.1607 Findings**

16 No area variance to the provisions of this chapter shall be granted by the Board unless it finds by a
17 preponderance of the evidence that all the following facts and conditions exist and so indicates such
18 in the minutes of its proceedings.

- 19 (1) Preservation of Intent. No area variance shall be granted that is not consistent with the purpose
20 and intent of the regulations for the district in which the development is located.
- 21 (2) Exceptional Circumstances. There must be unique circumstances or conditions applying to the
22 lot or parcel or structure that do not apply generally to other properties or uses in the same zoning
23 classification within 1,000 feet of the subject property, and the granting of the area variance
24 should not be of so general or recurrent a nature as to suggest that the zoning chapter should be
25 changed.
- 26 (3) Hardship. *Economic hardship and self-imposed hardship are not grounds for an area variance.*
27 No area variance shall be granted solely based on economic gain or loss. The hardship must be
28 based upon conditions unique to the property rather than considerations personal to the owner.
- 29 (4) Preservation of Property Rights. The variance must be necessary for the preservation and
30 enjoyment of substantial property rights possessed by other properties in the same zoning district
31 and same vicinity.
- 32 (5) Absence of Detriment. No area variance shall be granted that will create substantial detriment
33 to adjacent property or that will materially impair or be contrary to the purpose and spirit of this
34 chapter or the public interest.
- 35 (6) Additional Requirements in Wetland Districts. No variance shall be granted where:
36 (a) Filling and development contrary to the purpose and intent of the W-1 District would result.
37 (b) A change in the boundaries of the any wetland district would result.
38 (c) Any action contrary to the provisions of Chapter NR 116 or Chapter NR 166 of the Wisconsin
39 Administrative Code, or their successor codes, would result.

40 **Sec. 66.1608 Wetland Mapping Disputes**

41 Whenever the Board of Appeals is asked to interpret a W-1 District boundary where an apparent
42 discrepancy exists between the Village's Final Wetland Inventory Map and actual field conditions, the
43 Village shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland
44 inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as
45 a wetland, the Board of Appeals shall direct the Plan Commission to initiate appropriate action to
46 rezone the property within a reasonable amount of time. If the DNR staff does not concur that the
47 particular area is incorrectly mapped, the Zoning Board of Appeals shall affirm the Zoning
48 Administrator's interpretation.

VILLAGE OF SISTER BAY ZONING CODE

1 **Sec. 66.1609 Decision**

2 The Zoning Board of Appeals shall decide all appeals and applications within a reasonable period of
3 time after the public hearing and shall transmit a signed copy of the Board’s decision to the appellant
4 or applicant, the Zoning Administrator, and the Plan Commission.

5 (1) Modifications or additions to any condition attached to a permit may be made by the Zoning
6 Board of Appeals, which shall be enforced by the Zoning Administrator.

7 (2) Variances granted by the Board, relating to the commencement of construction of a building or
8 structure shall expire within a period of time established by the Board, but in no case shall such
9 period exceed twelve (12) months unless substantial work has commenced pursuant to such
10 variance as determined by the Zoning Administrator. If the variance expires, it is invalid and the
11 applicant must reapply for a variance.

12 **Sec. 66.1610 Review by Court of Record**

13 Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals,
14 or any taxpayer, or any officer, department, or board of the Village may, within thirty (30) days after
15 the filing of the decision in the office of the Zoning Board of Appeals, commence an action seeking the
16 remedy available by Certiorari.

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VILLAGE OF SISTER BAY ZONING CODE

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VILLAGE OF SISTER BAY ZONING CODE

SECTION 1700 - CHANGES AND AMENDMENTS

1
2 **Sec. 66.1701 Authority**

3 The Village Board may, by Ordinance, change the district boundaries or amend, change, or supplement
4 the regulations established by this chapter or amendments thereto.

5 **Sec. 66.1702 Initiation**

6 A change or amendment may be initiated by the Village Board or Plan Commission or by an application
7 of one or more of the owners, lessees or contract purchasers of the property subject to the proposed
8 change.

9 **Sec. 66.1703 Applications**

10 Applications for any change to the district boundaries or amendments to the regulations shall be filed
11 with the Zoning Administrator, and shall contain a legal description of the premises to be rezoned or
12 the regulations to be amended. If the application is submitted by a contract purchaser, a copy of the
13 offer to purchase shall be included with the application. The application shall list the reasons, which
14 justify the application, and specify the proposed use, or provide the proposed amended wording in the
15 regulation.

16 **Sec. 66.1704 Review and Recommendations**

17 The Plan Commission shall review all proposed changes and amendments within the corporate limits
18 and shall recommend that the petition be granted as requested, modified and granted, or denied.

19 **Sec. 66.1705 Hearings**

20 The Plan Commission shall hold a public hearing upon each application giving public notice thereof as
21 specified in Sec. 66.1801 of this chapter, listing the time, place and the changes of amendments
22 proposed. The Plan Commission shall also give at least ten (10) days' prior written notice to the clerk
23 of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

24 **Sec. 66.1706 Village Board's Action**

25 As soon as possible after such public hearing, and after careful consideration of the Plan Commission's
26 recommendations, the Village Board shall act on the application approving, either modifying and
27 approving, or disapproving of the same.

28 **Sec. 66.1707 Wetland Amendments**

29 (1) Notice to DNR. The Village shall transmit a notice of any proposed change (text or map) in the W-
30 1 district to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be
31 as follows:

- 32 (a) A copy of every application for a text or map change shall be mailed within five days of filing
33 with the Zoning Administrator.
- 34 (b) At least ten (10) days prior notice of any public hearing on a wetland zoning amendment
35 shall be provided.
- 36 (c) Notice of a Plan Commission recommendation no later than ten (10) days following the
37 recommendation shall be provided.
- 38 (d) Notice of a Village Board decision no later than ten (10) days following the decision shall be
39 provided.

40 (2) Review standards. No wetland in the W-1 District shall be rezoned if the rezoning results in a
41 significant adverse impact on storm or floodwater storage capacity; maintenance of dry season
42 stream flow, the discharge of groundwater from the wetland to another area, or the flow of
43 groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or
44 organic compounds that

VILLAGE OF SISTER BAY ZONING CODE

would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.

- (3) DNR objections. If the DNR has notified the Plan Commission that an amendment to the W-1 district may have a significant adverse impact upon any of the criteria listed in subsection (b) above, that amendment, if approved by the Village Board, shall not take effect until more than 30 days have elapsed since written notice of the Village Board’s approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Village Board that it will adopt a superseding shoreland ordinance for the Village pursuant to Wis. Stats. §62.231. If the Department does so notify the Village Board, the effect of this amendment shall be stayed until the Section 62.231 adoption procedure is completed or otherwise terminated.

Sec. 66.1708 Protest

In the event of a protest against a district change duly signed and acknowledged by the owners of 20 percent or more, either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the Village Board membership of the proposed change.

Sec. 66.1709 Map and Text Amendments

This section contains a chronological listing of changes and/or amendments that were made to the Village’s Zoning District Map, the Official Map or the text of the Zoning Code as the result of the passing and adoption of the stated ordinances. It also contains a chronological listing of all Conditional Use Permits granted.

July 13, 2004: Ordinance 102 changed the composition of the Plan Commission to five members - superseded by later revisions.

November 9, 2004: Ordinance 102 adopted the revised Zoning Code as a major update.

May 10, 2005: Ordinance 111 changed the composition of the Plan Commission back to seven members. Sec. 66.1500(a).

October 25, 2005: Ordinance 112 added pier permit and dock construction standards – Sec. 66.1020.

April 18, 2006: Ordinance 116 changed the zoning on three parcels of land from R-1 to R-2.

April 18, 2006: Ordinance 117 amended Secs. 66.0323(a)(25), 66.0323(a)(38), 66.0322(a)(37), 66.0501(b)(5), 66.0501(a)(4), 66.0710(b), and 66.1205.

June 13, 2006: Ordinance 120 amended Secs. 66.0307-.0310, 66.0322(e)(7), 66.0322(i)(6), 66.0404, 66.0331(a)(5), 66.0331(a)(5), 66.0342(d), 66.0403(j)(2)(d), 66.0403(j)(2)(l), 66.0406(d), 66.0706(b), 66.1530(d), 66.1531, 66.1050(a)(14), 66.2100, 66.0716(c)(5), 66.0704(f), 66.0403(j)((1)(b)(2), and 66.0708(c).

October 10, 2006: Ord. 122 changed the zoning for a parcel on North Woods Drive from R-1 to B-1.

May 14, 2007: Ordinance 126 created Sec. 66.1035 establishing street names and repealed Sec. 66.0704(c).

June 12, 2007: Ordinance 128 amended Secs. 66.1050(a)(16(b), 66.0403(j), 66.0320(b)(3), 66.0320(a)(76), 66.0320(c)(24), and 66.0403(j)(6)(a).

July 10, 2007: Ordinance 130 amended Secs. 66.0404(g), 66.0320(c)(25) and 66.0320(g)(6).

July 10, 2007: Ordinance 131 amended the entire Sign Code – Secs. 66.0701 - 66.0718.

VILLAGE OF SISTER BAY ZONING CODE

- 1 December 11, 2007: Ordinance 134 amended Secs. 66.1050, 66.0702, 66.1530 and 66.0501 regarding
2 propane tanks and fire hydrant placement.
- 3 February 12, 2008: Ordinance 137 amended the R-4 and development agreement standards - Secs.
4 66.0310(e)(2), 66.0310(g), 66.0314, 66.1510.1, and 66.1510.
- 5 August 12, 2008: Ordinance 141 amended Chapter 66 of the Municipal Code regarding architectural
6 standards – Sec. 66.0310(g)(5).
- 7 August 12, 2008: Ordinance 143 amended Sec. 66.0302(b)(8) regarding business activities during
8 festivals.
- 9 August 12, 2008: Ordinance 144 amended Sec. 66.0501(a)(7) - Utility Service To Accessory Buildings.
- 10 November 4, 2008: Ordinance 146 amended Secs. 66.0501(b) and 66.0710 regarding accessory
11 building setbacks and sandwich board special event signage.
- 12 May 04, 2009: Ordinance 150 amended Sec. 66.0331(a)(b) regarding farm markets, garden plots and
13 the definition of farm market.
- 14 July 14, 2009: Ordinance 154 amended Sec. 66.0704 - Adjustments To Required Parking – Sec. 66.0404,
15 Parking Requirements – Sec. 66.0403, Fire and Explosive Hazards and Fireworks Regulations – Sec.
16 66.0803 and rezoned the former Helms Four Seasons Resort property to P-1.
- 17 July 14, 2009: Ordinance 154 rezoned the former Helms Four Season resort property to P-1.
- 18 December 8, 2009: Ordinance 157 amended Sec. 66.0404 - Parking Exemptions.
- 19 December 8, 2009: Ordinance 158 amended Sec. 66.0323 - B-3 Professional Offices.
- 20 December 8, 2009: Ordinance 159 amended Chapter 66 of the Municipal Code regarding open space.
- 21 December 8, 2009: Ordinance 160 amended the building height requirements delineated in Sec.
22 66.0322 - B-2 District Regulations and Sec. 66.0323 - B-3 District Regulations.
- 23 December 8, 2009: Ordinance 161 amended Secs. 66.0322 and 66.00323 regarding building side
24 setbacks in the B-2 and B-3 Districts.
- 25 December 8, 2009: Ordinance 164 amended Sec. 66.1530 regarding Zoning Permits and Grading Plan
26 approval.
- 27 December 8, 2009: Ordinance 165 amended Sec. 66.0320 regarding housing in the B-1 District.
- 28 December 8, 2009: Ordinance 166 amended Sec. 66.0323 regarding Gas Stations in the B-3 District.
- 29 January 12, 2010: Ordinance 162 amended Sec. 66.1055 - Architectural Review Criteria.
- 30 March 09, 2010: Ordinance 163 amended Sec. 66.1025 regarding the impact on housing stock by
31 commercial projects and established Sec. 66.1030 creating incentives for workforce housing for R-2
32 District projects.
- 33 April 13, 2010: Ordinance 168 amended the Zoning Map to permit a B-1 conditional use for the parcel
34 located at 10578 Applewood Road.
- 35 April 13, 2010: Ordinance 169 established a zoning permit moratorium on certain types of restaurants.
- 36 July 13, 2010: Ordinance 170 amended Sec. 66.0313 in such fashion that the keeping of certain non-
37 domestic animals in the R-3 District is permitted.
- 38 July 13, 2010: Ordinance 171 amended Secs. 66.0900 – 66.0922 and recreated the entire section of
39 the Code that pertains to non-conforming uses and structures.

VILLAGE OF SISTER BAY ZONING CODE

- 1 August 10, 2010: Ordinance 172 amended Sec. 66.350 as well as multiple other sections of the Zoning
2 Code to create a Restaurant Overlay District - RO-1.
- 3 August 10, 2010: Ordinance 173 amended Sec. 66.1535 and recreated the entire section on conditional
4 uses.
- 5 August 10, 2010: Ordinance 174 amended Sec. 66.0706 and allowed ground signs in the B-3 District to
6 be closer to the curb.
- 7 September 14, 2010: Ordinance 176 amended Sec. 66.0345(d)(1) - Wellhead Protection Overlay
8 Districts.
- 9 October 12, 2010: Ordinance 178 amended the Zoning Map for the Village of Sister Bay in such fashion
10 that it shows that the parcel Located at 10674 North Bay Shore Drive contains wetland areas that will
11 be zoned W-1.
- 12 December 14, 2010: Ordinance 180 amended Sec. 66.0710(c) - Sandwich Boards and Sec. 66.0705(c) -
13 Home Occupation Signs.
- 14 December 14, 2010: Ordinance 181 approved the Frisoni Door County Ice Cream Factory C.U. Permit.
- 15 December 14, 2010: Ordinance 182 amended the Zoning Map for the Village of Sister Bay for the Parcel
16 located at 10674 North Bay Shore Drive to Include certain wetlands areas that will be zoned W-1.
- 17 April 12, 2011: Ordinance 185 amended Sec. 700 - Sign Regulations, and repealed Sec. 58.4 of the
18 Municipal Code.
- 19 June 14, 2011: Ordinance 186 amended Sec. 66.0322(i)(11) regarding special standards for garages in
20 the B-2 District.
- 21 July 12, 2011: Ordinance 187 amended Secs. 66.0320 through 66.0323 - Permitted Accessory and
22 Conditional Uses in the B-1, B-2 and B-3 Districts, and Sec. 66.0315(c) - CS-1 Countryside District
23 Conditional Uses For Hotels and Motels.
- 24 September 13, 2011: Ordinance 191 amended the Zoning Map for a parcel located at 2399 Maple
25 Drive and granted a conditional use permit for a garage — Hubertz.
- 26 March 13, 2012: Ordinance 192 amended the Zoning Map for certain parcels located on Fieldcrest
27 Road to show that certain wetlands areas will be zoned W-1 — Schuyler.
- 28 May 8, 2012: Ordinance 193 created Sec. 66.0711(c) establishing standards for additional shopping
29 center identification signs.
- 30 September 9, 2012: Ordinance 200 amended Sec. 66.0330(f) - Setbacks for the Institutional I-1 District.
- 31 September 9, 2012: Ordinance 201 amended Sec. 66.0405(h) in such fashion that the time period for
32 the Downtown Business District B-3 parking exemption was extended.
- 33 September 9, 2012: Ordinance 202 amended Secs. 66.0405 and 66.0406 - Highway Access and Other
34 Parking Restrictions.
- 35 September 9, 2012: Ordinance 203 amended certain requirements for the Multifamily - R-2 District.
- 36 September 9, 2012: Ordinance 204 amended several sections of the Zoning Code, which was
37 renumbered.
- 38 October 09, 2012: Ordinance 205 changed the zoning for the parcel located at 10547 Koessl Lane from
39 I-1 to B-1.
- 40 October 09, 2012: Ordinance 206 amended Sec. 66.0911 that removes the 50% valuation requirement.

VILLAGE OF SISTER BAY ZONING CODE

- 1 October 09, 2012: Ordinance 207 amended Sec. 66.0501 - Accessory Uses and the accessory use
2 requirements contained in the following sections of the Zoning Code: 66.0310(f), 66.0311(f),
3 66.0312(f), 66.0313(f), 66.0314(f), 66.0315(f), 66.0320(f), 66.0330(f), and 66.0331(f).
- 4 October 09, 2012: Ordinance 208 amended Sec. 66.0506 - Outdoor Displays.
- 5 May 14, 2013: Ordinance 210 amended the Official Map for the area bounded by Maple Drive, Highway
6 57, Flint Ridge Road and Woodcrest Road.
- 7 May 14, 2013: Ordinance 211 recreated Sec. 66.0310 - Residential Second Dwelling Overlay District.
- 8 May 14, 2013: Ordinance 212 amended the Zoning Map as it relates to a parcel located at 10621 N.
9 Highland Road and grants a Conditional Use Permit for an outdoor recreation facility and a fast food
10 restaurant.
- 11 August 13, 2013: Ordinance 215 amended the Zoning Map in such fashion that it shows that the zoning
12 for Parcel No. 181-42-30001 located at 10604 STH 57, and Parcel Nos. 181-42-30008, 181-42-30006A
13 and 181-42-30005 is R-2 Multifamily.
- 14 August 13, 2013: Ordinance 216 amended the Zoning Map in such fashion that it shows that the zoning
15 for Parcel No. 181-00-05312833D located at 10625 N. Highland Road is R-2 Multifamily.
- 16 August 13, 2013: Ordinance 217 repealed and recreated Secs. 66.0322 and 66.0323 in such fashion
17 that hotel condominiums are considered permitted uses in The B-2 Downtown Business Transition
18 District and The B-3 Downtown Business Transition District.
- 19 *On October 8, 2013 The Naming/Identification Process For Ordinances Was Changed. Therefore, The*
20 *Ordinances Mentioned In This Section of the Zoning Code Will Be Listed in a Number/6 Digit Date*
21 *Format. [For Example: 200-010115 stands for "Ordinance 200, Adopted on January 1, 2015".]*
- 22 218-100813 amended the Official Map as it relates to the area west of Fieldcrest Road and north of
23 Country Lane.
- 24 221-021114 amended the portion of the Official Map for the Village of Sister Bay that relates to the
25 area east of Orchard Dr. and North of Flint Ridge Rd.
- 26 225-041414 amended and recreated Sec. 66.0722 - Other On/Off Premise Signs with Permit, and
27 created a "Sunset" Clause with respect to the Bay Shore Drive Project.
- 28 230-082614 amended the Official Map - Officially Mapped Streets.
- 29 231-091614 amended Sec. 66.0501(e)(2)(h).
- 30 232-091614 amended Sec. 66.0505 - Wind Energy Towers.
- 31 233-111814 amended Sec. 66.0323 - Calculations in the B-3 Zoning District.
- 32 234-122914 amended Sec. 66.0711 - Shopping Center Signage.
- 33 235a-122914 amended Sec. 66.0808 – Noise/Performance Standards.
- 34 235-022415 amended the Zoning Map for Parcel No. 181-00-05312833D Located at 10625 N. Highland
35 Road.
- 36 241-111715 Amended Sec. 66.0501(b)(3)(e) - Accessory Buildings in Front Yard Setback Area and Sec.
37 66.0311(c)(1) - Conditional Uses in the R-1 Zoning District.
- 38 244-100416 Amended Sec. 66.0700 - "Sign Regulations".
- 39 245-111616 Adopted a Planned Unit Development (PUD) for the Sister Bay Market Place Property.
40

VILLAGE OF SISTER BAY ZONING CODE

- 1 246-122716: changed the zoning from B-1 to R-3 for a portion of Parcel 1810008312833F that is owned
2 by Ron and Barb Sense at 2454 Flint Ridge Rd. (CSM approved by the passing and adoption of Res. 341-
3 122716 - No parcel number was issued at the time of this writing.)
- 4 December 12, 2017: Ordinance No. 250-121217 repealed Sec. 66.0310(e).
- 5 December 12, 2017: Ordinance No. 251-121217 amended Secs. 66.0313(c), 66.0315(c), and 66.0320(c)
6 in such fashion that assembly halls are allowed as a conditional use on Parcel Nos. 181-00-08312832B,
7 181-00-08312832A2, 181-00-08312832C, and 181-00-08312832D1 in the R-3 District, and the entire
8 CS-1 and B-1 Districts.
- 9 April 17, 2018: Ordinance No. 258-041718 amended Secs. 66.0320(a)(27), 66.0322(a)(17),
10 66.0323(a)(21), 66.2100, 66.0322(h)(1) and 66.0323(h)(1), and deleted Secs. 66.0322(h)(2) and
11 66.0323(h)(2).
- 12 April 17, 2018: Ordinance No. 259-041718 amended Sec. 66.0313(c)(1) in such fashion that assembly
13 halls are allowed as a conditional use in the entire R-3 Zoning District.
- 14 August 21, 2018: Ordinance No. 260-082118 amended Sec. 66.2100 in such fashion that a definition
15 is provided for the term “Assembly Hall”, and amended Sec. 66.0711(g)(2) in such fashion that it states
16 that the bottom of projecting signs installed over sidewalks which are cleared of snow by the Village
17 must have a minimum clearance of 92”.
- 18 February 19, 2019: Ordinance No. 263-021919 amended Sec. 66.0320(a) in such fashion that (37)
19 states that light industrial food preparation, manufacturing, processing and assembly, packaging,
20 storage and distribution are permitted uses in the B-1 District, and provided definitions for the terms
21 “Brewing”, “Commercial Kitchen”, “Food”, “Light Industrial Food Preparation, Manufacturing,
22 Processing and Assembly, Packaging, Storage and Distribution” and “Duplex”.
- 23 June 18, 2019: Ordinance No. 265-061819 amended Sec. 66.0313(c)(1) in such fashion that it states
24 that Assembly Halls are no longer allowed as a conditional use in the R-3 District.
- 25 August 20, 2019: Ordinance No. 267-082019 amended Sec. 66.1530(m) in such fashion that it states
26 that the Village Engineer shall determine the size and length of any required culverts, but, in no case
27 shall a culvert be less than 18” in diameter and less than 15 feet longer than the width of the driveway
28 on which it is installed.
- 29 November 19, 2019: Ordinance No. 269-111919 changed the zoning designation for a portion of Parcel
30 No. 181-00-08312834B, which has been assigned an address of 10315 Orchard Drive, from CS-1 to R-
31 3. (The related CSM is the subject of Resolution No. 409-111919.)
- 32 January 28, 2020: Ordinance No. 271-012820 amended several provisions of the Village’s Sign Code –
33 Section 66.0700.
- 34 November 9, 2021: Ordinance No. 288-110921 amended several sections of the Zoning Code; more
35 particularly:
36 Sec. 66.0300 – General Zoning Standards;
37 Sec. 66.0311 – R-1 Regulations;
38 Sec. 66.0312 - R-2 Regulations;
39 Sec. 66.0313 – R3 Regulations;
40 Sec. 66.0314 – R-4 Regulations;
41 Sec. 66.0315 – CS-1 Regulations;
42 Sec. 66.0320 – B-1 Regulations;
43 Sec. 66.0322 – B-2 Regulations;
44 Sec. 66.0323 – B-3 Regulations;
- 45

VILLAGE OF SISTER BAY ZONING CODE

1 Sec. 66.2001 – Zoning Code Definitions, and deleted Sec. 66.0310 - 2nd Dwelling Unit Overlay District, in
2 its entirety.

3 October 18, 2022: Ordinance No. 302 amended Sec. 66.0331(d) in such fashion that it states that if a
4 public historic site contains more than one principal building, the footprint of all buildings, parking,
5 driveways and sidewalks on that site may not exceed 25% of the lot area, and the remaining land must
6 be left as open space

7 December 22, 2022: Ordinance No. 308 amended Sec. 66.0302(d)(8) – Use Restrictions, in such fashion
8 that it states that a property owner may allow camping on their land for up to 72 hours in a calendar
9 year as long as bathroom facilities are available on the premise, but imposed the condition that the
10 camping unit must be removed from the property after each camping stay. Definitions were also added
11 for the terms “Bathroom Facilities” and Living Quarters”, duplexes were listed as a permitted use in the
12 R-2 District, and language was added which states that any public improvements on private land that
13 are installed after December 22, 2022 and have been approved by the Village Board will not deem that
14 land to be “non-conforming” in size as the result of the addition of the public improvements; nor shall
15 any publicly installed impervious surface be counted toward the impervious surface or open space
16 limitations for that property.

17 December 22, 2022: Ordinance No. 309, amended Sec. 66.0331 in such fashion that the list of
18 conditional uses in the P-1 - Park District was significantly reduced.

19 December 22, 2022: Ordinance No. 310 addressed noise associated with telecommunication sites and
20 created Sec. 66.0810 – Outdoor Entertainment Facilities. That section of the Zoning Code states that
21 from this point forward outdoor entertainment facilities will be considered Conditional Uses in the B-1,
22 B-3 and P-1 Districts, and it also establishes standards and conditions for outdoor entertainment
23 facilities that will automatically be imposed if and when a Conditional Use Permit is granted for such a
24 use.

25 *On April 18, 2023 The Naming/Identification Mechanism For Village Ordinances Was Changed Again.*
26 *Therefore, From this Point Forward All Ordinances Mentioned In This Section of the Zoning Code Will*
27 *Be Listed in a Year of Adoption/Three Digit Number Format. (For Example: 2023-002 stands for*
28 *Ordinance No. 2 that was passed and adopted in 2023.)*

29
30 April 18, 2023 – Ordinance No. 2023 - 002 authorized the deletion of the existing definitions for the
31 terms “Food Truck” and “Mobile Food Establishment”, provided definitions for the terms, “Mobile Food
32 Vendor”, “Mobile Food Vendor Court”, “Mobile Food Vendor Permit”, “Mobile Food Vendor Unit”, and
33 “Temporarily Parked”, amended Sec. 66.0320(c) in such fashion that “a Mobile Food Vendor Court” is
34 listed as a “Conditional Use” in the B-1 District, and established a series of requirements for any food
35 vendor courts that are approved.

36 June 20, 2023 – Ordinance No. 2023 - 004 amended several sections of the Zoning Code in an attempt
37 to address the land use compatibility concerns that have been identified with respect to short-term
38 rentals, and created a number of new definitions for related terms.

39 September 19, 2023 – Ordinance No. 2023 – 008 amended several sections of the Zoning Code for the
40 Village of Sister Bay with respect to sidewalk widths and locations.

41 December 19, 2023 – Ordinance No. 2023 - 014 amended Sec. 66.0320(e)(3) – Mobile Food Vendor Courts, as well
42 as the definition for the term Festival Permit that appears in the General Definitions section of the Zoning Code.

43 March 19, 2024 – Ordinance No. 2024 - 006 amended several portions of Sec. 66.0504 – Wireless
44 Telecommunication Sites.

VILLAGE OF SISTER BAY ZONING CODE

- 1 March 19, 2024 – Ordinance No. 2024 – 008 amended Sec. 66.0403(10)(d)1 in such fashion that it states
2 that garage stalls that are made available for parking at single family dwellings utilized as short-term
3 rentals will count toward the number of parking stalls allowed on such properties.
- 4 March 19, 2024 - Ordinance No. 2024 - 009 amended Sec. 66.0406(6) in such fashion that it states that
5 compliance with the provisions of that section shall be deemed to be removal of all hard surfaces of a
6 non-compliant driveway from the roadbed to the R.O.W., but if a property owner wishes to retain the
7 remainder of the non-compliant driveway, all hard surfaces must be removed within five feet of the
8 right-of-way, and within that five feet, three trees, at least four feet in height shall be planted between
9 the right-of-way or front lot lien and the terminus of the remaining driveway.
- 10 March 19, 2024 – Ordinance No. 2024 - 010 amended Sec. 66.0301 in such fashion that it states that a
11 certified copy of the Village’s Zoning Map shall bear upon its face the attestation of the Village President
12 and the Village Clerk.
- 13 March 19, 2024 - Ordinance No. 2024-011 amended the Zoning Code in such fashion that it states that
14 in any instances where specific dollar amounts for fees or forfeitures are mentioned in the Code, those
15 dollar amounts shall be replaced with the statement that the fee that is delineated in the most recently
16 adopted version of the Village’s Fee Schedule will be imposed. Ordinance No. 2024-011 also states that
17 any and all scrivener’s errors that appear throughout the Code may be corrected.
- 18 March 25, 2025 – Ordinance No. 2025-004 amended the Zoning Code to create a B-2 Overlay District,
19 B-3 Height Restrictions, additional tree regulations, revised water setback regulations and miscellaneous
20 other Zoning Code amendments.
- 21 June 18, 2025 – Ordinance No. 2025-009 (numbering was in error - there are two Ord. Nos. 2025-009)
22 assigned a permanent zoning classification of R-4 and P-1 to a 56 acre tract off Autumn Court.
- 23 June 18, 2025 – Ordinance No. 2025-010 assigned a permanent zoning classification of I-1 and P-1 to the
24 40 acre tract at the southeast intersection of Maple Drive and Woodcrest Road.
- 25 June 18, 2025 – Ordinance No. 2025-011 amended the district standards for the R-4 district.
- 26 November 18, 2025 – Ordinance No. 2025-013 amending the P-1 district to address marinas; CS-1 to
27 allow agritourism; misc. sign regulations, including historical sign changes.
- 28 February 17, 2026 – Ordinance No. 2026-003 amending zoning code to make nonconforming uses and
29 structures language consistent with state statutes, remove fire wall regulations which conflict with the
30 state’s building codes, make their family living arrangement language consistent with state statutes,
31 create a Woodland Overlay to ensure their zoning ordinance was consisted with the adopted
32 comprehensive plan, revise substandard lot language to increase the availability of substandard lots for
33 development, and other miscellaneous amendments.

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VILLAGE OF SISTER BAY ZONING CODE

SECTION 1800 – PUBLIC HEARINGS

Sec. 66.1801 Public Hearings

Notice of any public hearing which the Village Board, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this chapter shall specify the date, time and place of hearing, and the matter to be presented at the hearing. Pursuant to Wis. Stats. Chapter 985, the notice may be published as a Class 1 notice or Class 2 notice, to-wit:

(1) Zoning Board of Appeals Hearings. The notice of public hearing for a variance or appeal before the Zoning Board of Appeals shall be published in a newspaper of general circulation in the Village as a Class 1 notice that is, published once at least one (1) week before the public hearing. Notice of the public hearing shall be mailed to all parties-in-interest at least ten (10) days before the hearing. Parties-in-interest shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the application and the owners of all lands included in the application and all lands lying within 300 feet of lands included in the application. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

(2) Zoning Related Hearings. The notice of public hearing for a Zoning Amendment (text or map) or a Conditional Use Permit shall be published in a newspaper of general circulation in the Village as a Class 2 notice, that is, at least once each week for two (2) consecutive weeks, the last publication of which shall be at least one (1) week before the public hearing. Notice of the public hearings shall be mailed to all parties-in-interest at least ten days before the hearing. Parties-in-interest shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the application and the owners of all lands included in the application and all lands lying within 300 feet of lands included in the application. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

VILLAGE OF SISTER BAY ZONING CODE

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VILLAGE OF SISTER BAY ZONING CODE

SECTION 2000 – GENERAL DEFINITIONS

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Sec. 66.2001 General Definitions. For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this chapter include the future. The word “person” includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word “he” includes the word “she.” The word “shall” is mandatory, the word “should” is advisory and the word “may” is permissive. Any words not defined in this section shall be presumed to have their customary dictionary definitions; in the absence of a definition or the absence of a definition that is consistent with land use law, words and phrases shall have the definition found in Black’s Law Dictionary or as established by case law. Definitions shall be interpreted in favor of the Village.

Sec. 66.2100 Specific Words and Phrases.

Abutting

Having common border with, or being separated from such common border by an alley or easement other than publicly dedicated and approved rights-of-way.

Accessory Structure

[See Structure, Accessory]

Accessory Use

[See Use, Accessory]

Adult Family Home

A private residence to which all of the following apply:

- (1) Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in Wis. Stats. §51.01(5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings; and,
- (2) The private residence was licensed under Wis. Stats. §48.62 as a foster home for the care of the adults specified in sub(a) at least 12 months before any of the adults attained 18 years of age.

And also includes a place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7hours per week of nursing care per resident.

Aggrieved Person

One whose application for a permit is denied, one whose permit is revoked, and in some instances, taxpayers. An adjacent property owner is not an aggrieved person unless suffering some specific ascertainable damage or is specifically injured by the actions of a neighbor.

Agricultural Tourism Activity

An educational or recreational activity that takes place on a farm or other place where agricultural, horticultural, or silvicultural crops are grown or farm animals or farmed fish are raised, and that allows visitors to tour, explore, observe, learn about, participate in, or be entertained by an aspect of agricultural production, harvesting, or husbandry that occurs on the farm.

Agritourism

VILLAGE OF SISTER BAY ZONING CODE

1 An agricultural tourism activity, the practice of which combines agriculture with tourism, where
2 visitors go to farms, ranches, or other agricultural businesses to participate in or learn about farming
3 activities, purchase farm products, or enjoy rural experiences. It provides an educational and
4 entertaining experience for visitors and generates additional income for the farm owners, often
5 supporting rural economic and sustainable development. Examples include pumpkin patches, U-pick
6 operations, farm-to-table dinners, and hayrides.

7 Alley

8 A public right-of-way affording only secondary access to abutting properties and not intended for
9 general traffic circulation.

10 Amusement Park

11 A commercially operated facility with various devices for entertainment, which are located primarily
12 outdoors, including miniature golf, inflatable structures and go kart tracks.

13 Animals, Domestic

14 Shall refer to animals kept primarily in the home, such as dogs, cats, snakes, small rodents, rabbits,
15 pigmy goats, pot-bellied pigs.

16 Animals, Non-Domestic

17 Shall include, but not be limited to horses, mules, alpacas, llamas, swine, cows, goats, donkeys,
18 chickens, ducks and any endangered or exotic species of animal, including wild animals.

19 Animals, Wild

20 Shall include, but not be limited to monkeys, non-human primates, raccoons, skunks, fox, wolf,
21 poisonous snakes, leopard, panther, tiger, lynx, and any warm blooded animal found normally in a wild
22 state.

23 Animal Hospital

24 A place where animals or pets are given medical or surgical treatment and the boarding of animals is
25 limited to short-term care incidental to the hospital use.

26 Antenna

27 A specific device the surface of which is used to receive or capture incoming and/or to transmit
28 outgoing radio-frequency (RF) signals, microwave signals, or other communications energy
29 transmitted from or to be received by other antennas, including, but not limited to the following:

- 30 (1) Directional (or “panel”) antennas, designed to receive and/or transmit signals in a directional
31 pattern which is less than 360 degrees, typically an arc of approximately 120 degrees;
- 32 (2) Parabolic (or “dish”) antennas, generally bowl-shaped devices that are designed to receive and/or
33 transmit signals in an approximate specific direction;
- 34 (a) Microwave parabolic antennas are designed to transmit and/or receive microwave signals
35 to or from other microwave parabolic antennas;
- 36 (b) Satellite parabolic antennas are designed to transmit and/or receive audio and/or video or
37 data signals from satellites orbiting the earth;
- 38 (c) Other devices designed for the reception and/or transmission of radio-frequency (RF)
39 signals or other communication technologies.

40 Antenna, Earth Station Dish

41 A dish-shaped antenna designed to receive television and internet broadcasts. *[Also see Sec. 66.0503]*

42 Antenna, Terrestrial

43 Any antenna designed to receive television and radio signals relayed from one ground location to
44 another ground location. Such antennas are typically mounted on a tower or support on the rooftop
45 of a structure, or on freestanding towers.

46 Aquifer

VILLAGE OF SISTER BAY ZONING CODE

1 A geologic formation, group of formations, or part of a formation that contains sufficient
2 saturated, permeable material to yield significant quantities of water to wells and springs.

3 Art

4 The conscious use of skill, taste and creative imagination in the production of objects whose primary
5 or sole value is intended to be aesthetic. Art is distinct from other forms of production by its
6 application of personal, un-analyzable creative power, not merely expertness in workmanship.

7 Art Gallery

8 An institution or business exhibiting or selling works of art.

9 Art Studio

10 An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macramé,
11 knitted goods, stitchery or pottery. Art studios are also engaged in the creations of such art works and
12 often offer instruction in their creation.

13 Arterial Highway

14 A public street or highway used or intended to be used primarily for fast or heavy through traffic.
15 Arterial streets and highways include freeways and expressways, state trunk and county trunk
16 highways, and other heavily traveled streets.

17 Assembly Hall

18 A facility designed and/or operated for the gathering of fifty (50) or more people for private or
19 commercial functions. For example, an event conducted for the purpose of hosting a party, banquet,
20 wedding, reception or other social event.

21 Attainable Housing

22 Attainable housing shall be defined as housing for individuals actively working within the boundaries of
23 the Gibraltar School District, who meet the incomes levels for individuals and families, which do not
24 exceed the average median earned income level for Door County.

25 Audio/Video Production

26 An activity, not in conjunction with adult-oriented facilities, involving the production, including
27 scripting, recording, editing and postproduction of audio and visual taped media for educational,
28 entertainment or promotional purposes.

29 Automotive Body Repair

30 Activities involving the repair, painting or undercoating of the body or frame of vehicles with a gross
31 vehicle weight of 10,000 pounds or less. Body and frame repair does not include mechanical engine or
32 power train repair.

33 Automotive Mechanical Repair

34 Activities involving the maintenance, servicing or repair of automotive engines, power train,
35 suspension and exhaust system on vehicles with a gross vehicle weight of 10,000 pounds or less.
36 Mechanical repair does not include body and frame repair, painting or undercoating.

37 Automotive Sales and Service

38 Any building, land area, or other premises for the display and sale of new or used automobiles, pickup
39 trucks or vans, lawn and garden implements, trailers, boats, or other recreational vehicles and
40 including any warranty repair work and other repair service conducted as an accessory use.

41 Awning

42 A roof-like structure of a permanent nature, which projects from the wall of a building. An awning may
43 also be called a canopy.

44 Babysitting

VILLAGE OF SISTER BAY ZONING CODE

1 The act of providing care and supervision for fewer than four children. This definition does not apply
2 when the baby sitter is related to the child, or when more than four children in one household are
3 related.

4 Basement

5 That portion of any structure, which is below grade, or which is partly below and partly above grade
6 but so located that the vertical distance from the grade to the floor is greater than the vertical distance
7 from the grade to the ceiling.

8 Bathroom Facilities

9 An area equipped with potable water and a flushing toilet that is connected to Village sewer or a
10 private on-site wastewater treatment system.

11 Bed and Breakfast

12 Any place of lodging that provides four or fewer rooms for rent for more than 10 nights in a 12-month
13 period, is the owner’s personal residence, is occupied by the owner during the time of rental, and in
14 which the only meal served to guests is breakfast.

15 Bedroom

16 A private room, 100 square feet or more in area, planned for sleeping and separable from other rooms
17 by a door.

18 Benign Non-Conforming

19 Benign non-conformities are those that do not have a negative impact on the health and safety of the
20 public, but may have a negative impact on public welfare.

21 Billboard

22 A sign, which exceeds the allowable sign size in this chapter, which directs attention to a business,
23 commodity, service or entertainment, conducted, sold or offered at a location.

24 Boardinghouse

25 A place in which lodging, with or without meals, is offered for compensation to non-transient guests,
26 that provides four or less rooms for rent, is the owner's personal residence, and is occupied by the
27 owner during the time of rental.

28 Boathouse

29 An accessory structure, which is accessible by boats from navigable water, is designed, constructed
30 and used solely for the purpose of protecting or the storing of boats used for noncommercial purposes
31 in conjunction with a residence.

32 Brewing

33 Preparing the ingredients of a consumable beverage by soaking, boiling, fermenting, infusing or
34 steeping.

35 Buffer Yard

36 An area of land containing sufficient area and width, landscape plantings, earth berms, fencing, walls,
37 or other visual and/or sound barriers intended to eliminate or minimize land use conflicts between
38 adjacent land uses.

39 Buildable Area

40 The area of the lot remaining after the minimum front setback, side setbacks, rear setback, and
41 other green_space requirements, such as wetlands, have been met. *[See Illustration No. 5]*

42 Building

43 Any structure having a roof supported by columns or walls used or intended to be used for the shelter
44 or enclosure of persons, animals, equipment, machinery, vehicles or materials.

45 Building, Accessory

VILLAGE OF SISTER BAY ZONING CODE

1 Any building except the principal building on a lot, and located on the same lot as the principal building.
2 In the case of a house and detached garage on a lot, the accessory building is the garage.

3 Building, Principal

4 The main building or structure as distinguished from a secondary or accessory building. This includes a
5 house in a residential district, a store in a business district, or farm buildings in an agricultural district.

6 Building, Temporary

7 Any building not designed to be permanently located in the place where it is currently located, or
8 where it is intended to be located.

9 Building Footprint

10 The ground area covered by and including the exterior dimensions of a building, including enclosed
11 porches, attached garages and carports.

12 Building Height

13 The vertical distance above the finished lot grade along the foundation of a building to the highest
14 exterior point of the roof. In measuring building height, average measurements along a foundation
15 or along the finished lot grade are not allowed; rather, no point of the building shall exceed the allowed
16 height, unless exempted in this chapter, regardless of where measured along finished lot grade.

17 Building Separation

18 The narrowest distance between two buildings.

19 Building Setback Line

20 A line within a lot or parcel of land that has been designated, pursuant to Village Zoning
21 Code requirements, on a plat of a proposed development, within which, the erection of an enclosed
22 structure or any portion thereof is prohibited.

23 Bulletin Board

24 *[See Sign, Bulletin]*

25 Business Site

26 A tract consisting of one or more contiguous lots or parts of lots which are used for inter-dependent
27 ingress and egress of vehicles and containing one or more off-street loading or parking facilities; or any
28 business site having five or more parking stalls.

29 Camping

30 The placement of a temporary shelter used as, or designed to be used for sleeping purposes. Examples
31 of shelters used for camping include tents, trailers, motor homes, recreational vehicles, and tarpaulins.

32 Camping Unit

33 Any single shelter, except sleeping bags, bedrolls and hammocks, used for camping.

34 Candela

35 A measure of light intensity. A candela is equal to 1/60 of the luminous intensity per square centimeter
36 of a blackbody radiating at the temperature of solidification of platinum (2,046° K.) By comparison, a
37 “foot-candle” is the illumination of a surface one-foot distant from a source of one candela, or one
38 lumen per foot.

39 Canopy

40 An ornamental cloth or similar material covering hung or held up over something, especially a window
41 or door.

42 Car or Truck Wash

43 Any facility used for the washing of vehicles requiring the installation of special equipment.

44 Channel

VILLAGE OF SISTER BAY ZONING CODE

1 Those flood lands normally occupied by a stream, lakebed, or other body of water under
2 average annual high-water flow conditions while confined within generally well-established banks.

3 Clearing

4 The act of removing trees or brush from any part of a wooded lot for the purpose of building
5 development or the creation of non-wooded areas.

6 Colocation

7 Locating wireless communication facilities from more than one provider on a single site.

8 Commercial

9 A land use whereby the owner or renter is engaged in the onsite sale of goods or services which does
10 not include lodging.

11 Commercial Center

12 A shopping center designed with a courtyard or other common area utilized by patrons, and
13 sidewalks or pathways, connecting multi-tenant, multi-building commercial and retail development
14 under common ownership or management and located in the B-1 zoning district. A shopping center,
15 or strip mall type development, that does not have a common area for patrons, or under common
16 ownership or common management, is not a commercial center. (An example of a commercial
17 center is the Country Walk Shops.)

18 Commercial Kitchen

19 An establishment where space is utilized to process food grown or produced primarily for the purposes
20 of selling or distributing off-site.

21 Commercial Vehicle Sales and Service

22 Any building, land area, or other premises for the display and sale of large trucks and equipment,
23 typically used in commercial operations, and including any warranty repair work and other repair
24 service conducted as an accessory use. For the purpose of this chapter, commercial trucks are trucks
25 with a gross vehicle weight in excess of 10,000 pounds.

26 Community and Other Living Arrangements

27 The location of a community living arrangement for adults as defined in Wis. Stats. §46.03(22); a
28 community living arrangement for children, as defined in §48.743(1); a foster home, as defined in
29 §48.02(6); or an adult family home, as defined in §50.01(1), or their successor statutes.

30 Community Based Residential Facility (CBRF)

31 As defined in Wis. Stats. §50.01 or its successor statute as a place where 5 or more unrelated adults
32 who are not related to the operator or administrator who do not require care above intermediate level
33 nursing care reside and receive care, treatment or services that are above the level of room and board
34 but that include no more than 3 hours of nursing care per week per resident.

35 Community Living Arrangement for Adults

36 A community-based residential facility as defined in Wis. Stats. §50.01(g) or its successor statute.

37 Community Living Arrangement for Children

38 As defined by Wis. Stats. §48.743(1) or its successor statute, a residential care center for children and
39 youth or a group home

40 Community Water System

41 A public water system that serves at least fifteen service connections used by year-round residents or
42 regularly serves at least twenty-five year round residents.

43 Conditional Use

44 *[See Use, Conditional]*

VILLAGE OF SISTER BAY ZONING CODE

- 1 Condominium, Residential
2 A condominium ownership property consisting of multiple single family dwelling units, whether within
3 one building or multiple buildings.
- 4 Cone of Depression
5 A depression in the water table that occurs when a pumping well withdraws water as a rate faster than
6 the aquifer can supply water to the well.
- 7 Convenience Store
8 A retail establishment of less than 3,000 square feet in area where food products and related
9 household products are sold.
- 10 Corner Lot
11 *[See Lot, Corner]*
- 12 Covenant
13 A contract or other written agreement between two parties, which constitutes a restriction on a
14 particular parcel of land.
- 15 Craft Fair
16 A temporary event where hand-made goods are available for sale.
- 17 Curb Elevation
18 The elevation of the established curb in front of a building or structure generally used as a reference
19 point in establishing yard grades. Where curb has not been installed, the mean centerline elevation of
20 the street in front of the building or structure shall be used as the reference point.
- 21 Cutting/Planting Plan
22 A plan for the removal of vegetation including any proposed replanting of vegetation.
- 23 Day Care Center/Child Care Center
24 *[See Family Day Care Home]*
25 An establishment providing care and supervision for four or more persons under the age of seven and
26 licensed by the State of Wisconsin pursuant to Wis. Stats. §48.65.
- 27 Deck
28 An unenclosed, unroofed exterior platform structure, with or without railings, which is elevated above
29 preconstruction grade, is typically of wood construction, either attached to a building or freestanding.
30 A deck shall be considered a structure not building.
- 31 Deed Restriction
32 Conditions placed on the deed to a property that establish specific conditions or limitations to an
33 approved use.
- 34 Density
35 A number expressing the relationship of the number of dwelling units to land area.
- 36 Detrimental Non-conformities
37 Are those that have a negative impact on the health and safety of the public. Detrimental non-
38 conformities have the potential for harm.
- 39 Development
40 Any man-made change to improved or unimproved real estate, including but not limited to
41 construction of or addition or substantial improvements to buildings, other structures, or accessory
42 uses, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- 43 Development Project
44 Any residential or commercial development plan submitted to the Village for approval.

VILLAGE OF SISTER BAY ZONING CODE

1 Development Regulations

2 The regulations within this chapter that apply to elements including setback, height, lot coverage, and
3 side yard.

4 Diffuse

5 To spread or scatter widely, or thinly.

6 Direct Illumination

7 Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through
8 translucent signs/internally illuminated signage or reflected from other surfaces such as the ground or
9 building facades.

10 Display Lot or Area

11 To qualify as a display lot, one of the following specific uses must occur: Automobile sales, boat sales,
12 tractor sales, building supply sales, gardening or nursery sales. Uses not on this list must be approved
13 as display lot uses by the Plan Commission.

14 District, Basic

15 A part or parts of the Village for which the regulations of this chapter governing the use and location
16 of land and buildings are uniform (such as the residential and business district classifications).

17 District, Overlay

18 Overlay districts provide for the possibility of superimposing certain additional requirements upon a
19 basic zoning district.

20 Driveway

21 An access point connecting the area used for vehicular travel on a parcel that leads to a public or
22 private street right-of-way, and the surface area occupied by that vehicular travel.

23 Dryland Access

24 A vehicular access route which is above the regional flood elevation and which connects land located
25 in the floodplain to land, which is outside the floodplain, such as a road with its surface above the
26 regional flood elevation and wide enough to accommodate wheeled vehicles.

27 Dune

28 A mound, hill or ridge of sand piled by wind.

29 Dwelling

30 A building designed or used exclusively as a residence or sleeping place, but does not include boarding
31 or lodging houses, motels, hotels, tents, cabins, or travel trailers.

32 Dwelling, Bi-Level

33 A two-level dwelling with one level above grade, and the other level partially above grade and partially
34 below grade. The lowest level may or may not have exterior access. For the purpose of measuring living
35 area, the Zoning Administrator will determine functional areas as set forth in the definition of “living
36 area” and the first floor area will be considered the first level that is entirely above grade.

37 Dwelling, Detached

38 A dwelling, which is entirely surrounded by green_space on the same lot.

39 Dwelling, Multiple-Family

40 A residential building designed for and occupied by three or more families, with the number of families
41 in a residence not to exceed the number of dwelling units provided. Also referred to as an “apartment
42 building”. Units in a multiple family dwelling are intended to be rented on a long-term basis and are
43 not considered transient lodging units or short-term rental units, and cannot be used as such.

44 Dwelling, Single-Family

45 A building designed for and occupied exclusively by one family.

VILLAGE OF SISTER BAY ZONING CODE

1 Dwelling, Tri-Level

2 A three-level dwelling with two levels above grade, and a third level partially above grade and partially
3 below grade. The lowest level may or may not have exterior access. For the purpose of measuring living
4 area, the Zoning Administrator will determine functional areas as set forth in the definition of “living
5 area” and the first floor area will be considered the first level that is entirely above grade.

6 Dwelling, Two-Family

7 A building, also called a “duplex”, containing two separate dwelling units with a common wall. Each of
8 the units is designed for occupancy by not more than one family, and they have separate
9 entrances, sanitary sewer and water connections, as well as kitchen facilities.

10 Dwelling Unit

11 A group of rooms including at least a kitchen, sanitary facilities, and a bedroom; and providing living
12 quarters for not more than one family.

13 Dwelling Unit, Efficiency

14 A dwelling unit consisting of not more than one habitable room together with kitchen and
15 sanitary facilities.

16 Election Campaign Period

17 In the case of an election for office, the period beginning on the first day of circulation of nomination
18 papers by candidates or the first day that candidates would circulate nomination papers were papers
19 to be required, and ending the day of the election. In the case of a referendum, the period beginning
20 on the day on which the question to be voted upon is submitted to the electorate and ending on the
21 day on which the referendum is held.

22 Enclosed Structure

23 A structure consisting of a solid roof, a permanent foundation, a floor and solid walls extending from
24 the floor to the roof. Solid doors, windows or other glazing are allowed in the walls. Open breezeways
25 or screen walls do not qualify as enclosed structures.

26 Environmental Contractor

27 Offices, laboratories and support facilities for the testing or evaluation of soil, air or water, not
28 including any on-site storage or remediation of materials.

29 Environmental Control Facility

30 Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the
31 prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste or
32 thermal pollution, radiation or other pollutants, including facilities installed principally to supplement
33 or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution
34 control standards or which are to be supplemented or replaced by other pollution control facilities.

35 Essential Services

36 Medical services and medical clinics and facilities, and services provided by police officers and
37 firefighters as well as their respective stations and public and private utilities that are necessary for
38 the exercise of a principal use or service of a principal structure are considered essential services. These
39 services include underground, surface or overhead facilities such as gas, electrical, steam, water,
40 sanitary sewerage, storm water drainage, and communication systems and accessories thereto,
41 including poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, detention basins,
42 drainage channels, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call
43 boxes, traffic signals, pumps, lift stations, and hydrants, but not the buildings that house any of that
44 equipment.

45 Facility

VILLAGE OF SISTER BAY ZONING CODE

1 A building or buildings, appurtenant structures, and surrounding land used by a single business, private
2 entity, or governmental unit or sub-unit at a single location or site.

3 Family

4 A group of persons who are related by blood, marriage, or adoption, or who have officially been placed
5 in foster care with such persons, or not more than four unrelated persons who live together in one
6 dwelling unit as a single housekeeping entity.

7 Family Day Care Home

8 A dwelling licensed as a day care center by the State of Wisconsin pursuant to Wis. Stats. §48.65, where
9 care is provided for four (4) or more children under the age of 7 years for less than 24 hours per day.
10 All structures shall be located a minimum of 100 feet from any residentially zoned property.

11 Farm

12 A parcel of land used for agricultural activities including, but not limited to, the raising and harvesting
13 of field crops; the raising of livestock; and the raising and harvesting of trees, orchards, or vineyards.

14 Farmers' or Growers' Market

15 A public market place where fresh foods are sold by the residents of Door County who have grown,
16 gathered, raised or produced them. Markets where crafts and other items are sold can be eligible as
17 farmers' markets, as long as the total number of craft vendors does not exceed the total number of
18 farmers.

19 Fence

20 An artificially constructed barrier of any material or combination of materials erected to enclose,
21 decorate, or screen areas of land. A fence shall also be defined to include rock walls and plantings of
22 bushes or trees.

23 Fence, Ornamental

24 A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are
25 often used to identify a lot corner or lot line; or frame a driveway, walkway or planting bed.
26 Ornamental fences are often of the rail, or wrought iron type. A chain link fence is not considered an
27 ornamental fence.

28 Fence, Residential

29 A fence intended to identify residential property lines, provide for privacy, and/or to protect members
30 of a household, especially children. A residential fence may also secure a private swimming pool
31 against unauthorized entry. Residential fences are usually four to six feet in height. Residential fences
32 are often of the picket, rail, stockade, board-on-board, board and batten, basket weave, or louvered
33 type, and do not include chain link fences.

34 Fence, Security

35 A fence intended to guard property against unauthorized entry, and to protect stored goods and
36 products from theft and other unauthorized handling. Security fences usually exceed six feet in height,
37 are often made of wrought iron or chain link, and may incorporate additional security features such as
38 barbed wire.

39 Festival Permit

40 A permit issued by the Village Clerk to persons who wish to engage in the temporary sale of goods
41 from a truck, trailer, table or tent during the Historical Society's ChristkindlMarkt, Village-sanctioned
42 festivals and events, and all festivals and events that are sponsored by the Sister Bay Advancement
43 Association that have been approved by the Parks, Properties & Streets Committee and/or the Village
44 Board, but not Fall Fest. Any and all permits for Fall Fest must be obtained directly from the Sister Bay
45 Advancement Association.

46 Finished Lot Grade

VILLAGE OF SISTER BAY ZONING CODE

1 The elevation or elevations of the surface of the ground after completion of final grading. When
2 determining finished lot grade adjacent to a building, finished lot grade is the elevation of the ground
3 adjoining the building or structure.

4 Five-Year Time of Travel (TOT)

5 The five-year time of travel is the recharge area up gradient of the cone of depression, the outer
6 boundary of which it is determined or estimated that groundwater and potential contaminants will
7 take five years to reach a pumping well.

8 Flag Lot

9 A lot, situated generally behind a lot or lots fronting on the street or road, with its widest point set back
10 from the road, and having a relatively thin, long strip of land connected to the road to provide legal
11 access and frontage.

12 Flea Market

13 Any premises where the principal use is the sale of new or used household goods, personal effects,
14 tools, art work, small household appliances, and similar merchandise, equipment or objects, in small
15 quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser.
16 Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales
17 are not considered flea markets.

18 Flood Lamp

19 A specific lamp form designed to direct its output in a specific direction (a beam) but with a diffusing
20 glass envelope. Such lamps are so designated by the manufacturers and are typically used in residential
21 outdoor area lighting.

22 Floor

23 A floor (synonymous with a story) in a multi-story building is defined as a horizontal open space that is
24 capable of being occupied and is divided from other such spaces within the building by horizontal
25 plates. The floor count shall be defined by determining the highest and lowest above ground floors
26 and counting all stories from one to the other. Each floor level must be at least seven feet in height.
27 Floor levels may be classified as above ground or below ground. An above ground floor is a level whose
28 ceiling is at least seven feet above the ground. If a building is set on sloping ground, then the first level
29 flush with or higher than the lowest immediately, surrounding ground level shall be considered the
30 first above ground floor. Floors, which are above the soil line, but below an elevated street, which
31 passes or approaches the main entrance, shall be considered underground; likewise floors which open
32 to the outside only through a sunken plaza shall be considered below ground. If the floor levels within
33 a building do not match at all points, then aside from counting all legitimately independent
34 mezzanines, only one vertical set of levels shall count in determining the floor count. In this case, the
35 set, which yields the highest number, shall be used.

36 Floor Area, Gross

37 The sum of the gross horizontal areas of the floors of a building measured from the exterior face of
38 exterior walls, or from the centerline of a wall separating two buildings, but not including interior
39 parking spaces, loading space for motor vehicles, attics, unfinished basement rooms, garages,
40 breezeways and unenclosed porches or terraces or any space where the floor-to-ceiling height is less
41 than 6 feet.

42 Floor Area, Net

43 The total of all floors areas of a building, excluding stairwells and elevator shafts, equipment rooms,
44 interior vehicular parking or loading space; and all floors below the first or ground floor, except when
45 used or intended to be used for human habitation or service to the public. Very often, for ease of
46 administration, net floor area is expressed as gross floor area minus a certain percentage. Empirically,

VILLAGE OF SISTER BAY ZONING CODE

1 stairwells, elevator shafts, equipment rooms and utility rooms generally average out to about 15
2 percent of the gross floor area.

3 Floor Area, Ratio

4 The gross floor area of all buildings on the lot divided by the lot area. This is often expressed as a
5 percentage of the lot. Floor area ratio differs from lot coverage in that the floor area of all floors of
6 each building is used in making the calculation.

7 Food

8 Any and all edible substances, including drink, condiments or confections, whether simple, mid or
9 compound.

10 Foot-Candle (fc)

11 A unit of illuminance equal to 1 lumen/ft², the illumination of a surface one-foot distant from a point
12 source having a uniform luminous intensity of 1 candela (cd). One- (1) foot-candle equals
13 approximately 0.1 (0.093) lux (metric). Full Cutoff Luminaire: A luminaire light distribution where
14 no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater
15 than 100 candelas per 1000 lamp lumens.

16 Formula Business

17 A principal use or accessory use, that is one of a chain or group of three or more establishments, and
18 which satisfies at least two of the following descriptions:

- 19 (1) It has the same or similar name, brand, trade name, or trademark as others in the chain or group;
20 (2) It has any of the following characteristics in a style which is distinctive to and standardized among
21 the chain or group:
22 (a) Exterior design or architecture;
23 (b) Interior design and layout;
24 (c) Uniforms, except that a personal identification or simple logo will not render the clothing a
25 uniform; and,
26 (d) Standardized product offerings.

27 Foster Home

28 Any facility operated by a person required to be licensed by [Wis. Stats. §48.62](#), or its successor statute,
29 that provides care and maintenance for no more than four children or, if necessary to enable a sibling
30 group to remain together, for no more than 6 children or, if the state rules permits a different number
31 of children.

32 Freeboard

33 A flood protection elevation requirement designed as a safety factor, which is usually expressed in
34 terms of a specified number of feet above a calculated flood level. Freeboard compensates for the
35 effects of any factors that contribute to flood heights greater than those calculated. These factors
36 include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge
37 openings and floodways, the effects of urbanization on the hydrology of a watershed, loss of flood
38 storage areas due to development and aggregation of the river or stream bed. *[See Illustration No. 7]*

39 Front Setback

40 *[See Setback, Front]*

41 Front Yard

42 *[See Yard, Front]*

43

44 Frontage

45 The dimension of a lot abutting a public street measured along the street right-of-way line. For lots
46 abutting a lake or stream, the dimension measured along the shoreline.

VILLAGE OF SISTER BAY ZONING CODE

1 Fully Shielded Luminaires

2 Outdoor luminaire utilizing flat, clear lenses with no re-factorizing elements and which operates in a
3 horizontal position with nonadjustable mounting hardware or brackets. Light is distributed by means
4 of an internal reflector. The light source is totally concealed by the luminaire housing when the
5 observation position is at an angle less than fifteen degrees (15°) above horizontal. Light is not
6 permitted at an angle less than four degrees (4°) above horizontal.

7 Garage, Attached

8 A garage that is connected to the principal structure by a doorway leading directly into the interior of
9 the principal structure. The connection must have walls and a roof and shall not be exposed to the
10 outdoors. A covered breezeway is not a permitted connection. (*Amended Ordinance 120-061306*)

11 Garage, Private

12 A structure primarily intended for and used for the enclosed storage or shelter of the private motor
13 vehicles of the family's resident upon the premises.

14 Garage, Public or Commercial

15 A structure or portion thereof, other than a private garage, used primarily for the parking and storage
16 of motor vehicles and available to the public. A public garage may or may not charge a fee for such
17 use.

18 Garage, Repair

19 [*See Automobile Body Repair, and, Automobile Mechanical Repair*]

20 Garage Sale

21 The occasional sale of personal property conducted by one or more families. Garage sales are also
22 known as rummage sales. Flea markets, are defined elsewhere in this section.

23 Gasoline Service Stations

24 Any building, land area, or other premises, or portion thereof, used or intended to be used for the
25 retail dispensing and sales of vehicular fuels; and including as an accessory use the sale and installation
26 of lubricants, tires, batteries and similar accessories. Contemporary service stations may specialize in
27 a singular service such as providing fast oil changes. Contemporary services may also be associated
28 with another principal use such as a convenience food store. In such instance, the facility is to comply
29 with both the service station and food store requirements of this chapter.

30 Glare

31 A light ray emanating directly from a lamp, reflector or lens that falls directly on the observer's eye.

32 Grade, Established

33 The elevation of the finished street at the centerline or curb as fixed by such authority as shall be
34 designated by law to determine such an elevation.

35 Green Space

36 A permanently dedicated area of open, undeveloped land consisting of lawns, shrubs, trees or other
37 natural vegetation capable of absorbing storm water. Rain gardens, vegetated wet and dry detention
38 basins and related vegetated drainage swales shall be considered green space.

39 Grocery Store

40 A retail establishment of at least 23,000 square feet in area, where food products and related
41 household products are sold.

42 Groundwater

43 The water in a saturated zone or stratum beneath the surface of land or water, whether or not it is
44 flowing through known and definite channels.

45

VILLAGE OF SISTER BAY ZONING CODE

1 Groundwater Divide

2 A ridge in the water table, or potentiometric surface, from which groundwater moves away at right
3 angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.

4 Group Home

5 Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to Wis.
6 Stats. §48.62 for the care and maintenance of five to eight children.

7 Hazardous Substance

8 Any waste or material which because of its quantity, concentration or physical chemical or infectious
9 characteristics may: cause or significantly contribute to an increase in mortality or an increase in
10 serious irreversible or incapacitating reversible illness; or Pose a substantial present or potential hazard
11 to human health or to the environment when improperly treated, stored, transported, disposed of or
12 otherwise managed.

13 Health and Safety of the Public

14 The protection from injury, illness, danger and other harm.

15 Height of Tower

16 The vertical distance measured in feet from the average existing level of the ground surrounding the
17 tower and within ten feet thereof to the topmost point of the tower including any antenna or other
18 appurtenances. The existing elevation shall mean the actual or approved elevations of the property at
19 the time of application.

20 Home Occupation

21 Any occupation for financial gain or support conducted entirely within the premises by resident
22 occupants; which is customarily incidental to the principal use of the premises. [See Sec. 66.0501(4)]

23 Hotel

24 An establishment, licensed pursuant to the provisions of Wis. Stats. Chapter 97, wherein sleeping
25 accommodations are offered for pay to transients, in which ten (10) or more lockable and separate
26 rooms, with a staffed front desk, and all places used in connection therewith. The terms “Hotel”,
27 “Motel”, and “Inn” are synonymous.

28 Hotel/Motel Condominiums

29 Must meet the criteria of a “Hotel” as defined in the Zoning Code. A condominium ownership property
30 where more than eighty percent (80%) of the units are available for rent for more than 300 days per
31 year. A staff member must be on-site and available for a minimum period of 4 hours per day
32 while open and operational, and the development must be operated by a single management entity.

33 IESNA

34 Illuminating Engineering Society of North America, an organization that establishes updated standards
35 and illumination guidelines for the lighting industry.

36 Impervious Surface

37 Surfaces which do not absorb precipitation including buildings, structures, parking lots, driveways,
38 roads, sidewalks and any areas in concrete, asphalt or packed stone.

39 Inoperative Vehicle

40 Any motor vehicle, which lacks a current registration, two or more wheels, or any other component
41 part, which renders the vehicle illegal for use on highways.

42 Installation

43 The attachment or assembly, whether or not connected to a power source, of any outdoor light fixture
44 or luminaire affixed to the ground, a building, a pole or any other supporting structure or device.

45 Jump Balcony

VILLAGE OF SISTER BAY ZONING CODE

1 A horizontal platform affixed to the exterior wall of a structure, which is readily accessible from an
2 upper story door or window and which serves as a place from which rescue can be achieved in the
3 event of fire or similar hazard.

4 Junk or Salvage Yard

5 An area consisting of buildings, structures, or premises where junk, waste, and discarded or salvaged
6 materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including
7 automobile wrecking yards and house wrecking and structural steel materials and equipment yards,
8 but not including the purchase or storage of used furniture and household equipment or used cars in
9 operable condition.

10 Kennel

11 Any establishment wherein or whereon four or more dogs over the age of five months are kept for
12 breeding, sale, sporting purposes or where boarding care is provided for compensation. All structures
13 associated with kennels shall be a minimum of 100 feet from side and rear property lines.

14 L(v) - Veiling luminance, expressed in cd/ft²

15 Reflected glare - the reflection of incident light that partially or totally obscures the details to be seen
16 on a surface due to contrast reduction.

17 Land Disturbance Use or Activity

18 Any land alterations or disturbances which may result in soil erosion, sedimentation and/or the
19 increase in runoff, including but not limited to tilling, removal of ground cover, grading, excavating and
20 filling of land, except that the term shall not include such minor land disturbing activities as home
21 gardens. Additionally, this term does not include agricultural land uses.

22 Landscaping

23 Alteration of the natural terrain and cover, including the planting of trees, grass, shrubs and ground
24 cover.

25 Legal Non-Conforming, Structure

26 A building or structure lawfully existing at the time of adoption of the Zoning Ordinance which houses
27 a use which is permitted in the district, but does not comply with all the applicable area, height, yard,
28 and/or parking requirements of the district in which it is located.

29 Legal Non-Conforming, Use

30 Any use of land, or land and buildings in combination, lawfully existing at the time of adoption of the
31 Zoning Ordinance, which does not comply with the use regulations for the district in which it is
32 located.

33 Light Industrial Food Preparation, Manufacturing, Processing and Assembly, Packaging, Storage and 34 Distribution

35 Typical uses include commercial kitchens; on site production; brewing; the dry, cold and frozen storage
36 of food products; and/or an establishment primarily engaged in the delivery of goods from the
37 wholesaler to retailers and/or consumers.

38 Light Pollution

39 Light directed upward to the sky or reflected from surfaces, interfering with astronomical observations
40 or night sky appreciation.

41 Light Trespass

42 Unwanted light that falls beyond the adjacent property line or the area intended to be illuminated.
43 Light trespass falls into two categories: Unwanted light received in adjacent properties (high
44 illuminance levels), and excessive brightness occurring in the normal field of vision (nuisance glare).

45 Lighting Source

VILLAGE OF SISTER BAY ZONING CODE

1 A lamp or manufactured device emitting energy that is capable of exciting the retina and producing a
2 visual sensation. Emitted energy falls within the electromagnetic spectrum having a length of between
3 380 and 770 nanometers. Such devices include, but are not limited to incandescent, fluorescent, LED,
4 carbon arc, quartz-iodine/tungsten halogen, low-pressure sodium, high-pressure sodium, metal halide
5 and mercury vapor lamps.

6 Lineal Building Front Foot

7 The length of the front wall of the building adjacent and parallel or closely parallel to any abutting
8 street or public right-of-way.

9 Lis Pendens

10 A formal written notice that must be recorded in the Office of the Register of Deeds for Door County
11 which states that a lawsuit has been filed concerning, or that there have been restrictions placed on a
12 particular parcel of land, and involves either the title to that property or a claimed legal interest in it.

13 Living Area

14 The total area bounded by the exterior walls of a building at the floor levels, but not including
15 basement, garages, porches, breezeways, and unfinished attics.

16 Living Quarters

17 A building or a portion of a building which provides, as a minimum, an area equipped or furnished for
18 sleeping purposes, or those finished portions of a building in which normal residential activities occur.

19 Loading Area

20 A completely off-street space or berth on the same lot as the principal use it serves for the loading or
21 unloading of semi tractor-trailers, having adequate ingress and egress to a public street or alley.

22 Loading Space

23 That portion of a lot or space accessible from a street, alley or way, in or outside of a building, designed
24 to serve the purpose of loading or unloading for all types of vehicles.

25 Lodging

26 The rental use of hotels, motels, hotel/motel condominiums, and residential homes for a term of less
27 than thirty (30) consecutive days to transients.

28 Long Term Rental

29 A residential dwelling unit available for rent for a fee for a term of 30 days or more.

30 Lot

31 A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted
32 by law, to be used, developed or built upon. *[Also see Lot of Record]*

33 Lot, Corner

34 A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point
35 of deflection in alignment of a continuous street, the interior angle of which does not exceed 135
36 degrees. *[See Illustration No. 11]*

37 Lot, Double Frontage

38 A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on
39 a street and a navigable body of water. *[See Illustration No. 11]*

40 Lot, Interior

41 A lot abutting a single street and which is bounded by adjacent lots along its side and rear lot lines.
42 *[See Illustration No. 11]*

43 Lot, Width

44 The horizontal distance between side lot lines of a lot measured at right angles to its depth along a
45 straight line and parallel to the front lot line, or its chord if on a curve. Lot widths may vary in width,

VILLAGE OF SISTER BAY ZONING CODE

1 especially on cul-de-sac lots and lots on curved streets, from the front of the lot to the back of the lot.
2 A lot is not considered buildable unless the minimum lot width required for the district in which the
3 lot is located is maintained at the front setback line and for a distance of 30 feet immediately behind
4 the front setback line.

5 Lot Area, Gross

6 The total area within the lot lines of a lot, including any streets rights-of-way.

7 Lot Area, Net

8 The total area within the lot lines of a lot, excluding any streets rights-of-way.

9 Lot Coverage

10 That portion of the lot that is covered by buildings, structures, and paved surfaces. This is often
11 expressed as a percentage of the lot. Lot coverage differs from floor area ratio in that only the ground
12 floor of each building is used in making the calculation.

13 Lot Line

14 A line dividing one lot from another or from a street or alley.

15 Lot Line, Front

16 The lot line nearest to the centerline of the public or private road from which the lot takes access. In
17 the case of a double frontage lot, each lot line along the public or private road shall be considered a
18 front lot line.

19 Lot Line, Rear

20 In the case of rectangular or mostly trapezoidal shaped lots, that lot line which is in general parallel to
21 and most distance from the front lot line of the lot. In the case of an irregular or triangular lot, a line
22 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the
23 front lot line shall be considered the rear lot line.

24 Lot Line, Side

25 Any lot line other than a front or rear lot line.

26 Lot of Record

27 Any lot, the description of which is properly recorded with the county register of deeds, which at the
28 time of its recordation complied with all applicable laws, ordinances and regulations.

29 Lumen

30 Unit of luminous flux – used to measure the actual amount of light produced by the lamp(s).

31 Luminaire

32 Lighting unit consisting of a lamp or lamps and ballast(s) when applicable, together with the parts
33 designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the
34 power supply, less the support assembly. Consider lighting assemblies that includes multiple
35 unshielded or partially shielded lamps on a single pole or standard as a single unit.

36 Luminaire, Outdoor

37 Lighting source which is an electrically powered illuminating device, lighted or reflective surface,
38 lamp(s) and similar devices, permanently installed or portable used for illumination or for
39 advertisement. Such devices include, but not limited to searchlights, spotlights, floodlights,
40 streetlights, product display area lights, security lights, wall lights, porch lights, area lights,
41 parking lot lights, and billboards and other signs.

42 Lux

43 Unit of illuminance equal to one (1) lumen per square foot. One (1) lux equals approximately 10 (10.8)
44 foot-candles.

45 Machine Shops

VILLAGE OF SISTER BAY ZONING CODE

1 Establishments where various types of materials are subjected to drilling, boring, turning, milling,
2 grinding or EDMs to create a component or end product.

3 Major Recreational Equipment

4 Includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat
5 trailers, snowmobiles and snowmobile trailers and the like.

6 Management Zones

7 A zone or zones established to provide protection to the area surrounding a well or well field from
8 potential contaminant sources. Management options may include limits on certain activities, more
9 stringent design and operating standards, strict monitoring of potential pollution sources, promoting
10 best management practices, and/or implementing education programs. Multiple protection zones
11 may be established for different management strategies based on proximity to the well field.

12 Manufactured/Mobile Homes

13 *[Refer to Wis. Stats. §101.91(2) and (10)]*

14 Manufactured Dwelling

15 Any structure or component thereof which is intended for use as a dwelling and,

16 (1) Is of closed construction and fabricated or assembled on site or off site in manufacturing facilities
17 for installation, connection or assembly and installation on the building site; or,

18 (2) Is a building of open construction which is made or assembled in manufacturing facilities away
19 from the building site for installation, connection, or assembly and installation on the building site
20 and for which certification is sought by the manufacturer pursuant to the Wisconsin Uniform
21 Dwelling Code.

22 A single or double width manufactured (mobile) home is not considered a manufactured
23 dwelling.

24 Manufactured Home

25 A structure transportable in one or more sections, which is built on a permanent chassis and is,
26 designed to be used with or without a permanent foundation when connected to required utilities. A
27 manufactured home may also be known as a mobile home. A recreational vehicle or travel trailer is
28 not a manufactured home.

29 Manufacturing

30 Activities involving the mechanical or chemical transformation of materials or substances into new
31 products.

32 Material Shipment Center

33 An establishment primarily engaged in undertaking the transportation of goods from shippers to
34 receivers for a charge covering the entire transportation route, and in turn, making use of services of
35 other transportation establishments.

36 Mobile Food Vendor

37 An individual, partnership, corporation, non-profit organization or other for-profit entity engaged in
38 the preparation, service, sale, or distribution of ready-to-eat food, non-alcoholic drink or edible
39 novelties for individual portion service to the general public directly from a motorized vehicle, or
40 from a trailer which is transported by a motorized vehicle, that is temporarily parked in an area
41 authorized by the Municipal Code, and has been issued a Mobile Food Vendor Permit from the
42 Village Clerk, in accord with the regulations established in Chapter 18 of the Municipal Code,
43 *Business Regulation*, and this chapter. Mobile Food Vendors are often referred to as “food trucks”
44 or “mobile food
45 establishments”, as defined in Wis. Admin. Code Sec. ATCP 75 - “Appendix” (the “Wisconsin Food
46 Code”), or its successor code. A Mobile Food Vendor is similar to a “mobile food establishment”,
47 with the exception that a Mobile Food Vendor does not sell food from a pushcart, boat, intrastate

VILLAGE OF SISTER BAY ZONING CODE

1 railway car, movable concession stand or similar temporary station, and does not operate out of a
2 permanent building licensed as a restaurant. Further, a Mobile Food Vendor does not periodically
3 or continuously change location; rather, they either operate at an approved festival or from an
4 approved and formally designated Mobile Food Vendor Court.

5 Mobile Food Vendor Court

6 A parcel of land, or portion thereof, approved by the Plan Commission for use as a safe location
7 where mobile food vendors can prepare, serve, sell, or distribute ready-to-eat food, non-alcoholic
8 drink or edible novelties for individual portion service to the general public directly from a motorized
9 vehicle or trailer which is transported to the site by a motorized vehicle.

10 Mobile Food Vendor Permit

11 The legal, written approval issued by the Village Clerk, in accord with the provisions of Chapter 18
12 of the Municipal Code, *Business Regulation*, which authorizes a Mobile Food Vendor to operate in
13 the Village of Sister Bay.

14 Mobile Food Vendor Unit

15 The motorized vehicle or trailer used to prepare, serve, sell or distribute ready-to-eat food, non-
16 alcoholic drink or edible novelties, for individual portion service to the general public.

17 Mobile Home

18 Any vehicle or structure intended for or capable of human habitation, or designed primarily for
19 sleeping purposes, mounted on wheels or jacks and/or capable of being moved from place to place,
20 either by its own power or by power supplied by some type of vehicle used or to be used, excepting a
21 device used exclusively upon stationary rails or tracks and excluding recreational vehicles. This
22 definition shall be construed in a manner consistent with the definition of 'mobile home' in Wis. Stats.
23 §101.91(10).

24 Mobile Home Park

25 A parcel of land which has been developed for the placement of mobile homes and is owned by an
26 individual, firm, trust, partnership, public or private association, or corporation. Individual lots within
27 a mobile home park are rented to individual mobile home users.

28 Modification

29 A departure from the rules and regulations set forth in this chapter where a particular use is not
30 required to meet the stated requirements of the chapter. Examples would include not requiring
31 steeples and antenna to comply with the stated building height requirements for principal buildings;
32 or not requiring roof overhangs, fences or accessory buildings to comply with side or
33 rear setback requirements for principal buildings. The chapter may limit the amount of modification
34 from the stated requirements for given structures or uses.

35 Modular Unit

36 A factory fabricated transportable building unit designed to be used by it or to be incorporated with
37 similar units at a building site into a modular structure to be used for residential, business or
38 educational purposes.

39 Motor Home

40 A vehicle designed to be operated upon a highway or as a temporary or recreational dwelling and
41 having the same internal characteristics and equipment as a mobile home.

42 Multi-Class or Multi-Use Lighting

43 Outdoor lighting used for more than one purpose, such as security and decoration.

44 Multi-Use Development

45 A commercial development in the B-1 zoning district where several uses, whether or not in common
46 ownership or management, are located on the same lot or adjacent lots housing the multi-use

VILLAGE OF SISTER BAY ZONING CODE

1 development; the development typically faces a parking lot and is void of a common area for patrons
2 to gather, sidewalks between units, or other amenities to promote pedestrian engagement amongst
3 businesses.

4 Natural Feature

5 A geologic formation, vegetative area or other feature of the landscape, which is protected by this
6 chapter or state statute.

7 Navigable Water

8 Lake Michigan, Green Bay and all natural inland lakes within Wisconsin, and all rivers, streams, ponds,
9 sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin
10 portion of boundary waters, which are navigable under the laws of this state.

11 Neighborhood Food Store

12 A retail establishment of at least 3,000 square feet in area, but less than 25,000 square feet in area,
13 where food products and related household products are sold.

14 Non-Conforming Lot

15 A lot, which does not contain sufficient area and/or width to meet the requirements of the zoning
16 district in which it is located.

17 Nonconforming Structure

18 Shall mean a dwelling, or other building or structure that existed lawfully before November 15, 1973,
19 or prior to an amendment thereto, that does not conform with one or more development regulations
20 in the current zoning ordinance.

21 Nonconforming Use

22 Shall mean a use of land, water, building, or structure that existed lawfully before November 15, 1973,
23 or prior to an amendment thereto, that does not conform with the use restrictions in the current
24 ordinance.

25 Non-Shielded or Non-Cutoff Lighting Fixtures

26 Shall mean all types of outdoor lighting fixtures other than shielded or cutoff lighting fixtures and
27 includes any lighting fixture that employs an adjustable bracket, re-fractorizing glassware or lenses,
28 non-shielding lamp or light source and distributes light at any angle less than four degrees above
29 horizontal.

30 Non-Shielded or Non-Cutoff Luminaire

31 Outdoor luminaire, other than shielded or shutoff type, that employs an adjustable bracket, a re-
32 fractorizing glassware or lenses, a non-shielded lamp or light source, and distributes light at any angle
33 less than four degrees above horizontal.

34 Nuisance

35 Anything that interferes with the use or enjoyment of property, endangers personal health or safety,
36 or is offensive to the senses.

37 Nursing Home

38 A place where 5 or more persons who are not related to the operator or administrator reside, receive
39 care or treatment, and, because of their mental or physical condition, require access to 24-hour
40 nursing services, including limited nursing care, intermediate level nursing care and skilled nursing
41 services. "Nursing home" does not include any of the following: A convent or facility owned or
42 operated exclusively by and for members of a religious order that provides reception and care or
43 treatment of an individual, a hospice that directly provides inpatient care, or a residential care
44 apartment complex.

45 Obstruction to Flow

VILLAGE OF SISTER BAY ZONING CODE

1 Any development, which physically blocks the conveyance of floodwaters such that this development
2 by itself or in connection with any future similar development will cause an increase in regional flood
3 height.

4 Opaque

5 Material that does not transmit light from an internal illumination source. Applied to sign backgrounds,
6 it is the area surrounding the letters or symbols on the sign that is either not lighted from within, or it
7 does not allow light from an internal source to shine through it.

8 Open Parking Facilities

9 A parking facility without an overhead covering and shall include the roof level of a multilevel parking
10 structure or ramp.

11 Ordinary High Water Mark

12 The point on the bank or shore of a body of water up to which the presence and action of surface water
13 is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of
14 terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
15 The ordinary high-water mark shall be established by a professional landsurveyor.

16 Outdoor Canopy

17 Shall mean a freestanding roof structure without side walls which may or may not be attached to the
18 roof of an adjacent building and shall include but not be limited to canopies over gas stations or
19 canopies at convenience stores.

20 Outdoor Light Output, Total

21 The maximum total amount of light, measured in lumens, from all outdoor luminaires. For lamp types
22 that have their outputs vary with age (high-pressure sodium, metal halide, fluorescent), use the initial
23 output, as defined by the lamp manufacturer, for calculations.

24 Outdoor Lighting Fixtures

25 Shall mean lighting sources, which are electrically powered illuminating devices, lighted or reflective
26 surface lamps and similar devices permanently installed or portable used for illumination or for
27 advertisement. Such device shall include, but not be limited to searchlights, spotlights, floodlights,
28 streetlights, sign lights, security lights, wall lights, and porch lights, area lights, parking lights and sign
29 panels.

30 Outdoor Merchandising

31 Car sales lots, equipment sales lot, retail gasoline stations, garden centers and other similar areas
32 where products are permanently displayed or dispensed outdoors.

33 Parking Lot

34 An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor
35 vehicles. Parking lots includes rows of parking spaces, the aisles from which motor vehicles enter and
36 leave the spaces. Ingress and egress drives from the parking lot to the public street are not part of the
37 parking lot.

38 Parking Space

39 An all-weather area not in a street or alley right-of-way, exclusive of driveways, permanently reserved
40 for the temporary storage of one motor vehicle, and connected with a street or alley by a driveway
41 which provides ingress and egress for a motor vehicle without requiring another vehicle to be moved.

42 Permitted

43 Means a use or structure which has received all applicable Zoning Permits and licenses to make the
44 structure or use a legal, conforming use or structure.

45 Pier

VILLAGE OF SISTER BAY ZONING CODE

1 Any structure extending into navigable waters from the shore with water on both sides, built or
2 maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or
3 passengers onto or from watercraft. Such a structure may include a boat shelter, which is removed
4 seasonally. Such a structure may include a boat hoist or boatlift, and the hoist or lift may be permanent
5 or may be removed seasonally. The term “dock” shall also mean pier.

6 Pier, Pre-Existing

7 A pier that has been placed in the riparian zone in the same general location and with the same general
8 size and configuration during any of the three years prior to the enactment of this section is considered
9 a pre-existing pier if it is not extended or expanded after the adoption of this section dated October
10 25, 2005. The seasonal removal of a pier does not affect its status as a permissible pre-existing pier if
11 it is re-established in substantially the same form and same general location.

12 Performance Standard

13 A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards,
14 glare or heat, and lighting intensity or spill-over generated by or inherent in uses of land and buildings.

15 Person

16 Any individual, tenant, lessee, owner operator or any public, private, nonprofit or commercial entity
17 including, but not limited to, a firm, business, partnership, joint venture, association, corporation,
18 municipality, agency or governmental agency.

19 Personal service

20 Exclusively indoor uses of which their primary function is the provision of nonprofessional services
21 directly to an individual on a walk-in or on-appointment basis. Examples include barbershops, beauty
22 shops, tanning salons and the like.

23 Petroleum Product

24 Any fuels (gasoline, diesel fuel, kerosene and mixtures of these products), lubricating oils, motor oils,
25 hydraulic fluids and other similar products.

26 Planned Residential Unit Development

27 A form of development characterized by a united site design for a number of housing units, clustering
28 buildings and providing common green space, density increases and a mix of residential building types
29 and residential uses, having a minimum size of ten acres.

30 Potable Water

31 Any water that is satisfactory for drinking, culinary and domestic purposes meeting current State and
32 Federal drinking water standards.

33 Premises

34 A lot, parcel, tract or plot of land together with the buildings and structures thereon.

35 Primary Containment

36 The first level of product tight containment, i.e., the inside portion of that container which comes into
37 immediate contact on its inner surface with the hazardous material being contained.

38 Primary Protection Zone

39 An area calculated as the zone of influence characteristic to each individual well supplying potable
40 water to any community water system.

41 Principal Structure

42 *[See Structure, Principal]*

43 Principal Use

44 *[See Use, Principal]*

45 Professional Home Offices

VILLAGE OF SISTER BAY ZONING CODE

1 Residences of clergymen, architects, landscape architects, professional engineers, registered land
2 surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or persons in other
3 recognized professions used to conduct their professions where the office use is incidental to the
4 residential use of the premises.

5 Private Road

6 A road owned and maintained by a private individual, organization or entity rather
7 that a government entity.

8 Property Owner

9 The person or entity who owns the property.

10 Public Utility

11 Any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or
12 privately owned.

13 Public Welfare

14 The protection from nuisances, economic interest, convenience, community character and the vision
15 expressed in the Village's Smart Growth Plan.

16 Publishing House

17 A facility where books, magazines, periodicals, maps, etc. are printed and issued.

18 Raze

19 Completely removing an entire structure to the foundation.

20 Rear Setback

21 *[See Setback, Rear]*

22 Rear Yard

23 *[See Yard, Rear]*

24 Recharge Area

25 An area in which water reaches the zone of saturation by surface infiltration and encompasses all areas
26 or features that supply groundwater recharge to a well.

27 Recreational Vehicle

28 A vehicular, portable structure built on a chassis which can be self-transported or by any motor vehicle
29 and is designated to be used as a temporary dwelling for travel, recreation and vacation use, which
30 does not fall within the definition of a manufactured/mobile home.

31 Regulatory Agency

32 Any governmental agency with jurisdiction over hazardous waste as defined herein.

33 Remodel

34 Any change other than normal maintenance which would tend to prolong the life of a structure.
35 Remodeling is removing and replacing existing sections of an existing structure. A remodel does not
36 include the razing of a structure to build a completely new structure.

37 Residential

38 A use of a building or unit wherein a single family is using the space as a living space.

39 Residential Agent

40 The person or entity who is not the owner of a unit who has written authority to rent the unit.

41 Residential Site

42 A single parcel in a residential zone containing a residential structure with one or more dwelling units
43 with parking areas for one or more cars.

VILLAGE OF SISTER BAY ZONING CODE

1 Restaurant (General)

2 An eating-place, whether a principal use or accessory use, selling a full line of prepared food and drinks
3 using non-disposable plates, glasses and utensils for immediate consumption on the site. The business
4 provides tables and chairs, table service, and is available to persons of all ages. The use shall not exhibit
5 the characteristics of a drive-in, formula or fast food establishment. Customers shall be provided with
6 individual menus while seated at a table or counter. Food sold for consumption off the premises shall
7 be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all
8 house-brand labeled food store goods such as vinegars, oils and salad dressings shall be prepackaged
9 and sealed.

10 Restaurant, Drive-In

11 An eating place, whether a principal use or accessory use, which sells: (a) prepares food intended for
12 consumption in vehicles that may or may not be parked on the site; or (b) provides for the ordering of
13 food while the customers are seated in vehicles.

14 Restaurant, Drive-through

15 A paved area serving as a queuing or staging area for motorists to receive food that they have ordered.
16

17 Restaurant, Drive-up Window

18 A window opening to the outdoors designed to furnish food or beverages to motorists.

19 Restaurant, Fast Food

20 An eating-place, whether a principal use or accessory use, selling food to be consumed on or off the
21 site and,

- 22 (1) Food is quickly made upon the customer’s order or pre-made and wrapped before customers
23 place orders, and/or
- 24 (2) Food is served with disposable tableware for on-site food consumption. A Fast Food
25 restaurant also exhibits two or more of the following characteristics: food is ordered from a wall
26 menu at a service counter; food consumed on the premises is ordered while customers are
27 standing; payment is made by customers before food is consumed; the service counter is closer
28 to an entry/exit than is the seating/dining area; and the business interior is brightly illuminated
29 (greater than 8 candle foot power as measured in a horizontal plane three feet above the floor).

30 Restaurant, Formula

31 An eating-place, whether a principal use or accessory use, that is one of a chain or group of three or
32 more establishments and which satisfies at least two of the following three descriptions:

- 33 (1) It has the same or similar name, brand, trade name, or trademark as others in the chain or
34 group;
- 35 (2) It offers any of the following characteristics in a style which is distinctive to and standardized
36 among the chain or group:
 - 37 (a) Exterior design or architecture;
 - 38 (b) Uniforms, except that a personal identification or simple logo will not render the clothing a
39 uniform;
 - 40 (c) Standardized menus, ingredients, food preparation or food presentation format which
41 causes it to be substantially identical to another restaurant regardless of ownership or
42 location.
- 43 (3) It is a fast-food restaurant.

44 Restaurant, Take-Out

45 An eating place, whether a principal use or accessory use, selling ready-to-eat, prepared snack food
46 and full meals for immediate consumption off the site while patrons are walking or standing in the
47 public right-of-way or are seated in vehicles.

48 Restaurant, Walk-up Window

VILLAGE OF SISTER BAY ZONING CODE

1 A window opening to the outdoors designed to furnish food or beverages to pedestrians.

2 Retail, General Use

3 The sale of goods and/or merchandise.

4 Right-of-way

5 A strip of land acquired by a public entity and intended to accommodate a specific public purpose or
6 use.

7 Riparian Zone

8 The area of water adjacent to a parcel of riparian land within which the riparian owner may place
9 structures. The riparian zone is bounded by the land and the line of navigation. The side boundaries of
10 the riparian zone are to be determined consistent with Wisconsin Administrative Code Section NR
11 326.07, or its successor code.

12 Roadside Stand

13 A farm building used or intended to be used solely by the owner or tenant of the farm on which such
14 building is located for the sale of farm products raised on such farm.

15 Rummage Sale

16 The occasional sale of personal property conducted by one or more families in a neighborhood.
17 Rummage sales are also known as “garage sales.” Flea markets, defined elsewhere in this section, are
18 not rummage sales.

19 Sanitary Landfill

20 A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of
21 on land by placing earth cover thereon.

22 Seat and Seating

23 Furniture upon which to sit having a linear measurement not less than 24 inches across the surface
24 used for sitting.

25 Secondary Containment

26 The level of product tight containment external to and separate from the primary containment.
27 Secondary containment shall consist of leak-proof trays under containers, floor curbing or other
28 containment systems and shall be an adequate state-approved size and design to handle all spills,
29 leaks, overflows, specific design and election of materials shall be sufficient to preclude any substance
30 loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively
31 prevented.

32 Setback

33 The minimum required horizontal distance between an internal lot line or the street right-of-way and
34 the regulated structure or item. *[See also setback, front; setback, side; setback, street; and setback,*
35 *rear]*

36
37 Setback, Front

38 A line established on a parcel of land for the purpose of identifying the nearest point a principal or
39 accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal
40 distance between the front property line and the nearest foundation wall of a principal or accessory
41 building, including overhangs, uncovered steps and stoops, and gutters. Where the street line is an
42 arc, the setback shall be measured from the arc. *[See Illustration No. 9]*

43 Setback, Rear

44 A line established on a parcel of land for the purpose of identifying the nearest point a principal or
45 accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal
46 distance between the rear internal lot line and a line parallel thereto through the nearest foundation

VILLAGE OF SISTER BAY ZONING CODE

1 wall of the principal or accessory structure, including impervious surface, overhangs, uncovered steps
2 and stoops, and gutters. *[See illustration No. 12]*

3 Setback, Side

4 A line established on a parcel of land for the purpose of identifying the nearest point a principal or
5 accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal
6 distance between the side internal lot line and a line parallel thereto through the nearest foundation
7 wall of the principal or accessory structure, including impervious surface overhangs, uncovered steps
8 and stoops, and gutters. *[See Illustration No. 15]*

9 Setback, Street (or Road)

10 A line established on a parcel of land for the purpose of identifying the nearest point a principal or
11 accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal
12 distance between the right-of-way line of the second street of a corner lot and a line parallel thereto
13 through the nearest foundation wall of the principal or accessory structure,
14 uncluding overhangs, uncovered steps and stoops, and gutters.

15 Shielded or Cutoff Lighting Fixtures

16 Outdoor lighting fixtures that utilize flat, clear lenses with no re-factorizing elements and which
17 operate in a horizontal position with nonadjustable elements, which operate in a horizontal position
18 with nonadjustable mounting hardware or brackets. Such fixtures distribute light by means of an
19 internal reflector only. The light source is totally concealed by fixture housing of an internal reflector
20 only. The light source is totally concealed by the fixture housing when the position of observation is at
21 an angle less than fifteen degrees above horizontal. No light is permitted at an angle less than four
22 degrees above horizontal.

23 Shopping Center

24 A group of business establishments planned, constructed and managed as a total entity with ample
25 customer and employee parking provided on-site, with provision for goods delivery separated from
26 customer access, and with aesthetic considerations and protection from the elements.

27 Shorelands

28 Those lands lying within the following distances from the ordinary high-water mark of navigable
29 waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream; or to the landward
30 side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent
31 to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those
32 parts of such drainage ditches adjacent to such lands were non- navigable streams before ditching or
33 had no previous stream history; and (c) such lands are maintained in non-structural agricultural use.

34 *[See Illustration No. 14]*

35 Short Term Rental

36 A dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for brief
37 periods of time. Said stays are predominantly less than 30 consecutive days in duration. These facilities
38 are sometimes referred to as “vacation rentals”. They do not include a boarding house which does
39 not accommodate tourists or transients, bed & breakfast establishments or inns, or a hotel or motel
40 with a central, on-site, staffed reservation desk, and on-site property management. For purposes of
41 this land use, ‘rental period’ shall mean a definite period of time, typically two (2) to seven (7)
42 consecutive days, with a fid commencement date and a fid expiration date; and/or the length of time,
43 in days, one party rents a dwelling unit in a consecutive seven day stretch of time. In the R-1, R-3 and
44 CS-1 zoning districts, short-term rental properties shall be restricted in occupancy to a maximum of
45 three (3) persons per legally permitted bedroom in existence at the time of this amendment, or at the
46 time of the dwelling unit’s establishment after the date of this amendment. Additional occupancy is
47 permissible only upon Plan Commission approval. In no case shall more than four bedrooms be rented,
48 unless more bedrooms are authorized by the Plan Commission. Any property licensed under Chapter

VILLAGE OF SISTER BAY ZONING CODE

1 18, *Business Regulation*, as a short-term rental after July 1, 2023, which was not previously licensed as
2 a short-term rental the prior year, or for which a short-term rental license was suspended or revoked
3 and a new license is required to operate as a short-term rental, can only be rented just two periods of
4 time in a consecutive seven-day period, and each period shall be a minimum of two nights. With
5 respect to short-term rentals in the R-2 District, if the short-term rental takes place in a condominium,
6 the rental thereof shall only be permissible if the rental was authorized by a Development Agreement,
7 or, if the Homeowner’s Association or Condominium Bylaws allow such rental.

8 Side, Setback
9 *[See Setback, Side]*

10 Side, Yard
11 *[See Yard, Side]*

12 Sidewalk
13 An at-grade hard surface, typically concrete, intended for use by pedestrians and is physically
14 separated from the roadway by a curb or unpaved buffer surface. *(Amended - Ord. No. 2023-008)*

15 Side Yard
16 A regulated area on a developed parcel of land. (The yard area bounded by the side lot line, the side
17 foundation wall of the principal structure, including impervious surface, overhangs, uncovered steps
18 and stoops, gutters and the front yard and rear yard.) *[See Illustration No. 16]*

19 Sign
20 Any medium, including sign face, words, letters, figures, numerals, phrases, sentences, emblems,
21 devices, designs, trade names, or trademarks by which anything is made known and which are used to
22 advertise or promote an individual, firm, association, corporation, profession, business, commodity,
23 or product and which is visible from any public street or highway.

24 Sign, Abandoned
25 Any sign, which has been discontinued for a period of 12 consecutive months, which sign, advertises
26 or identifies an activity that has been discontinued for 12 consecutive months, shall be considered
27 abandoned.

28 Sign, Awning
29 A sign that is painted on, or attached to, and mounted on an ornamental cloth covering or similar
30 material and hung or held up over something, especially a window or door. The sign size shall be the
31 dimensions bound by the outermost confines of the lettering or image.

32 Sign, Bulletin
33 A sign which directs attention to municipal, civic, educational, religious or other nonprofit
34 organizational buildings or activities; that is located or to be located upon the premises where the sign
35 is located or is located upon a premises other than where the sign is located. Sign, Copy
36 The message or advertisement, and any other symbols on the face of a sign.

37 Sign, Canopy
38 A sign that is painted on, or attached to, and mounted on an ornamental cloth covering or similar
39 material and hung or held up over something, especially a window or door. The sign size shall be the
40 dimensions bound by the outermost confines of the lettering or image.

41 Sign, Directional
42 A sign that does not advertise, but merely draws attention to a business or development by indicating,
43 no more than, the direction and distance it is from the sign.

44 Sign, Externally Illuminated
45 A sign illuminated by light sources from the outside.

VILLAGE OF SISTER BAY ZONING CODE

- 1 Sign, Face
2 The area or display surface used for the message.
- 3 Sign, Ground
4 Any sign placed upon a pole or other support independent of any other structure, where the sign
5 height does not exceed 10 feet. *[See Illustration No. 21]*
- 6 Sign, Internally Illuminated
7 A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible
8 from outside the sign.
- 9 Sign, Neon
10 A sign with luminous gas-filled tubes formed into text, symbols, or decorative elements and directly
11 visible from outside the sign cabinet.
- 12 Sign, Off Premise
13 A sign, which directs attention to a business, commodity, service or entertainment, conducted, sold or
14 offered at a location other than the premises on which the sign is located.
- 15 Sign, Pole
16 A sign that is mounted on a freestanding pole or other support so that the bottom of the sign is 12 feet
17 or more above grade. *[See Illustration No. 28]*
- 18 Sign, Portable
19 A sign that is not permanently affixed to a building, structure, or to the ground. Such sign is sometimes
20 mounted on wheels to make it transportable. *[See Illustration No. 29]*
- 21 Sign, Projecting
22 A sign that is wholly or partly dependent upon a building for support and which projects more than 12
23 inches from such building. *[See Illustration No. 30]*
- 24 Sign, Roof
25 A sign that is mounted on the roof of a building or which is wholly dependent upon a building for
26 support and which projects above the point of a building with a flat roof, the eave line of a building
27 with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. *[See Illustration*
28 *No. 33]*
- 29 Sign, Wall
30 A sign fastened to or painted on the wall of a building or structure in such a manner that the wall
31 becomes the supporting structure for, or forms the background surface of the sign and which does not
32 project more than 12 inches from such building or structure. *[See Illustration No. 36]*
- 33 Sign, Window
34 Wording or advertising that is applied or attached to the interior of a window or located in such manner
35 within the building that it can readily be seen from the exterior of the building through a window. *[See*
36 *Illustration No. 38]*
- 37 Single Family Home
38 An independently owned residential structure that sits on its own lot, has its own private and direct
39 access to a street or thoroughfare, and is designed to be used exclusively as a dwelling unit by one
40 family. Single family homes typically have one kitchen unit, have their own unshared utilities
41 connections, and there are no shared common walls or roofs.
- 42 Spot Lamp
43 A specific lamp form designed to direct its output in a specific direction (a beam) and with a clear or
44 nearly clear glass envelope. Such lamps are so designated by the manufacturers and are typically used
45 in residential outdoor area lighting.

VILLAGE OF SISTER BAY ZONING CODE

1 Story

2 That part of a building included between the surface of a floor and the surface of the floor next above
3 it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

4 Stream Reach

5 A longitudinal segment of a stream generally including those flood lands wherein flood stages are
6 primarily and commonly controlled by the same manufactured or natural obstructions to flow.

7 Street

8 A public right-of-way not less than 50 feet wide providing primary vehicular access to abutting
9 properties.

10 Street, Private

11 A roadway created by an easement for use only by the abutting property owners, which is not
12 dedicated to the Village.

13

14 Street Setback

15 *[See Setback, Street]*

16 Street Yard

17 *[See Yard, Street]*

18 Strip Shopping Center

19 A complex of buildings containing business development located on property along one or both sides
20 of a street that is generally one lot in depth and has multiple and relatively closely spaced driveways,
21 green space and landscaping ratios, and high floor area ratios.

22 Structural Alterations

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

25 Structure

26 Anything erected or constructed, such as buildings, prefabricated or pre-built buildings, towers, masts,
27 poles, booms, signs and carports. Appurtenances constructed at or below grade such as patios,
28 driveways, or sidewalks are not considered to be structures.

29 Structure, Accessory

30 Building or other structure which is customary, incidental and subordinate to a permitted principal use
31 of a lot and located on the same lot as the principal use and does not meet the definition of a principal
32 structure.

33 Structure, Permanent

34 A structure placed on or in the ground or attached to another structure in a fixed position, and
35 intended to remain in place for a period of more than nine months.

36 Structure, Principal

37 The building or structure containing the primary use of a property.

38 Structure, Temporary

39 A structure placed on or in the ground or attached to another structure in a fixed position and intended
40 to remain in place for a period not to exceed nine months.

41 Subordinate

42 All components of the facility, in total occupy less street frontage than the primary commercial or
43 public institutional building.

44 Sustained Yield Forestry

45 Management of forested lands to provide annual or periodic crops of forest products.

VILLAGE OF SISTER BAY ZONING CODE

1 Swimming Pool

2 An outdoor structure containing a body of water in a receptacle or other container having a depth for
3 water of 18 inches or more with a minimum surface of 48 square feet, located above or below the
4 surface of ground elevation and includes all structural facilities, appliances, appurtenances, equipment
5 and other items used and intended to be used for the operation and maintenance of a pool.

6 Temporarily Parked

7 As it pertains to Mobile Food Vendors, means, the placement of a mobile food vendor unit on a
8 property, including set up and removal, not to exceed 72 consecutive hours, unless otherwise
9 permitted by the Municipal Code, the Village Board, or the Parks, Property & Streets Committee.

10 Temporary

11 A period defined as no more than 45 days in a calendar year unless a shorter period is specified in the
12 section.

13 Temporary Lighting

14 Non-conforming lighting, not used from more than one 30 day period within a calendar year, with one
15 30 day extension. Temporary lighting is intended for uses, which by their nature are of limited duration.
16 For example: Holiday decorations, civic events or construction projects.

17 Tent

18 Temporary shelters made of canvas or nylon with removable side panels which are held up by poles,
19 ropes, stakes and weights. Typically large tents, (up to 100' X 50' in size), are utilized by persons seeking
20 shelter from the elements who are attending outdoor festivals or special events, and small tents, (up
21 to 10' X 10' in size), are used by vendors who are participating in Arts & Craft Shows or persons who
22 are hosting outdoor parties or gatherings.

23 Tent Permit

24 A permit issued by the Village Clerk that allows private property owners to erect a tent(s) on their
25 property that will be utilized to provide shade or shelter from the elements on a temporary basis.
26 Temporary tents may not be utilized for more than 15 days per calendar year, but the time period
27 between the Wednesday preceding Columbus Day and the Wednesday following Fall Fest shall be
28 excluded when time limits are calculated.

29 Tourist Rooming House

30 A dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for
31 periods of less than 30 days. These facilities are sometimes referred to as vacation rentals located in
32 residential zoning districts.

33 Tower

34 A structure that is intended to support equipment used to receive and/or transmit electromagnetic
35 waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

36 Transient

37 The use of a dwelling unit where rentals of less than thirty (30) consecutive days are available. (In Wis.
38 Stats. §97.01(15)(f) a "Tourist" or a "Transient" is defined as a person who travels from place to place
39 away from his or her permanent residence for vacation, pleasure, culture, business or employment.)

40 Translucent

41 The permitting of light to pass through but diffusing it so that persons, objects, etc., on the opposite
42 side are not clearly visible.

43 Truck Sales and Service

44 *[See Commercial Vehicle Sales and Service]*

45 Turning Lane

VILLAGE OF SISTER BAY ZONING CODE

1 An existing or proposed connecting roadway between two arterial streets or between an arterial street
2 and any other street. Turning lanes include grade separated interchange ramps.

3 Uniformity Ratio

4 The ratio between the average illumination and the minimum illumination as determined by
5 measurements taken on a four-foot grid throughout the lighted area.

6 Unnecessary Hardship

7 The circumstance where special conditions, which were not self-created, affect a particular property
8 and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot
9 width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in
10 light of the purpose of this chapter.

11 Use

12 The purpose or activity for which the land or building thereon is designed, arranged, or intended, or
13 for which it is occupied or maintained.

14 Use, Abandonment of

15 The relinquishment of a property, or the cessation of a use or activity by the Owner or Tenant for a
16 period of twelve months, excluding temporary, short-term interruptions for the purpose of
17 remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed
18 abandoned when such use is suspended as evidenced by the cessation of activities or conditions
19 constituting the principle use of the property.

20 Use, Accessory

21 A use customarily incidental to the principal use and on the same lot as the principal use. In buildings,
22 customary family occupations and workshops not conducted for compensation shall be deemed
23 accessory uses.

24 Use, Conditional

25 Uses of a special nature as to make impractical their predetermination as a permitted use in a district.
26 Conditional uses have been used in zoning ordinances as flexible devices, which are designed to cover
27 situations where a particular use, although not inherently inconsistent with the use classification of a
28 particular zoning district, may create special problems and hazards if allowed to develop and locate as
29 a matter of right in a particular zoning district. Conditional uses are issued to properties, not
30 individuals, and their continued use runs with the property, not with the owner.

31 Use, Principal

32 The main use of land, or land and buildings in combination, as distinguished from a secondary or
33 accessory building, including, but not limited to, a house in a residential district, a store in a business
34 district, or crops or farm buildings in an agricultural district. Within the zoning districts in this chapter,
35 the principal use is also referred to as the “permitted use.”

36 Utilities

37 Public and private facilities such as water wells, water and sewage pumping stations, water storage
38 tanks, power and communication transmission lines, electrical power substations, static transformer
39 stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but
40 not including sewage disposal plants, municipal incinerators, municipal warehouses, municipal shops,
41 and municipal storage yards.

42 Vacation Rentals

43 *[See Short Term Rentals and Tourist Rooming House]*

44 Variance

45 An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in
46 a manner that deviates from the dimensional standards of this chapter. A variance may not permit the

VILLAGE OF SISTER BAY ZONING CODE

1 use of a property that is otherwise prohibited by this chapter or allow flood_{land} construction that is
2 not protected to the flood protection elevation.

3 Vision Clearance Triangle

4 A triangular shaped portion of land established at street intersections in which nothing is erected,
5 placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of
6 motorists entering or leaving the intersection. *[See Illustration No. 1 and 2]*

7 Well

8 Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed
9 when the intended use of such excavation is to conduct groundwater from an aquifer system to the
10 surface by pumping or natural flow, or to monitor the characteristics of groundwater within an aquifer
11 system.

12 Wellhead

13 The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

14 Wellhead Protection Area

15 The surface or subsurface area surrounding a water well or well field, supplying a public water system,
16 an area through which contaminants are reasonably likely to move toward and reach such water well
17 or well field.

18 Wetland

19 An area where water is at, near, or above the land surface long enough to be capable of supporting
20 aquatic or hydrophilic vegetation and which has soils indicative of wet conditions.

21 Wireless Telecommunication Services

22 Licensed wireless telecommunication services including, but not necessarily limited to, cellular,
23 personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized
24 mobilized radio (ESMR), paging and similar services that are marketed to the general public.

25 Wireless Telecommunication Site

26 A facility operated by a licensed wireless telecommunication service provider, which consists of the
27 equipment and structures involved in receiving or transmitting electromagnetic waves associated with
28 wireless telecommunication services.

29 Woodland

30 An area of wooded land at least one acre in size and containing deciduous or coniferous trees; that, at
31 least fifty percent (50%) of which are either 20 feet or more in height or have a trunk diameter, 6 inches
32 above the ground, of at least four inches.

33 Yard, Corner Side

34 A side yard, which faces a public or private street.

35 Yard, Front

36 A yard extending the full width of the lot on which a building is located and situated between the front
37 lot line and a line parallel thereto and passing through the nearest point of the building.

38 Yard, Interior Side

39 A side yard located immediately adjacent to another lot or to an alley separating such side yard from
40 another lot.

41 Yard, Rear

42 A yard extending the full width of the lot on which a building is located and situated between the rear
43 lot line and a line parallel thereto and passing through the nearest point of the building.

44 Yard, Side

VILLAGE OF SISTER BAY ZONING CODE

- 1 A regulated area on a developed parcel of land. The yard area bounded by the rear lot line, the side lot
- 2 lines and the rear foundation wall of the principal structure, including impervious surface, overhangs,
- 3 uncovered steps and stoops and gutters. *[See Illustration No. 13]*
- 4 Yard, Street
- 5 A regulated area on a developed parcel of land. The yard area bounded by the second street right-of-
- 6 way of a corner lot, the front yard, the foundation wall of the principal structure and the lot line
- 7 opposite the front lot line. *[See Illustration No. 40]*

VILLAGE OF SISTER BAY ZONING CODE

1

SECTION 4000 - ARCHITECTURAL GUIDE

SISTER BAY’S PREFERRED ARCHITECTURAL STYLE HAS BEEN CATEGORIZED AS “TURN OF THE CENTURY” WITH SCANDINAVIAN, SWEDISH & GERMAN THEMES.

In general, the Village’s preferred architectural style has been categorized as “Turn of the Century” with Scandinavian, Swedish and German themes. [See Sec. 66.1050 for specific requirements]

Windows:
Grilled



Figure 1



Figure 2

Doors:
Double entrance
Recessed entrance



Figure 3

VILLAGE OF SISTER BAY ZONING CODE

Exterior Colors:
Contrasting trim



Figure 4



Figure 5

Trim and Moldings:
Decorative
Detailed



Figure 6






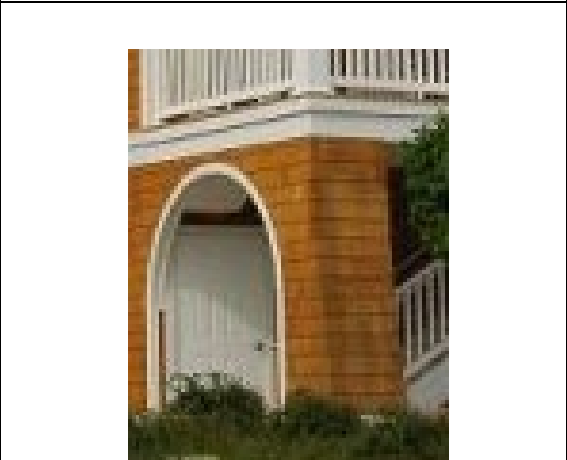


Figure 7




Figure 8



VILLAGE OF SISTER BAY ZONING CODE

| | | |
|--|---|--|
| <p>Shutters:</p> |  <p>Figure 9</p> |  <p>Figure 10</p> |
| <p>Siding: Stone Cedar shakes Cedar siding Cement board Hardy plank</p> |  <p>Figure 11</p> |  <p>Figure 12</p> |
| |  <p>Figure 13</p> |  <p>Figure 14</p> |

VILLAGE OF SISTER BAY ZONING CODE

| | |
|---|---|
| <p>Landscaping: No bare lawn Benches, patios Shrubs, trees Flowers</p> |  <p>Figure 15</p> |
| |  <p>Figure 16</p> |
| <p>Corner Lot Buildings: Cut-outs</p> |  <p>Figure 17</p> |

VILLAGE OF SISTER BAY ZONING CODE

Other amenities:
Flower boxes below windows
Porches
Verandas
Windows walk
Enclosed porch
Balconies
Awnings



Figure 18



Figure 19



Figure 20



Figure 21

VILLAGE OF SISTER BAY ZONING CODE

1

VILLAGE OF SISTER BAY ZONING CODE

SECTION 4200 – SANDWICH BOARD GUIDE

1

2

Examples of Unacceptable Sandwich Board Designs

Unacceptable Sandwich Board Designs:

Figures 1 through 5 represent examples of sandwich board signs that the Plan Commission has deemed unacceptable. The reasons include plain letters on a completely white background signboard, unchanging messages and lack of character.

Figure 1



Figure 2



Figure 3



Figure 4

Figure 5

3

4

5

6

7

8

9

10

11



VILLAGE OF SISTER BAY ZONING CODE

1

Examples of Acceptable Sandwich Board Designs

Acceptable Sandwich Board Designs:

Figures 6 through 16 represent examples of sandwich boards that the Plan Commission feels are acceptable. The shape of each board is unique or different enough to create an eye-catching message. Even though some of the figures do not contain changeable messages they are included because of the shape of the board, the colors and fonts used to create visual appeal.



Figure 6

Figure 7

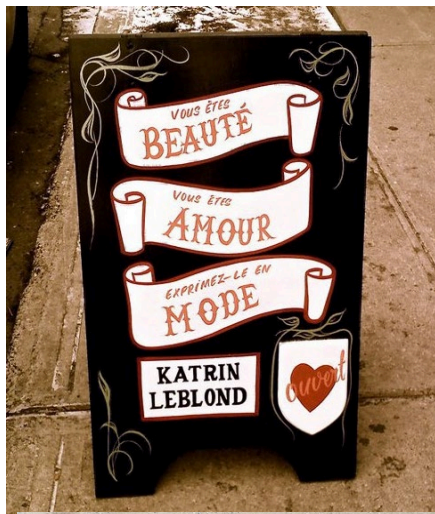


Figure 8



Figure 9

Figure 10

VILLAGE OF SISTER BAY ZONING CODE

Examples of Acceptable Sandwich Board Designs



Figure 11



Figure 12



Figure 13



Figure 14



Figure 15



Figure 16

VILLAGE OF SISTER BAY ZONING CODE

1

1

SECTION 4300 - APPENDIX OF ZONING ILLUSTRATIONS

2

Sec. 66.4300 Zoning Illustrations

3

Several Zoning illustrations, that should help explain the regulatory concepts that the Village has adopted, and make it easier to understand the standards that are delineated in the Zoning Code in a

4

comprehensible, visual fashion, follow.

5

6