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**ZONING CODE**

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**18.01 TITLE AND AUTHORITY.**

**(1) Title.** This ordinance shall be known, cited and referred to as the Village Zoning Ordinance, Brown County, Wisconsin.

**(2) Authority.** The Village, pursuant to Wis. Stats. §60.74 and §60.75 (1953 as amended), Wis. Stats. §60.61 through §60.66 (1987-88 as amended) and Section 12 of the Village Zoning Ordinance enacted

June 8, 1953, hereby amends that ordinance to read as follows.

**18.02 INTENT, PURPOSE, AND SEVERABILITY.**

**(1) Intent.** This ordinance is intended to promote the orderly development of the community in accordance with the Official Village Comprehensive Plan or any of the component parts thereof.

**(2) Purpose.** The Zoning Ordinance of the Village, Brown County, Wisconsin, is adopted for the following purposes:

- (a) to lessen congestion in the streets;
- (b) to secure safety from fire, panic, and other dangers;
- (c) to promote and to protect the public health, safety, comfort, convenience, and general welfare;
- (d) to provide adequate standards of light, air, and open space;
- (e) to maintain the aesthetic appearances and scenic values of the Village;
- (f) to prevent the overcrowding of land;
- (g) to avoid undue concentration of population;
- (h) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- (i) and to foster a more rational pattern of relationship among agricultural, residential, business, commercial, and manufacturing uses for the mutual benefit of all.

**(3) Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

If any application of this ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

### 18.03 DEFINITIONS.

**(1) General.** For the purpose of this ordinance, words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.

(a) The word “shall” is mandatory and not discretionary.

(b) The word “may” is permissive.

(c) The word “lot” shall include the words, “piece”, “parcel”, and “plats”.

(d) The word “building” includes all other structures of every kind regardless of similarity to buildings.

(e) The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “occupied for”.

(f) All “measured distances” shall be to the nearest “integral inch”. If a fraction is one-half inch (1/2”) or less, the next “integral inch” below shall be taken.

(g) Any words not herein defined shall be construed as defined in other respective state, county, and Village codes.

### **(2) Definitions.**

(a) *Accessory Use of Building.* A building or use which is:

1. Constructed or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance.
2. Clearly incidental to, subordinate in purpose to, and serves the principal use.
3. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

(b) *Agriculture.* The use of land for agricultural purposes, including soil tillage for the production of crops, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal, fish and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. This shall also include land in federal land bank and similar land preservation programs.

(c) *Airport.* Any area of land or water which is used or intended for use for the

landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

(d) *Alley*. A public or private right-of-way, shown on a plot, primarily designed to serve as secondary access to abutting properties.

(e) *Antenna*. A structure whose purpose is to receive or transmit communications or other signals to or from land based or satellites and transfer signal to or from the interior of a building.

(f) *Appurtenances*. An appendage or attachment to a building that constitutes an outside dimension of said building, including attached porch, awning, roof overhang, greenhouse, sunroom, and other similar appendages.

(g) *Basement*. That portion of any structure located all or partly underground. The portion underground shall have more than one-half (½) of its height below the finished lot grade.

(h) *Block*. A tract of land bound by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or municipal boundary lines, or other physical features.

(i) *Boarding, Lodging, & Bed & Breakfast Houses*. A building or premises other than a motel or hotel where lodging, or meals and lodging are furnished for compensation for two (2) or more persons not members of a family.

(j) *Building*. Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof,

each part shall be deemed a separate building.

(k) *Building Set Back Line*. A line located a stated distance from and parallel with a lot line or street right-of-way, the nearest point to which a building may be erected.

(l) *Building Height*. The vertical distance measured from the finished first (1<sup>st</sup>) floor grade to the midpoint of the facade line and top of roof.

(m) *Building Permits*. Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

(n) *Campground*. A tract or parcel of land on which space is provided for camping. Includes day and overnight camping.

(o) *Carport*. A permanent structure open on at least one (1) side used to store vehicles.

(p) *Clinic, Medical, or Dental*. An organization of physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.

(q) *Club*. An association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

(r) *Commercial Feedlots*. An agricultural enterprise where livestock are raised to a designated weight or age and then sold.

(s) *Commercial Vehicle*. A motorized licensed vehicle used in the operation or in conjunction with any business or industry.

(t) *Condominium, Co-op*. Individual ownership of a unit in a multiunit structure (as an apartment building) or on land owned in common (as a town house complex) also, a unit so owned; a building containing condominiums.

(u) *Corner Side Yard.* An area extending along a side lot line from front yard to rear yard when said lot line is coterminous with a street right-of-way.

(v) *Cul-de-Sac.* A local street open at one (1) end only having a special turning area at the closed end.

(w) *Day Care & Day Care Home.* A licensed facility where a person, other than relative or guardian, provides care and supervision for four (4) or more children under seven (7) years of age, for less than twenty-four (24) hours a day and for compensation.

(x) *Drive-Thru Restaurant.* An establishment which may provide permanent interior seating, but allows window service and carry-out counter service for food products to automobile customers.

(y) *Dwelling.* A building, or portion thereof designed or used exclusively for residential occupancy, including single family dwellings, two (2) family dwellings and multiple family dwellings, but not including hotels and motels.

(z) *Dwelling, Multiple Family.* A building used or designed as a residence for three (3) or more families including tenement houses, row houses, town houses, apartment houses, and apartment hotels.

(a1) *Dwelling, Single Family.* A building designed for and occupied exclusively by one (1) family and meeting the building requirements as set forth in Section 18.04 (4).

(b1) *Dwelling, Two Family (Duplex).* A building designed for and occupied exclusively by two (2) families and meeting the building requirements as set forth in Section 18.04 (4).

(c1) *Dwelling Unit.* Consists of one (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently

installed, shall always be included for each “dwelling unit”.

(d1) *Employee or Staff Member. Full Time.* A person who works full time at the building or use regulated. For computation of the sum of employees at a use scheduling more than one (1) shift, the sum shall be based on the maximum number of employees at any one (1) shift working at least thirty (30) hours per week.

(e1) *FAA.* The Federal Aviation Administration.

(f1) *FCC.* The Federal Communications Commission.

(g1) *Family.* Any number of individuals related by blood, adoption, marriage, or not to exceed two (2) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servant.

(h1) *Farm.* A tract of agricultural land, together with the fields, buildings, animals, and personnel there assembled for the purpose of producing a crop or crops, or the raising, breeding, or production of animals or plant life. See 18.07(1) (f) for “Farms” located within AG-FP zoning district.

(i1) *Farm Building.* Any building used for the continuance of farming operations, excluding a dwelling and its accessory buildings.

(j1) *Floor Area.* (For determining off-street parking and loading requirements) Shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, “floor area” for the purpose of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted

herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

(k1) *Frontage, Lot.* The length of all the property of such lot fronting on a street, measured along the front lot line between two (2) exterior side lot lines and being parallel to the road/street.

(l1) *Fur Farm.* Agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.

(m1) *Garage, Private.* An accessory to the main building which provides for storage of motor vehicles and in which no occupation, business, or service for a profit is carried on.

(n1) *Garage, Public and Storage.* Any building or premises other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, or stored.

(o1) *Gazebo.* An accessory building consisting of a detached, covered, freestanding, open-air structure which may be enclosed with screening or glass intended to be used for outdoor living activities.

(p1) *Grade.* The average level of the finished surface of the ground adjacent to the exterior walls of the building.

(q1) *Groundwater.* Groundwater is water beneath the surface of the ground in a saturated zone.

(r1) *Group Home.* A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household as described in Wis. Stats. §60.63. A group care facility may include halfway houses; recovery homes; and homes for orphans, foster children, the elderly, battered children, and women. It also could

include a specialized treatment facility providing less than primary health care.

(s1) *Hard Surfaced.* A driveway or parking lot surfaced with concrete or bituminous paving.

(t1) *Home Occupation.* A gainful occupation conducted entirely within a dwelling and carried on by the inhabitant(s) thereof, which:

1. Is not visible from the exterior of the dwelling and does not alter the residential character of the dwelling.

2. Does not require a state or federal license, which includes structural considerations as part of or associated with the license to conduct the business, except as exempted by state or federal statute from local zoning control (i.e. community living arrangements).

3. Does not employ any other person(s) that are not residents of the dwelling.

4. Does not require special structural considerations, alterations, or conformance to any building codes other than those required for residential dwelling units.

5. Does not occupy more than twenty-five percent (25%) of the floor area of the residence.

6. Does not include the sale, display, or advertisement of goods or commodities on the site, either within or outside the residence.

(u1) *Hotel.* A building in which lodging, with or without meals, is offered to transient guests for compensation and which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.

(v1) *Industrial Park.* A special or exclusive type of planned area designed and equipped to accommodate a community of industries.

(w1) *Junk (Salvage) Yard.* An area, inside a building or outside a building where waste or scrap materials are brought, sold, exchanged, stored, baled, packed,

disassembled, or handled, including, but not limited to: scrap iron and other metals, paper, rakes, rubber tires, glass, plastic, and automobiles. This definition shall include motor vehicle grave yards.

(x1) *Kennel*. Any lot or premises wherein or whereon more than three (3) dogs, at least five (5) months of age or older are kept, either permanently or temporarily, for board, propagation, training, sales, or other uses excluding pets.

(y1) *Lake*. An inland body of water, either natural or artificially created, of five (5) acres or more.

(z1) *Artificial Lakes or Ponds*. An artificial lake or pond is any body of water, conforming to the definition of a lake or pond; that is made, fabricated, or constructed, with human skill or skill and labor, by the dredging, excavation, or mining of land. Maintenance or expansion of a natural body of water by dredging or otherwise shall not be considered creation of an artificial lake or pond under this definition. However, the creation of an open body of water by dredging or excavation of a wetland or any other area shall be subject to the rules and regulations pertaining to artificial lakes and ponds.

(a2) *Lot*. A parcel of land, having a width and depth sufficient to provide the space necessary for one (1) or more permitted or conditional uses, abutting on a public street.

(b2) *Lot, Corner*. A lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five degrees (135°). See Appendix A, Exhibit 2.

(c2) *Lot, Depth of*. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries. See Appendix A, Exhibit 3.

(d2) *Lot, Interior*. A lot other than a corner lot. See Appendix A, Exhibit 2.

(e2) *Lot Lines and Area*. The peripheral boundaries of a parcel of land including the street right-of-way lines and the total area lying within such boundaries.

(f2) *Lot Line, Front*. Same as front right-of-way line.

(g2) *Lot, Through*. Interior lot having frontage on two (2) non-intersecting streets. The front yard determined after construction of primary structure and the rear yard having a special setback equal to the front yard setback for the zoning district in which it lies. See Appendix A, Exhibit 2.

(h2) *Lot, Width*. The horizontal distance between the side lot lines of a lot, measured at the widest width within the first forty feet (40') of a lot depth immediately in back of the front right-of-way line. It must be parallel to street. Such minimum lot width may be measured at the building setback line only if said lot is located on the outer radius of a curved street such as a cul-de-sac. However, in no case shall the lot frontage measured at the right-of-way line be less than sixty feet (60') wide. When measuring at the building setback, on a curved street, the width shall be at right angles to a radial line. (See Exhibit A, Diagrams 5-8).

(i2) *Lot Area, Gross*. The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.

(j2) *Lot of Record*. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this code.

(k2) *Marina*. An area for the launching, docking, storage, sales or rental of boats for compensation, including activities directly related to boating needs such as fuel sales, waste pumping, or boat repair.

(l2) *Manufactured Home—Class I.* A structure, transportable in one (1) or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and air conditioning systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. Sections 5401 to 5426. For purposes of this ordinance, a manufactured home Class I shall be considered a single family or two (2) family home when meeting the requirements of Section 18.04 (4), therefore, may be located in any district permitting such use.

(m2) *Manufactured Home—Class II.* A structure, transportable in one (1) or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and safety Standards Act of 1974, which became effective July 15, 1996.

(n2) *Manufactured Home Park.* Any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two (2) or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured home park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

(o2) *Motel.* Establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy

of any unit except by the owner, his/her agent or his/her employees.

(p2) *Motor Vehicle Sales and Service, New and Used.* A building or premises used primarily for one (1) or more of the following:

1. Sales of new or used motor vehicles by properly licensed dealers.

2. Service or repair of motor vehicles when incidental to Sub 1. above or otherwise.

(q2) *Motor Vehicles.* Any vehicle used or intended to be used for transportation of freight or passengers propelled or drawn by mechanical or electrical power, except a device used exclusively on stationary rail or tracks or in the water.

(r2) *Non-Conforming Use.* Any use of land, buildings, or structures, lawful at the time of the enactment of this code, which does not comply with all of the regulations of this code or of any amendment here to governing use for the zoning district of which such use is located.

(s2) *Non-Conforming Structure.* A structure or building, the size dimensions, or location of which was lawfully existed at the time of adoption, revision, or amendment of the zoning ordinance which no longer conforms to the zoning standards because of said revision or amendment.

(t2) *Occupancy Permit.* A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

(u2) *Outdoor Solid Fuel Furnace.* Any detached energy system, such as wood or other solid fuel burners, boilers or furnaces, associated with the production of useable heat or energy, which is not located within another structure.

(v2) *Parking Space.* A graded and surfaced area of not less than two hundred (200) square feet in area either enclosed or open for the parking of a motor vehicle,

having adequate ingress and egress to a public street or alley.

*(w2) Planned Commercial*

*Development.* An area of land, controlled by a single owner, corporation, or any legal entity, to be developed as a single owner, corporation, or any legal entity, to be developed as a single entity for commercial uses, the plan for which is unique in the establishment of combinations of developments and uses, and open spaces or common facilities.

*(x2) Planned Development District.* An area of land, controlled by a single owner, corporation, or other legal entity, which is to be developed as a single unit, and is referred to as PDD.

*(y2) Planning & Zoning Commission.* Referred to in this ordinance shall be construed to mean the body authorized to consider planning matters and make recommendations to the Board, and administer the said Zoning Ordinance.

*(z2) Pond.* An inland body of water, either natural or artificially created, of less than five (5) acres.

*(a3) Primary Detached Garage.* An accessory building located in reasonable proximity to a home without an attached garage with direct access for vehicular storage and finished with materials similar to the home.

*(b3) Professional Office.* The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession.

*(c3) Restaurant.* An establishment with interior/exterior seating which provides food service to customers.

*(d3) Retail.* Sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.

*(e3) Roadside Stand.* A structure of not more than three hundred (300) square feet in floor area, not more than ten feet (10') in height, not permanently fixed to the ground and is readily removable in its entirety, covered or uncovered and not wholly enclosed used for the seasonal sale of fruits, vegetables, agricultural products or commodities associated with national holidays (i.e. fireworks or Christmas trees). A stand for the seasonal sale of fireworks or other holiday commodities shall be considered to be a roadside stand for the purposes of this code whether or not located within a permanent structure.

*(f3) Sanitary Landfill.* Disposal of refuse on land without creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals.

*(g3) Satellite Dish.* An antenna whose purpose is to receive communications or other signals from orbiting satellites and other extraterrestrial sources and magnify and transfer signals to the interior of a building.

*(h3) Service Station and Garage, Automotive.* A building or premises used primarily for one (1) or more of the following:

1. Gasoline and fuel sales for motor vehicles.
2. Service or repair of motor vehicles and sale of accessories when incidental to Sub 1. above.

*(i3) Setback.* Minimum horizontal distance between a building including appurtenances or structures and the lot line.

*(j3) Sign.* A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to



an object, product, place, activity, person, institution, organization, or business. However, a “sign” shall not include any display of official court or public office notices, nor shall it include the flag emblem, or insignia of a nation, political unit, school, or religious group. A “sign” shall not include a sign located completely within an enclosed building unless the content shall so indicate.

(k3) *Sign, Advertising.* A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

(l3) *Slaughterhouse.* A building or portion thereof used in the conducting of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut, or altered.

(m3) *Stockfarm.* An agricultural operation, usually non-dairying in nature, where livestock are raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.

(n3) *Story.* That part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is five feet (5') or more above the level from which the height of the building is measured, or it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.

(o3) *Street/Road.* A public right-of-way which affords a primary means of vehicular access to abutting property, whether throughway, or however otherwise designated, but does not include driveways to buildings.

(p3) *Structure.* Anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground.

(q3) *Structural Alteration.* Any change, other than incidental repairs, in the supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, roofs or foundations, excepting alterations which may be required for the safety of the structure.

(r3) *Swimming Pool.* A pool constructed for swimming or wading, either above or below ground.

(s3) *Telecommunication Tower.* Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more telecommunication antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term shall include radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers and the like.

(t3) *Temporary Use.* Short-term use of vehicle, mobile home, or movable structure (non-permanent) as determined by review of the Suamico Planning & Zoning Commission. Each situation shall constitute a separate review and a separate decision by the Suamico Planning & Zoning Commission. This temporary use shall not exceed ninety (90) days without reapplication in any one (1) year period.

(u3) *Transitional Facility.* A premises, other than a community living arrangement or community based facility, for the temporary placement of persons on parole, extended supervision or probation in a controlled environment including supervision or monitoring.

(v3) *Use, Principal.* The main use of land or building as distinguished from a subordinate or accessory use. A “principal use” may be “permitted” or “conditional”.

(w3) *Use, Permitted.* A use which may be lawfully established in a particular district or districts, provided it conforms

with all requirements, regulations, and standards of such district.

(x3) *Use, Conditional.* A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. Conditions may be attached as part of the approval.

(y3) *Variance.* A variance is permission granted by the Board of Appeals to build or develop in a way which is inconsistent with the dimensional standard contained in the code.

(z3) *Water Table.* The water table is the level below the ground at which the soil or rock is saturated with water, sometimes referred to as the upper surface of the saturated zone.

(a4) *Well.* A well is a vertical excavation that taps an underground liquid-bearing rock formation. The primary use of this definition in this ordinance refers to wells drilled to obtain water, to monitor the quality of water or to determine the depth of the water table. For the purpose of this ordinance a high-capacity well is a well that delivers or is capable of delivering a water flow of more than seventy (70) gallons per minute.

(b4) *Yard.* Open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A “yard” extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.

(c4) *Yard, Front.* A yard extending along the full length of the front lot line between the side lot lines. See Appendix A, Exhibit 1.

(d4) *Yard, Side.* A yard extending along a side lot line from the front yard to the rear yard. See Appendix A, Exhibit 1.

(e4) *Yard, Rear.* A yard extending along the full length of the rear lot line

between the side lot lines. See Appendix A, Exhibit 1.

(f4) *Zero Lot Line Lot.* A lot upon which a dwelling unit may be placed so that one (1) of its walls is placed upon a side lot line. In case of a two (2) family dwelling, this side wall is to be a common wall.

(g4) *Zoning District.* Divisions of the Village, each area being accurately defined to boundaries and locations on the official zoning map and in the zoning ordinance, for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

#### **18.04 GENERAL PROVISIONS.**

**(1) Jurisdiction.** The jurisdiction of this code shall include all lands, persons, and waters within the Village.

**(2) Existing Ordinance.** Restrictions or requirements with respect to buildings, land, water, persons, or animals, which appear in other code of the Village or are established by federal, state, and county laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise, the provisions of this code shall apply.

#### **(3) Building and Uses.**

(a) The use of buildings hereafter erected, enlarged converted, structurally altered, rebuilt or moved, and existing land, shall be used only for purposes as specified in this code. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.

(b) All dwellings shall be located on a lot; and only one (1) dwelling shall be located, erected or moved onto a lot, except for lots specifically approved and excepted by the Board as duplex or multi-family, and all lots shall have the required frontage on an approved Village road.

(c) Permitted and permitted accessory uses are limited to the uses indicated for the respective zone districts.

(d) Conditional uses may be allowed, limited to the uses indicated for the respective zone districts, upon written recommendation by the Planning & Zoning Commission and approval of the Board.

(e) Accessory buildings which are not a part of the main building shall not occupy more than thirty percent (30%) of the area of the required rear or side yard. All other accessory building requirements are set forth by zoning districts.

(f) No lot area shall be reduced by the owner so that the yards and open spaces shall be smaller than is required by this code.

(g) If the lot area is less than the minimum number of square feet per family dwelling required for the district in which it is located and was of record as such at the time of the passage of this code, such lot may be occupied by a single family dwelling if it meets the requirements of the Brown County Code of Ordinances.

(h) Where a building permit for a building or structure has been issued in accordance with regulations set forth in this code, and provided that construction is begun within six (6) months from date of issuance and completed within two (2) years the said building or structure shall be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, shall upon completion be occupied under a certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of Section 18.99.

(i) Other structures or buildings allowed as permitted or conditional uses within Agriculture District shall meet the requirements of the district and the Village Zoning Ordinance.

**(4) Transitional Facility.**

(a) Transitional facilities are allowed as conditional use in the following zoning districts:

1. Highway Business (HB)
2. Industrial District-Limited (I1)
3. Industrial District (I2)

(b) Transitional facilities are prohibited in the following zoning districts:

1. Residential Sewered (RS)
2. Rural Residential (RR)
3. Agriculture (AG)
4. Agricultural – Farmland Preservation (AG – FP)
5. Public Lands and Institutions
6. Business District (B)
7. All planned developments

**(5) Residential Dwelling Standards.**

All single family and two (2) family residential dwellings shall meet the following requirements as set forth in this section. Any home not meeting the requirements of this section shall be treated as a Manufactured Home Class II and may only be placed in a manufactured home park pursuant to Section 18.16 as set forth in this code.

(a) *Minimum Floor Area.* Minimum size of a residential dwelling shall be one thousand two hundred (1,200) square feet above grade, with at least eight hundred (800) square feet on the main floor.

(b) *Roof Pitch and Overhang.* All main buildings shall have a minimum pitch of four inches (4”) per twelve inches (12”) of run, with a minimum of twelve inch (12”) roof overhang on each of the dwelling’s perimeter walls, such that the overhang is structurally integrated into the design of the dwelling. Exception: Homes with significant architectural design that would otherwise be excluded by these requirements may be permitted after review and approval by the Zoning Administrator.

(c) *Roofing Materials.* All accessory structures on a lot shall be of like materials

to the primary structure, unless approved by the Zoning Administrator. Corrugated sheets of metal, fiberglass, plastic, or its equivalent may be allowed provided the following is met:

1. Only allowed on a lot of three (3) acres or more.
2. Minimum of a twelve inch (12") overhang.
3. Minimum of a four inch (4") fascia.
4. Minimum setback from any existing off-premise residential structure shall be one hundred feet (100').

*(d) Siding Materials.* All main buildings and all detached garages located on a lot shall have exterior siding material consisting of weatherproof material such as wood, masonry, concrete, stucco, masonite, vinyl, aluminum, or metal lap. The exterior siding material shall extend to ground level except that, when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

*(e) Foundation.* All dwellings shall have a properly engineered, permanently attached means of support meeting the applicable installation requirements and all applicable building codes. In the event that a manufactured home does not utilize a perimeter load bearing foundation, any space between ground level and siding shall be enclosed with permanent, non-load bearing concrete or masonry having a foundation-like appearance.

*(f) Minimum Width.* The minimum width of the main structure of a dwelling shall be twenty feet (20').

*(g) Wheels and Axles.* All tow bars, wheels, and axles shall be removed when the dwelling is installed on a residential lot.

**(6) Moving of Buildings.** A permit shall be obtained from the Building Inspector prior to the moving of any building or structure. The applicant shall be a qualified building mover. Application for

this permit shall include photographs of the building, site plan showing lot and house dimensions, and required bond.

*(a) Compliance.* Building or structures moved shall conform with the provisions of this chapter for new buildings and structures where deemed practical by the Building Inspector. No building or structure shall be moved in whole or in part to any other location on the same lot or any other lot in the zone district unless every portion of such building or structure which is moved shall conform to the zone district requirements.

*(b) Conformance with Existing Buildings.* The building or structures to be moved shall conform with the existing buildings in the area in which it is to be moved as determined by the Planning & Zoning Commission.

*(c) Unsafe or Unfit Buildings.* No building or structure shall be moved if deemed structurally unsafe by the Building Inspector.

*(d) Bond Required.* Before a permit to move any building or structure is issued by the Building Inspector, the party applying shall give a bond in the sum of ten thousand dollars (\$10,000), and liability insurance with good and sufficient sureties to be approved by the Building Inspector and Board conditioned, among other things, that such party will save and indemnify judgments, costs, and expenses which may in any way accrue against the Village and keep the Village harmless against all liabilities, judgments, costs, and expenses in consequence of granting such permit.

*(e) Conditions of Approval.* Every permit to move a building or structure shall state all conditions to be complied with, designate the route to be taken and limit of time for removal.

*(f) Regulations for Building in Transit.* The removal of a building shall be continuous during all hours of the day and at night if the Building Inspector so orders

until completed with the least possible obstruction to thoroughfares. Warning lights shall be kept in conspicuous places at each end of the building during the night. The route and time of moving shall be approved in writing by the Administrator.

(g) *Damage to Streets and Highways.* Every person receiving a permit to move a building or structure shall, within one (1) day after reaching its destination, report the fact to the Building Inspector who shall report the same to the Administrator who shall inspect the streets and highways over which the building was moved or cause the same to be done and ascertain their condition. If the removal of the building or structure has caused any damage to the streets or highways over which moved, the building mover shall immediately place them in as good repair as they were before the permit was granted. Upon failure of the building mover to do so within ten (10) days to the satisfaction of the Administrator, the Administrator shall order the repair of the damage done to such streets or highways and hold sureties of the bond given by the building mover responsible for the payment of same.

(h) All conditions as set forth in Section 16.08 shall be met.

**(7) Home Occupations.** As defined in this ordinance, home occupations shall be permitted in any residence of any zoning district provided:

(a) No home occupation shall be permitted in an accessory building on any lot except in AG-FP zoning per 18.07(4) (d) or by conditional use approval.

(b) No signage shall be permitted to identify or advertise the home occupation.

(c) A professional person may use their residence for infrequent consultation, emergency treatment, or performance of religious rites, but they must maintain a separate professional office for the general practice of their profession.

**(8) Kennels.** The following provisions shall apply to all kennels located in the Village as either a permitted or conditional use:

(a) All kennels shall provide adequate indoor housing for one hundred percent (100%) capacity of animals kept on the premises of sufficient construction as to eliminate any noise or odor from leaving the property.

(b) Such housing shall be adequately ventilated, cooled, and heated to provide a year-round quality living environment for the animals kept on the property. The adequacy of the ventilation, cooling, and heating required shall be dependent on the breed of animal that is kept on the premises. In the case of multiple breeds the facility may require sectioning to provide differing provisions of ventilation, cooling, and heating.

(c) No animals shall be kept in any outdoor facility between the hours of 10 p.m. to 7 a.m.

(d) All outdoor facilities shall be maintained to provide a clean environment for the animals being kept and to eliminate odor from leaving the property and as much as possible onsite.

(e) All kennels shall operate within full compliance of Wis. Stats. Ch. 174 "DOGS".

**(9) Flea Markets and Farmer Markets.** The following provisions shall apply to all outdoor flea markets and farmers markets for the sale of products by multiple vendors on properties located within the Village:

(a) All flea markets and farmers markets require a permit from the Village.

(b) Prohibited on residentially zoned properties.

(c) Agriculturally zoned properties are limited to agriculture related products.

(d) Permits must be applied for a minimum of thirty (30) days prior to the first (1<sup>st</sup>) day of the event.

Village of Suamico

(e) Any single parcel may be permitted for a maximum of sixty (60) individual days in any one (1) calendar year. Events on multiple parcels will count against each parcel's allowable days. Extensions must be reviewed and approved by the Health & Safety Committee and the Board.

(f) Signage shall conform to the temporary signage for roadside stands Section 18.17 (3) (b) 3 except that each vender shall be allowed the on-premise signage.

(g) A site plan must be submitted which details all of the following:

1. Maximum number of vendors on any given day.
2. Size of each individual vender area.
3. Provisions to ensure safety and security for multiple day events.
4. Location and number of sanitary facilities.
5. Visitor and vendor parking areas, including capacity.

(h) A list of all vendors must be submitted to the Village five (5) business days prior to the participation in the event.

(i) Temporary vender structures shall be limited to three hundred (300) square feet in area and limited to ten feet (10') maximum side wall height.

(j) All vendors with consumable products must contact the Brown County Department of Health and be properly permitted (per DHFS 196 & Wis. Stats. Ch. 254).

(k) All vender areas shall observe and conform to a ten foot (10') setback requirement from any side or rear yard.

(l) All right-of-way areas with less than twenty-five feet (25') of setback must restrict access to the right-of-way with fencing or other approved devices.

(m) Sale of sexually-orientated products prohibited.

(n) Sale of alcohol, tobacco, explosives, hazardous materials, firearms, or fireworks is prohibited.

(o) Event times are limited to the hours of 6 a.m. to 8 p.m.

(p) The Village reserves the right to suspend and/or revoke any permit for violations of any condition of approval or any local, county, state, or federal ordinance/code having jurisdiction. The Village reserves the right to exclude any vender and/or event applicant for good cause.

(q) Fees will be as set from time to time by resolution of the Board.

**(10) Roadside Stands.** The following provisions shall apply to all roadside stands and stands for the sale of products associated with a national holiday, except fireworks stands, located within the Village:

(a) There shall be not more than one (1) roadside stand on any one (1) premises.

(b) No such roadside stand shall be more than three hundred (300) square feet in floor area and limited to ten feet (10') maximum height.

(c) All roadside stands shall observe and conform to a ten foot (10') setback requirement from any street right-of-way, front yard, corner side yard, or double frontage.

(d) Roadside stands for the purpose of the seasonal sale of fruits, vegetables, and agricultural products shall provide area for a minimum of three (3) off-street parking spaces behind the setback of the zoning district and in conformance to the requirements of Section 18.04 (16).

(e) Roadside stands for the purpose of the sale of products associated with national holidays, except fireworks stands, shall provide a minimum of six (6) off-street parking spaces behind the setback of the zoning district and in conformance to the requirements of Section 18.04 (16).

(f) The owner/operator of a roadside stand shall obtain a roadside stand permit from the Building Inspector prior to the establishment and/or operation of any roadside or fireworks stand. The owner/operator shall submit a site plan, drawn to a scale of not less than one inch (1") = one hundred feet (100'), which addresses the above requirements.

(g) The Building Inspector shall issue a roadside stand permit for any roadside stand that meets the above requirements for a roadside stand upon receipt of the required site plan and one-time fee of twenty-five dollars (\$25). Permits are renewable on a yearly basis provided no changes have been made to the operation of the stand. In the event the roadside stand operation is changed or altered a new permit, site plan, and fee shall be required. The Building Inspector shall make the necessary onsite inspections to determine conformance of all roadside stands with these regulations.

**(11) Fireworks Stands.** The following requirements shall apply to roadside stands for the sale of fireworks located within the Village:

(a) Roadside stands for the purpose of the sale of fireworks products shall provide a minimum of six (6) off-street parking spaces behind the setback required for roadside stands and in conformance to the requirements of Section 18.04 (16).

(b) In addition to Section 18.04 (11) (a), fireworks stands shall conform to the requirements of Section 18.04 (10) (a), (b), and (c).

(c) Roadside stands for the purpose of the sale of fireworks shall be permitted only by conditional use approval in accordance to the requirements of this ordinance. The application for conditional use approval shall be accompanied by a site plan drawn to a scale of not less than one inch (1") = one hundred feet (100') which addresses the

above requirements for a fireworks or national holiday stand.

(d) The owner/operator of a fireworks stand shall obtain a roadside stand permit from the Building Inspector prior to the establishment or yearly continued operation of a fireworks stand. The Building Inspector shall issue a roadside stand permit for any fireworks stand that has received conditional use approval, meets the above requirements and upon receipt of a twenty-five dollar (\$25) permit fee and provision, by the owner, of proof of insurance on the operation. The Building Inspector and the Suamico Fire Department shall make the necessary onsite inspections to determine conformance of all fireworks stands with these regulations prior to any sales being conducted.

**(12) Area Regulations.**

(a) Lot size shall comply with the required regulations of the established district.

**(13) Height Regulations.**

(a) Except as otherwise provided in this ordinance, the height of any structures hereafter erected, converted, enlarged, or structurally altered shall be in compliance with the regulations established herein for the district in which such structure is located.

(b) Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding sixty feet (60'), provided the front, side, and rear yards required in the district in which such building is to be located are each increased at least one foot (1') for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

**(14) Front, Side, and Rear Yard Regulations.**

(a) No front yard shall be used for the storage of boats, vehicles, or any other

equipment except under the following conditions:

1. Licensed vehicular parking on driveways.
2. Seasonal recreational equipment (on trailers) on driveways during the normal season for such equipment. Said equipment must be owned by the resident of the property.

(b) No accessory building or structure shall be allowed within the front yard unless all of the following apply:

1. Actual front yard setback of primary structure is six (6) times greater than zoning requirements.
2. Accessory building or structure must maintain a setback of four-fifths (4/5) of the actual setback of primary structure.

(c) Allow an accessory building or structure within a corner side yard. The setback from the right-of-way shall be the same as the front yard setback of the zoning district for the accessory building.

(d) No part of a yard or other open space provided around any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building.

(e) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.

(f) Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building will meet district requirements.

(g) Walks and drives extending not more than six inches (6") above the average

ground level at their margin, may be located in any yard.

**(15) Fences, Walls, and Hedges.**

(a) A fence or wall may be erected, placed, or maintained along a lot line on residentially zoned property or adjacent hereto to a height not exceeding eight feet (8') above the ground level. No fence or wall which is located in a required front or corner side yard shall exceed a height of three feet (3').

(b) No fence or wall shall be erected, placed, or maintained along a lot line on any non-residential zoned property, adjacent to residentially zoned property to a height exceeding eight feet (8').

(c) In any district, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three feet (3') above the street grade nearest thereto, within twenty-five feet (25') of the intersection of any right-of-way lines or of right-of-way lines projected.

(d) The most attractive side of a fence shall face adjoining property.

**(16) Parking Standards.** For all applicable regulations refer to Section 18.18, Off-Street Parking Requirements.

**(17) Outdoor Solid Fuel Furnaces.** Outdoor solid fuel furnaces installed after April 18, 2005 shall require a building permit and meet the following requirements:

(a) Outdoor solid fuel furnaces shall be prohibited in all zoning districts except for the following by conditional use permit only:

1. Rural Residential
2. Agriculture
3. Agricultural – Farmland Preservation
4. Public Lands & Institutions
5. Industrial 1 & 2

(b) Conditional use regulations.

1. No outdoor solid fuel furnace shall be located in a front or corner yard.

2. Minimum setback to rear or side yards shall be two hundred feet (200').



3. Minimum chimney stack shall be twenty feet (20') above grade.

4. No outdoor solid fuel furnace shall create an undesirable impact upon adjacent property or otherwise create a public nuisance. All outdoor solid fuel furnaces are required to meet emission standards currently required by the Environmental Protection Agency and the Underwriters Laboratories listing.

(c) An outdoor solid fuel furnace shall be considered exempt from the total number of accessory structures allowed on a lot.

### 18.05 ESTABLISHMENT OF ZONES.

(1) **Zone Districts.** For the purpose of this code, the Village, Brown County, Wisconsin is hereby divided into the following zoning districts:

- (a) Ag-Agriculture
- (b) B-Business
- (c) AG – FP – Agricultural – Farmland Preservation
- (d) HB-Highway Business
- (e) RR-Rural Residential
- (f) I1-Industrial 1
- (g) RS-Residential Sewered
- (h) I2-Industrial 2
- (i) PDD-Planned Development District
- (j) NB-Neighborhood Business
- (k) PL&I-Public Lands & Institutions
- (l) TCO-D-Town Center Overlay District

(2) **Zoning Map.** The location and boundaries of the districts established by the code are set forth on the zoning map entitled "Zoning District Map for the Village, Brown County, Wisconsin, dated June 25, 1970", and as amended which are incorporated herein and hereby made a part of this code. The said maps, together with everything shown thereon and all amendments thereto shall be as much a part of this code as though fully set forth and described herein.

(3) **Zone Boundaries.** The following rules shall apply with respect to the

boundaries of the various districts as shown on the zoning district map.

(a) District boundary lines are the center lines of highways, streets, alleys, and pavement; or right-of-way lines of railroads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.

(b) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.

(c) Where a district boundary line divides a lot in single ownership on the effective date of this code, the Board of Appeals, after due hearing, may extend the regulation for either portion of such lot.

(4) **Exempted Uses.** The following uses are exempted by this code and permitted in any zone district: public highway rights-of-way and improvement projects, poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications; and electric power, gas, water and sewer lines, water towers and municipal wells provided that the installation shall conform to the Federal Communications Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction. However, all telecommunication towers and antennas are subject to the requirements prescribed in Section 18.19.

**18.06 AG – AGRICULTURE.** The following regulations shall apply in the Agriculture District:

**(1) Permitted Uses.**

(a) Apiculture, dairying, floriculture, forestry, general farming, grazing, non-commercial greenhouses, hatcheries, fish farms, horticulture, livestock raising, non-commercial nurseries, non-commercial orchards, pasturage, poultry raising, wildlife sanctuaries, kennels, game preserves, and fur farms.

(b) Single family dwellings.

(c) Transmission lines, substations, telephone and telegraph lines, and public utility installations.

**(2) Permitted Accessory Uses.**

(a) Private garage or carport.

(b) Roadside stands.

(c) Additional structures necessary for the continuance of the farming operation.

(d) Private swimming pools.

**(3) Conditional Uses.** The following uses may be considered for conditional use (see Section 18.04 (3) (d)):

(a) Two (2) family dwellings (duplexes)

(b) Dairy product stores

(c) Earth excavations

(d) Veterinary clinics and hospitals

(e) Riding academies and stables

(f) Artificial lakes and ponds two thousand (2,000) square feet or larger in size (see Section 18.20)

(g) Telecommunication towers

(h) Outdoor solid fuel combustion appliances

**(4) Lot Requirements.**

Area: five (5) acres minimum

Width: two hundred fifty feet (250') minimum

**(5) Height Regulations.**

Farm structures: sixty feet (60') maximum

Residential dwellings: thirty-five feet (35') maximum

Accessory buildings: twenty-five feet (25') maximum

**(6) Building Setbacks.** Building setbacks shall be those listed on a certified survey map and/or plat duly approved by the Board for the Village on or after September 16, 2002, or the setbacks listed below:

Yard	Resid. Dwell.	Farm Struct.
Front	45 ft. min. from hwy. ROW	50 ft. min. from hwy. ROW
Side	20 ft. min.	75 ft. min.
Rear	25 ft. min.	75 ft. min.
Corner Side	45 ft. min. from hwy. ROW	50 ft. min. from hwy. ROW

ROW=right-of-way

**(7) Building Size.** Minimum size of residential dwelling shall be one thousand two hundred (1,200) square feet above grade with at least eight hundred (800) square feet on the main floor.

**(8) Parking.** Parking shall conform to the requirements as set forth in Section 18.18.

**(9) Signs.** Signs shall be regulated as set forth in Section 18.17.

**18.07 AG-FP – AGRICULTURAL – FARMLAND PRESERVATION.** The following regulations shall apply in the AG-FP-Agricultural - Farmland Preservation District:

**(1) Definitions.** In this farmland preservation ordinance:

(a) Accessory Use means any of the following land uses on a farm:

1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

2. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

3. A farm residence, including normal residential appurtenances.

4. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:

a. It is conducted on a farm by an owner or operator of that farm.

b. It requires no buildings, structures, or improvements other than those described in par. 1. or 3.

c. No non-farm resident employees except by conditional use approval. Cannot employ more than four (4) full-time employees annually.

d. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

(b) Agricultural use means any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
5. Floriculture.
6. Aquaculture.
7. Fur farming.
8. Forest management.
9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(c) Agriculture-related use means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

1. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.

2. Storing, processing or handling raw agricultural commodities obtained directly

from farms, including farms in the farmland preservation zoning district.

3. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.

4. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.

5. Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.

(d) Common ownership for purposes of the farmland preservation ordinance means ownership by the same person or persons. Common ownership includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

(e) Contiguous means adjacent to or sharing a common boundary. Contiguous land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not contiguous if they meet only at a single point.

(f) Farm means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

1. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.

2. A majority of the land area is in agricultural use.

(g) Farm residence means a single-family or duplex (by conditional use approval) residence that is the only residential structure on the farm.

(h) Gross farm revenue means gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the land owner.

(i) Livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

(j) Open space parcel means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

(k) Person means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

(l) Prime farmland means all of the following:

1. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.

2. Land, other than land described in par. 1., which is identified as prime farmland in the county's certified farmland preservation plan.

(m) Prior nonconforming use means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.

(n) Protected farmland means land that is any of the following:

1. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.

2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.

3. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.

4. Otherwise legally protected from nonagricultural development.

**(2) Land Use in Farmland**

**Preservation Zoning District, General.**

Only the following land uses are allowed in a farmland preservation zoning district:

(a) Uses allowed under Section (3) and (4) without a conditional use permit.

(b) Uses allowed under Section (5) with a conditional use permit.

(c) Prior nonconforming uses, subject to Wis. Stats. §62.23(7)(h).

**(3) Permitted Uses.** The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

(a) The following Agricultural uses on farms:

1. Crop or forage production.

2. Keeping of livestock.

3. Beekeeping.

4. Nursery, sod, or Christmas tree production.

5. Floriculture.

6. Aquaculture.

7. Fur farming.

8. Forest management.

9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(b) Undeveloped natural resource and open space areas.

(c) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

**(4) Accessory Uses.** The following accessory uses are permitted in a farmland preservation zoning district:

(a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including:

1. A facility to store or process raw agricultural commodities, all of which are produced on the farm.
2. A facility used to keep livestock on the farm.
3. A facility used to store or process inputs primarily for agricultural uses on the farm.
4. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
5. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
6. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm primarily for use on the farm.
7. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

(b) An activity or business operation that is an integral part of or incidental to, an agricultural use.

(c) A single family farm residence, including normal residential appurtenances such as a pool, deck, or patio.

(d) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:

1. It is conducted on a farm by an owner or operator of that farm.
2. It requires no buildings, structures, or improvements other than those described in 18.07(4) (a) & (c).
3. No non-farm resident employees except by conditional use approval. Cannot employ more than four (4) full-time employees annually.

4. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

**(5) Conditional Uses.**

(a) *General.*

1. The Village may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. The Village shall follow the procedures described in 18.98 (7).

2. Before issuing a conditional use permit under par. 1., the Village shall determine in writing that the proposed use meets applicable conditions under this section. The Village may issue the permit subject to any additional conditions which the Village deems necessary to carry out the purposes of this ordinance.

(b) *Accessory Uses on Farms.*

1. The Village may issue a conditional use permit for any of the following accessory uses:

- a. Duplex, provided it is the only residential structure on the farm & the occupants are the farm operator & those related to the farm operator.
- b. A home business, activity, or enterprise with 2 or less non-resident employees.
- c. Riding stables and/or boarding facilities.

(c) *Certain Agriculture-Related Conditional Uses.*

1. The Village may issue a conditional use permit for the certain agricultural and agriculture-related uses under par. (5) (c) 2. if all of the following apply:

a. The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.

b. The use and its location in the farmland preservation zoning district are

consistent with the purposes of the farmland preservation zoning district.

c. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

d. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.

e. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

f. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

2. Certain Agriculture-Related Conditional Uses Include:

a. Farmstead food processing facilities.

b. Farmstead retail outlets.

c. On-farm fuel or agrichemical storage facilities.

d. A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.

e. A dairy plant that processes or handles milk from farms.

f. A meat slaughter establishment.

g. A food processing plant that processes raw agricultural commodities received from farms.

h. A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.

i. An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce bulk fuel or other bulk products.

j. A sawmill or other facility that processes wood or other forest products received directly from farms.

k. A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.

l. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.

m. A facility that is primarily engaged in providing agronomic or veterinary services to farms.

*(d) Compatible Infrastructure.*

1. The Village may issue a conditional use permit for a proposed use under par. (2) if all of the following apply:

a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

c. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

d. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

e. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

2. The Village may issue a conditional use permit for any of the following compatible infrastructure uses if that use meets applicable conditions under par. 1.:

a. Transportation uses, including rail facilities, and agricultural aeronautic facilities.

b. Communication uses, including cell towers, antennae and broadcast towers.

*(e) Government and Nonprofit Community Uses.*

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1. The Village may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Village determines that all of the following apply:

a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

d. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

2. Government and Nonprofit Community Conditional Uses Include:

a. Fire stations, police stations, post offices, and other government administration buildings.

b. Schools, colleges, and universities.

c. Religious institutions, including cemeteries and mausoleums.

d. Public parks and recreation areas

(f) *Nonmetallic mineral extraction.* The Village may issue a conditional use permit for nonmetallic mineral extraction if it determines that all of the following apply:

1. The operation complies with all of the following:

a. Subch. I of ch. 295 and rules promulgated under that subchapter

b. Applicable provisions of ch. 14 of the Brown County Code of Ordinances & 18.21 of the Suamico Municipal Code.

c. Any applicable requirements of the Wisconsin Department of Transportation

concerning the restoration of nonmetallic mineral extraction sites.

2. The operation and its location in the farmland preservation zoning district are consistent with the purpose of the farmland preservation zoning district.

3. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.

4. The operation reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

5. The operation does not substantially impair or limit the current or future agricultural use of other protected farmland.

6. The conditional use permit requires the landowner to restore the affected land after the nonmetallic mineral extraction operation is completed. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit.

**(6) Rezoning Land Out of a Farmland Preservation Zoning District.**

(a) Except as provided in sub. (2), the Village may not rezone land out of a farmland preservation zoning district unless the Village finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezoning:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

2. The rezoning is consistent with any comprehensive plan, adopted by the Village, which is in effect at the time of the rezoning.

3. The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under ch. 91,

Wis. Stats., which is in effect at the time of the rezoning.

4. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland. NOTE: By March 1 of each year, the zoning authority must report to DATCP & Brown County the total acres rezoned, along with a map that clearly shows the location of these areas, during the preceding year.

(b) Subsection (a) does not apply to any of the following:

1. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.

2. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

**(7) Dimensional Requirements.**

*(a) Lot Requirements.*

Area. All land whether one parcel or 2 or more contiguous parcels that is under common ownership, 25 acres min, except that non-contiguous parcels owned and operated by a qualifying farm at the time of adoption of this ordinance that are less than the 25 acres may remain AG-FP as long as no further land division occurs.

Width. Two hundred fifty (250) ft min.

*(b) Height Regulations.*

Farm Structures, except silos sixty (60) ft max.

Residential Dwellings thirty-five (35) ft max.

Accessory Buildings twenty-five (25) ft max.

*(c) Building Setbacks.* Building setbacks shall be those listed on a Certified Survey Map and/or Plat duly approved by the Board for the Village on or after September 16, 2002, or the setbacks listed below:

Yard	Resid. Struc.	Farm Struc.
Front	45 ft. min. from hwy. ROW	50 ft. min. from hwy. ROW
Side	20 ft. min.	75 ft. min.
Rear	25 ft. min.	75 ft. min.
Corner Side	45 ft. min. from hwy. ROW	50 ft. min. from hwy. ROW

ROW=right-of-way

*(d) Building Size.* Minimum size of a residential dwelling shall be one thousand twelve hundred (1,200) square feet above grade with at least eight hundred (800) square feet on the main floor.

*(e) Parking.* Parking shall conform to the requirements as set forth in section 18.18.

*(f) Signs.* Signs shall be regulated as set forth in section 18.17.

**18.08 RR – RURAL RESIDENTIAL (NO SEWER).** The following regulations shall apply in the RR-Rural Residential District:

**(1) Permitted Uses.**

*(a) Single family dwellings.*

*(b) The production of crops (and soil tillage for the purpose of producing the crops) on unplatted lands. The application of raw or liquid manure would require a conditional use permit.*

**(2) Permitted Accessory Uses.**

*(a) No more than two (2) per Section 18.04 (3) (e) detached garage or accessory buildings. Gazebos less than two hundred (200) square feet are exempt from this requirement.*

*(b) Private swimming pools and decks.*

*(c) Home occupation without non-resident employees. No retail sales, assembling or manufacturing allowed on-premise.*

*(d) The keeping of chickens per 11.19.5 of the Suamico Municipal Code.*



**(3) Conditional Uses.** The following uses may be considered for conditional use (see Section 18.04 (3) (d)):

(a) Home occupation with two (2) or less employees. No retail sales, assembling, or manufacturing allowed on-premise.

(b) Duplexes.

(c) Signs.

(d) Kennels.

(e) One (1) horse per every two (2) acres.

(f) Artificial lakes and ponds two thousand (2,000) square feet or larger in size.

(g) Permitted Ag uses.

(h) Outdoor solid fuel combustion appliances.

**(4) Lot Requirements.**

(a) Areas identified as “Future Rural Residential” in the most recently adopted/amended Village Comprehensive Plan zoned Rural Residential (RR) shall have the following minimum lot sizes:

Area: eighty-seven thousand one hundred twenty (87,120) square feet (two (2) acre) minimum

Width: one hundred fifty feet (150’) minimum

1. Exception: Those existing lots of record legally zoned Rural Residential (RR) prior to the April 18, 2005 revision of this district having less than eighty-seven thousand one hundred twenty (87,120) square feet (two (2) acres) shall be considered conforming lots for the purposes of this district. However in no instance shall those lot sizes be further reduced while zoned Rural Residential (RR).

(b) Areas identified as “Future 14,000; 20,000; and/or 25,000; Square Foot Residential” in the most recently adopted/amended Village Comprehensive Plan zoned or requesting to be rezoned to Rural Residential (RR) shall have the following minimum lot sizes:

Area: fifty thousand (50,000) square feet minimum

Width: one hundred fifty feet (150’) minimum

**(5) Height Regulations.**

Residential dwellings: thirty-five feet (35’) maximum

Accessory buildings: twenty-five feet (25’) maximum

**(6) Buildable Area.** All lots (including planned developments and conservation by design subdivision) created after April 18, 2005 shall have a minimum buildable area of ten thousand (10,000) square feet.

**(7) Building Setbacks.** All building setbacks shall be measured from the foundation wall, except that any overhang greater than two feet (2’) shall require additional setback equal to the amount greater than two feet (2’). Building setbacks shall be those listed on a certified survey map and/or plat duly approved by the Board for the Village on or after September 16, 2002, or the setbacks listed below:

Yard	Princ. Struc.	Acces. Struc.
Front	45 foot min. from street ROW	50 foot min. from street ROW
Side	20 foot min.	20 foot min.
Rear	25 foot min.	20 foot min.
Corner Side	45 foot min.	50 foot min.

ROW=right-of-way

**(8) Building Size.** Minimum size of a residential dwelling shall be one thousand two hundred (1,200) square feet above grade with at least eight hundred (800) square feet on the main floor.

**(9) Parking.** Parking shall conform to the requirements as set forth in Section 18.18.

**(10) Signs.** Signs shall be regulated as set forth in Section 18.17.

**(11) Special Exceptions.** The following uses may be considered for special exception (see Section 18.98 (8))

(a) Honey Bees.

**18.09 RS – RESIDENTIAL SEWERED.**

The following regulations shall apply in the RS-Residential Sewered District:

**(1) Permitted Uses.**

(a) Single family dwellings.

(b) Duplex/two (2) family dwellings when approved by the Planning & Zoning Commission and Board during the platting process.

(c) The production of crops (and soil tillage for the purpose of producing the crops) on unplatted lands. The application of raw or liquid manure would not be permitted.

**(2) Permitted Accessory Uses.**

(a) No more than one (1) per Section 18.04 (3) (e) detached garage or accessory building (maximum size seven hundred twenty (720) square feet) except duplex lots shall be limited to three hundred sixty (360) square feet per side. An additional accessory building or additional seven hundred twenty (720) square feet is permitted if lot size meets or exceeds forty thousand (40,000) square feet. The following shall be exempt from these requirements:

1. Primary detached garage one thousand twenty (1,020) square feet or less.
2. Gazebos less than two hundred (200) square feet.

(b) Private swimming pools and decks.

(c) Home occupation without non-resident employees. No retail sales, assembling, or manufacturing allowed on-premise.

(d) The keeping of chickens per 11.19.5 of the Suamico Municipal Code.

**(3) Conditional Uses.** The following uses may be considered for conditional use (see Section 18.04 (3) (d)):

(a) Duplex/two (2) family dwellings.

(b) Multi-family dwellings and condos.

(c) Home occupation with two (2) or less employees. No retail sales, assembling, or manufacturing allowed on-premise.

(d) Signs.

(e) Artificial lakes and ponds two thousand (2,000) square feet or larger in size.

**(4) Lot Requirements.**

Single Family Dwelling Lot

Area: per the most current Village Comprehensive Plan

Width: one hundred feet (100') minimum

Duplex Lot

Area: fourteen thousand (14,000) square feet minimum, but must comply with the most current Village Comprehensive Plan

Width: one hundred feet (100') minimum

**(5) Height Regulations.**

Residential dwellings: thirty-five feet (35') maximum

Accessory structure: twenty-five feet (25') maximum

**(6) Buildable Area.** All lots (including planned developments and conservation by design subdivision) created after April 18, 2005 shall have a minimum buildable area of three thousand (3,000) square feet.

**(7) Building Setbacks.** All building setbacks shall be measured from the foundation wall, except that any overhang greater than two feet (2') shall require additional setback equal to the amount greater than two feet (2'). Building setbacks shall be those listed on a certified survey map and/or plat duly approved by the Board for the Village on or after September 16, 2002, or the setbacks listed below:

Yard	Princ. Struc.	Acces. Struc.
Front	35 foot min. from street ROW	40 foot min. from street ROW
Side	10 foot min.	10 foot min.
Rear	25 foot min.	15 foot min.
Corner Side	35 foot min.	40 foot min.

ROW=right-of-way

**(8) Building Size.**

(a) *Single Family.* Minimum size of a residential dwelling shall be one thousand two hundred (1,200) square feet above grade with at least eight hundred (800) square feet on the main floor.

(b) *Two (2) Family.* Minimum size of a residential dwelling shall be seven hundred (700) square feet on the main floor area per family unit.

**(9) Parking.** Parking shall conform to the requirements as set forth in Section 18.18.

**(10) Signs.** Signs shall be regulated as set forth in Section 18.17.

**(11) Other Requirements.**

(a) Apartment units constructed within the RS District shall meet the height regulations, setbacks, and lot area.

(b) There shall be a minimum spacing of five hundred feet (500') between duplex lots when not separated by a public road.

(c) There shall be no more than one (1) duplex lot per ten (10) lots within any individual subdivision plat.

(d) There shall be no more than two (2) duplex lots on an intersection containing four (4) corner lots.

(e) There shall be no more than one (1) duplex lot located on an intersection containing two (2) corner lots. This will ensure a low density of duplexes in a predominantly single family development area.

(f) All corner lot duplexes shall access one (1) unit to each street unless otherwise specified.

(g) All duplex lots must be identified on the plat on the specific lot and in the restrictive covenants prior to final plat or certified survey map approval.

**(12) Zero Lot Line Duplexes, Four (4) Plexes, and Condominiums.**

(a) Lots shall have not less than fifty feet (50') of frontage measured along the right-of-way line for each dwelling unit. If such lot is located on the outer radius of a curved street or cul-de-sac, the frontage may be measured at the building front setback line provided the right-of-way frontage is at least forty feet (40').

(b) Lots shall have not less than seven thousand (7,000) square feet in area for each dwelling unit.

(c) When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and maintenance, shall be guarded against by private covenants and deed restrictions and the approving authorities shall not be held responsible for same.

(d) Easements shall be provided across zero lot lines where necessary for water, sewer, and utility services.

(e) When attached dwelling units are created, the plans, specifications and construction of such buildings shall require the installation and construction of separate sewer and other metered utility services to each dwelling unit.

**18.10 PUBLIC LANDS AND INSTITUTIONS.**

**(1) Purpose.** To provide for, properly control, and protect public, quasi-public, and semi-public lands and buildings intended and used for the general public welfare, including land reserves designated for future public or institutional use.

**(2) Permitted Uses.** No land in the Public Lands and Institutions District shall be used or altered and no building or structure in the Public Lands and Institutions District shall be used, erected, altered, or enlarged except for the uses specified in this chapter.

- (a) Public gardens and forests.
- (b) Public sports fields and other recreational facilities including golf courses.
- (c) Open space for recreational use whether wild or developed.
- (d) Religious institutions.
- (e) Cemeteries-to provide, properly control, and protect land used for interment of human remains and for related uses.
  1. Crematoria, monuments, chapels, administration and maintenance buildings, and other buildings, structures, and facilities appurtenant to the operation and care of cemeteries.
- (f) Public administration buildings, garages and warehouses, and police and fire stations.
- (g) School-park sites.
- (h) Public, private, and parochial elementary and secondary schools.
- (i) Public, private, and parochial colleges.
- (j) Libraries.
- (k) Zoos, arboretums, and museums.
- (l) Similar uses determined appropriate by the Planning & Zoning Commission.

The location and architectural design of such buildings and structures, whether publicly or privately owned, shall first be submitted to the Planning & Zoning Commission for its consideration and report before final action is taken thereon by the Board.

**(3) Conditional Uses.** The following uses may be considered for conditional use (see Section 18.04 (3) (d)):

- (a) Telecommunication Towers.

**(4) Lot Area, Frontage, and Yard Regulations.** All yard requirements shall be reviewed by the Planning & Zoning

Commission, before final action is taken thereon by the Board, after investigation of the effect of the proposed use upon the surrounding area and adjoining premises, but in no case shall the minimum yard distance be less than as follows:

- (a) When abutting a residentially zoned property, setbacks shall be no less than that of the abutting residential classification.
- (b) Zero-lot line may be permitted in situations where combining of properties is not practical.
- (c) Or the setbacks listed below:

Front	25 foot min. from street ROW
Side	10 foot min.
Rear	10 foot min.
Corner Side	25 foot min.

ROW=right-of-way

**18.11 B – BUSINESS.** The Business District is designed to accommodate those uses where moderate-intensity retail, office and service uses are planned. Businesses that typically involve outdoor display, storage and/or sales, motor vehicle repair and other intensive or outdoor uses are discouraged.

**(1) General Requirements.** The following general requirements shall apply in the Business District:

- (a) *Uses.* With the exception of approved accessory buildings and uses, only principal retail or office uses are allowed.
- (b) *Business.* All business shall be conducted directly with consumers.
- (c) *Goods.* All goods produced on a premises shall be sold at retail on the premises where produced.
- (d) *Enclosed Buildings.* Except for permitted accessory uses, outside sale and display (Section 18.11 (5)), and except as specifically allowed as a conditional use in accordance with Section 18.99 (7), all business, servicing, processing, sales, and

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storage shall be conducted within completely enclosed buildings.

(e) All building, lighting, site, signage, and landscaping shall require Design Review Committee review for conformance to the provisions of this ordinance in relation to the standards adopted in Section 16.28 of the Village Municipal Code.

(f) Developments located in special development areas (e.g. Town Center) shall conform to the recommendations of those districts.

(g) Stormwater plans shall be approved by the Engineer.

**(2) Permitted Uses.**

(a) Antique/Second hand/consignment shops.

(b) Appliance dealers/repairs (household).

(c) Art shops, galleries, and supply stores.

(d) Bakery goods stores.

(e) Banks and financial institutions.

(f) Barber/Beauty/Tanning Shops.

(g) Bicycle sales, rental, and repair stores.

(h) Boat and marina supply dealers.

(i) Book stores (including magazine and newspaper sales).

(j) Business machine sales and service centers.

(k) Catering establishments.

(l) Clubs and lodges.

(m) Computer and data processing services and dealers.

(n) Copy and duplicating services.

(o) Day care centers (group).

(p) Electrical showrooms and shops.

(q) Florist shops.

(r) Fruit and produce stands.

(s) Funeral homes.

(t) Grocery and food stores.

(u) Laboratories (medical, dental, research, and testing).

(v) Laundries (full-service, employing not more than four (4) persons).

(w) Laundries (self service).

(x) Lawn and garden supply, seed, and plant stores.

(y) Lawn equipment sales and service centers.

(z) Libraries.

(a1) Locksmith shops.

(b1) Meeting halls.

(c1) Millinery shops.

(d1) Motor vehicle parts, supplies and accessory stores, not to include used auto salvage yards.

(e1) Nursing homes and personal care facilities.

(f1) Office machine sales and service shops.

(g1) Offices (business, professional, and governmental).

(h1) Orthopedic and medical appliance stores.

(i1) Paint stores.

(j1) Pet shops.

(k1) Pharmacies.

(l1) Photography studios.

(m1) Picture framing shops.

(n1) Plumbing showrooms and shops.

(o1) Post offices.

(p1) Radio and television stations.

(q1) Recording studios.

(r1) Rental service stores.

(s1) Restaurants (including drive-in restaurants).

(t1) Retail sales, except sales requiring special permits and/or licenses are by conditional use only. (Adult entertainment establishments are prohibited).

1. Alcohol.

2. Explosives.

3. Firearms.

4. Fireworks.

5. Hazardous materials.

(u1) Schools (dance, music, and business).

(v1) Tailor shops.

(w1) Taxidermists.

(x1) Theaters (indoor).

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- (y1) Ticket agencies (amusement).
- (z1) Tobacco shops.
- (a2) Transportation ticket offices.
- (b2) Travel agencies.
- (c2) Any use deemed similar by the Zoning Administrator to the above listed uses.

**(3) Permitted Accessory Uses.**

(a) *General Requirements.* Accessory uses and structures shall comply with the following standards and all other applicable regulations of this code.

1. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

2. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

3. The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

4. The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure.

5. The accessory use or structure shall be located on the same parcel as the principal use or structure.

**(4) Conditional Uses.** The following may be considered as a conditional use (see Section 18.04 (3) (d)).

(a) Amusement establishments (archery ranges, bowling alleys, driving ranges, shooting galleries, game rooms, swimming pools, skating rinks, and similar facilities).

(b) Auction rooms.

(c) Boat and recreational watercraft rental businesses.

(d) Car washes.

(e) Dry cleaners.

(f) Dwelling units and lodging rooms located above the first (1<sup>st</sup>) floor.

(g) Gasoline and motor vehicle fuel sales businesses.

(h) Hotels.

(i) Kennels.

(j) Laundries (full-service, employing more than four (4) persons).

(k) Lumber yards and building material sales centers.

(l) Mail order houses.

(m) Motels.

(n) Outside business, servicing, processing, sales or storage (any use or activity, other than off-street parking and loading, not conducted within completely enclosed buildings).

(o) Parking lots, garages, and structures (non-accessory).

(p) Planned developments.

(q) Public utility, governmental and service uses (except as specifically exempted in Section 18.05 (4) of this ordinance).

(r) Retail sales requiring special permits and/or licenses.

1. Alcohol.

2. Explosives.

3. Firearms.

4. Fireworks.

5. Hazardous materials.

(s) Recreational buildings.

(t) Restaurants primarily engaged in drive-in, drive-through, or carry out services.

(u) Taverns, cocktail lounges, and drinking establishments.

(v) Veterinary clinics and hospitals.

**(5) Outdoor Sales & Displays.**

Outdoor sales or display are permitted only when accessory to the permitted or conditional use. All outdoor sales or displays are required to meet the following:

(a) Maximum size of area without conditional use approval is one hundred (100) square feet.

(b) All sales and display areas shall be removed at the end of every business day.

(c) Display areas must be located as to not interfere with pedestrian or vehicular

traffic, required parking areas or encroach upon landscaped areas.

Temporary displays larger than one hundred (100) square feet will require a special permit from the Zoning Administrator. Special permits if granted shall be for a maximum of thirty (30) days and no more than two (2) permits shall be issued per calendar year. Fees for temporary permits will be as approved from time to time by resolution by the Board.

**(6) Lot Requirements.**

With public sewer

Area: fourteen thousand (14,000) square feet minimum

Width: one hundred feet (100') minimum

Without Public Sewer

Area: forty thousand (40,000) square feet minimum

Width: one hundred feet (100') minimum

**(7) Height Regulations.**

All structures, thirty-five feet (35') maximum

**(8) Building Setbacks.** Building setbacks shall be those listed on a certified survey map and/or plat duly approved by the Board for the Village on or after September 16, 2002, or the setbacks listed below:

Yard	Princ. Struc.	Acces. Build.
Front	45 foot min. from street ROW	45 foot min. from street ROW
Side	10 foot min.	10 foot min.
Rear	10 foot min.	10 foot min.
Corner Side	45 foot min. from street ROW	45 foot min. from street ROW

ROW=right-of-way

**(9) Building Size.**

All principal buildings, minimum seven hundred (700) square feet

**(10) Building Materials.** One hundred percent (100%) of a building elevation (non-window areas) that fronts on a right-of-way or proposed right-of-way shall be constructed with wood (manmade materials that give the appearance of wood are acceptable), brick, stucco, stone, or decorative face concrete block.

Consideration will be given for metal lap siding, glass curtain walls and other manmade materials if fifty percent (50%) of face is approved masonry materials.

**(11) Parking.** Parking shall conform to the requirements as set forth in Section 18.18.

**(12) Signs.** Signs shall be regulated as set forth in Section 18.17.

**18.12 HB – HIGHWAY BUSINESS.** The Highway Business District is designed to accommodate those business and retail uses which provide merchandise and services desired by motorists, directly from or for motor vehicles.

**(1) General Requirements.** The following general requirements shall apply in the Highway Business District:

(a) *Uses.* With the exception of approved accessory buildings and uses, only principal retail, office, and institutional uses are allowed.

(b) *Business.* All business shall be conducted directly with consumers.

(c) *Goods.* All goods produced on a premises shall be sold at retail on the premises where produced.

(d) *Enclosed Buildings.* Except for permitted accessory uses, outside sale and display (Section 18.12 (5)) and except for services provided to and for motor vehicles, and except as specifically allowed as a conditional use in accordance with Section 18.99 (7), all business, servicing, processing, sales, and storage shall be

conducted within completely enclosed buildings.

(e) All building, lighting, site, signage, and landscaping shall require Design Review Committee review for conformance to the provisions of this ordinance in relation to the standards adopted in Section 16.28 of the Village Municipal Code.

(f) Developments located in special development areas (e.g. Town Center) shall conform to the recommendations of those districts.

(g) Stormwater plans shall be approved by the Engineer.

**(2) Permitted Uses.**

(a) All permitted uses allowed in the Business District as specified in Section 18.11 (2).

(b) Amusement establishment (archery ranges, bowling alleys, shooting galleries, game rooms, swimming pools, skating rinks, and similar facilities).

(c) Auction rooms.

(d) Boats and recreational watercraft business.

(e) Car washes.

(f) Commercial publishing and printing establishments.

(g) Dry cleaners.

(h) Hospitals.

(i) Hotels.

(j) Laundries (full-service, employing more than four (4) persons).

(k) Lumber yards and building material sales centers.

(l) Mail order houses.

(m) Motels.

(n) Motorcycle dealers.

(o) Motor vehicle dealers.

(p) Motor vehicle rental and leasing businesses.

(q) Parking lots, garages, and structures (non-accessory).

(r) Passenger transportation services.

(s) Public utility, governmental, and service uses (except as specifically exempted in Section 18.05 (4)).

(t) Recreational buildings.

(u) Recreational vehicle dealers.

(v) Restaurants primarily engaged in drive-in, drive-through, or carry out services.

(w) Rooming and boarding houses.

(x) Trailer dealers (utility).

(y) Veterinary clinics and hospitals.

**(3) Permitted Accessory Uses.**

(a) *General Requirements.* Accessory uses and structures shall comply with the following standards and all other applicable regulations of this code.

1. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

2. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

3. The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

4. The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure.

5. The accessory use or structure shall be located on the same parcel as the principal use or structure.

**(4) Conditional Uses.** The following may be considered as a conditional use (see Section 18.04 (3) (d)).

(a) Automotive/motor vehicle repair shops, garage, and service centers.

(b) Farm machinery and equipment dealers.

(c) Gasoline and motor vehicle fuel sales business.

(d) Kennels.

(e) Liquor stores.

(f) Manufactured home dealers.

(g) Mini-warehouse.



(h) Outside business, servicing, processing, sales or storage (any use or activity, other than off-street parking and loading, not conducted within completely enclosed buildings).

(i) Planned developments.

(j) Tavern, cocktail lounges, and drinking establishments.

(k) Trade schools.

(l) Transitional facility.

**(5) Outdoor Sales & Displays.**

Outdoor sales or display are permitted only when accessory to the permitted or conditional use. All outdoor sales or displays are required to meet the following:

- (a) Temporary outdoor sales or displays:
  1. Maximum size of area is one hundred (100) square feet.
  2. All sales and display areas shall be removed at the end of every business day.
  3. Display areas must be located as to not interfere with pedestrian or vehicular traffic, required parking areas, or encroach upon landscaped areas.
  4. Temporary displays larger than one hundred (100) square feet will require a special permit from the Zoning Administrator. Special permits if granted shall be for a maximum of thirty (30) days and no more than two (2) permits shall be issued per calendar year.
  5. Fees for temporary permits will be as approved from time to time by resolution by the Board.

(b) Permanent outdoor sales or displays:

1. Site plan approval by the Planning & Zoning Commission is required for the following uses. All other uses require conditional use approval:
  - a. Boats and recreational watercraft business.
  - b. Motorcycle dealers.
  - c. Motor vehicle.
  - d. Motor vehicle rental and leasing businesses.

e. Parking lots, garages, and structures (non-accessory).

f. Recreational vehicle dealers.

g. Trailer dealers (utility).

**(6) Lot Requirements.**

With public sewer

Area: fourteen thousand (14,000) square feet minimum

Width: one hundred feet (100') minimum

Without public sewer

Area: forty thousand (40,000) square feet minimum

Width: one hundred feet (100') minimum

**(7) Height Regulations.**

All structures: thirty-five feet (35') maximum

**(8) Building Setbacks.** Building setbacks shall be those listed on a certified survey map and/or plat duly approved by the Board for the Village on or after September 16, 2002, or the setbacks listed below:

Yard	Princ. Struc.	Acces. Build.
Front	45 foot min. from street ROW	45 foot min. from street ROW
Side	10 foot min.	10 foot min.
Rear	10 foot min.	10 foot min.
Corner Side	45 foot min.	45 foot min.

ROW=right-of-way

**(9) Building Size.**

All principal buildings, minimum seven hundred (700) square feet

**(10) Building Materials.** One hundred percent (100%) of a building elevation (non-window areas) that fronts on a right-of-way or proposed right-of-way shall be constructed with wood (manmade materials that give the appearance of wood are

acceptable), brick, stucco, stone, or decorative face concrete block. Consideration will be given for metal lap siding, glass curtain walls, and other manmade materials if fifty percent (50%) of face is approved masonry materials.

**(11) Parking.** Parking shall conform to the requirements as set forth in Section 18.18.

**(12) Signs.** Signs shall be regulated as set forth in Section 18.17.

**18.13 NEIGHBORHOOD BUSINESS.**

The Neighborhood Business District is intended to serve the retail and service needs of community with controlled impact to the surrounding residential neighborhoods.

**(1) General Requirements.** The following general requirements shall apply in the Neighborhood Business District:

*(a) Uses.* With the exception of approved accessory buildings and uses, only principal retail or office uses are allowed.

*(b) Business.* All business shall be conducted directly with consumers.

*(c) Goods.* All goods produced on a premises shall be sold at retail on the premises where produced.

*(d) Enclosed Buildings.* Except for permitted accessory uses, outside sale and display (Section 18.13 (5) below), and except as specifically allowed as a conditional use in accordance with Section 18.99 (7), all business, servicing, processing, sales, and storage shall be conducted within completely enclosed buildings.

*(e)* All building, lighting, site, signage, and landscaping shall require Design Review Committee review for conformance to the provisions of this ordinance in relation to the standards adopted in Section 16.28 of the Village Municipal Code.

*(f)* Developments located in special development areas (e.g. Town Center) shall conform to the recommendations of those districts.

*(g)* Stormwater plans shall be approved by the Engineer.

**(2) Permitted Uses.**

*(a)* Art supplies, shops, and galleries.

*(b)* Bakeries, retail.

*(c)* Banks, credit unions, financial institutions.

*(d)* Barber and beauty shops, spas.

*(e)* Book stores (including magazine and newspaper sales).

*(f)* Boutiques, specialty clothing.

*(g)* Community center, neighborhood center.

*(h)* Dairy product retail stores.

*(i)* Day care centers.

*(j)* Delicatessens, cafes.

*(k)* Drug stores.

*(l)* Dry cleaning drop-off site.

*(m)* Floral shops.

*(n)* Gift shops.

*(o)* General merchandise.

*(p)* Hardware store.

*(q)* Health club, fitness center, indoor recreation.

*(r)* Insurance agents.

*(s)* Jewelry stores.

*(t)* Libraries.

*(u)* Liquor/wine store.

*(v)* Pet shops.

*(w)* Photography studios.

*(x)* Picture framing shops.

*(y)* Professional offices.

*(z)* Restaurants.

*(a1)* Specialty foods.

*(b1)* Small appliance sales and service (indoor appliance only).

*(c1)* Video, DVD stores.

**(3) Permitted Accessory Uses.**

*(a) General Requirements.* Accessory uses and structures shall comply with the following standards and all other applicable regulations of this code.

1. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

2. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

3. The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

4. The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure.

5. The accessory use or structure shall be located on the same parcel as the principal use or structure.

**(4) Conditional Uses.** The following uses may be considered for conditional use. (see Section 18.04 (3) (d)):

- (a) Mixed Business/Residential use.
- (b) Any allowable use in Business.

**(5) Outdoor Sales & Display.** Outdoor sales or display are permitted only when accessory to the permitted or conditional use. All outdoor sales or displays are required to meet the following:

- (a) Maximum size of area without conditional use approval is one hundred (100) square feet.
- (b) All sales and display areas shall be removed at the end of every business day.
- (c) Display areas must be located as to not interfere with pedestrian or vehicular traffic, required parking areas, or encroach upon landscaped areas.
- (d) Temporary displays larger than one hundred (100) square feet will require a special permit from the Zoning Administrator. Special permits shall be for a maximum of thirty (30) days and no more than two (2) permits shall be issued per calendar year.
- (e) Fees for temporary permits will be as approved from time to time by resolution by the Board.

**(6) Hours of Operation.** All business shall be conducted between the hours of 7 a.m. and 9 p.m. unless approved by the Board.

**(7) Lot Requirements.**

With public sewer

Area: fourteen thousand (14,000) square feet minimum

Width: one hundred feet (100') minimum

Without public sewer

Area: forty thousand (40,000) square feet minimum

Width: one hundred feet (100') minimum

**(8) Height Regulations.**

Primary structures: thirty-five feet (35') maximum

Accessory structures shall not exceed the height of the principal structure.

**(9) Building Setbacks.** All building setbacks shall be measured from the foundation wall, except that any overhang greater than two feet (2') shall require additional setback equal to the amount greater than two feet (2').

Yard	Princ. Struc.	Acces. Build.
Front	25 foot min. from street ROW	35 foot min. from street ROW
Side	10 foot min.	10 foot min.
Rear	10 foot min.	10 foot min.
Corner Side	25 foot min. from street ROW	35 foot min. from street ROW

ROW=right-of-way

**(10) Building Size.**

(a) Principal structure: minimum seven hundred (700) square feet

(b) Accessory building: maximum seven hundred (700) square feet in size

**(11) Number of Structures.**

(a) Maximum of three (3) principal use structures shall be located on a lot.

(b) Only one (1) accessory structure shall be located on a lot.

**(12) Building Materials.**

(a) One hundred percent (100%) of all building elevations (non-window areas) shall be constructed with wood (manmade materials that give the appearance of wood are acceptable), brick, stucco, stone, or decorative face concrete block. Consideration will be given for metal lap siding, glass curtain walls, and other manmade materials if fifty percent (50%) of face is approved masonry materials.

(b) All structures shall be of like materials.

(c) All outside trash shall be kept in enclosed areas of like materials of the main structure.

**(13) Parking.** Parking shall conform to the requirements as set forth in Section 18.18, except that no parking area shall be in a front yard. All parking areas are required to be paved and properly marked.

**(14) Signs.** Signs shall be regulated as set forth in Section 18.17, except that the following restrictions apply:

(a) All exterior signs shall be ground style with a maximum size of thirty-two (32) square feet per side (no building wall signage).

(b) All sign lighting shall be turned off at the end of business each day.

**18.14 I1 – INDUSTRIAL 1.** The I1 Industrial District is designed primarily to accommodate those business and commercial activities which may be incompatible with the predominantly retail uses permitted in the Highway Business or Business Districts; and whose service area is not confined to any one (1) neighborhood or community.

**(1) General Requirements.** The following general requirements shall apply in the I1 Industrial Zoning District:

(a) Except for permitted off-street parking and loading, and except as specifically allowed as a conditional use in

accordance with Section 18.99 (7) of this code, all business, servicing, processing, manufacturing operations, and storage shall be conducted within completely enclosed buildings.

(b) All development shall comply with the requirements set forth in the Village Industrial Park Land Use Controls.

(c) No building or any improvement shall be erected, placed, or altered on any building site until the plans for such building or improvement, including site plan, landscape plan, building plan and specifications, have been submitted for approval to the Board or its designated agent or representative. The Board or its designated agent or representative shall approve or disapprove such plans with respect to conformity with the Village Industrial Park Land Use Controls and other applicable codes and ordinances of the Village, and with respect to harmony of external design and land use as it affects property within and adjacent to the industrial park.

(d) Stormwater plans shall be approved by the Engineer.

**(2) Permitted Uses.** The following uses are allowed in the I1 Industrial Zoning District. All other uses not specifically listed are prohibited.

- (a) Automotive repair garages.
- (b) Bakeries (wholesale).
- (c) Bedding manufacturing.
- (d) Building materials sales and storage.
- (e) Carpet and flooring manufacturing.
- (f) Cloth products manufacturing.
- (g) Contractor's offices, shops, and yards.
- (h) Cosmetic production.
- (i) Dairy products manufacturing, processing, and packaging.
- (j) Electronic and scientific precision equipment manufacturing.
- (k) Farm machinery and equipment dealers.

- (l) Feed and seed sales.
- (m) Glass products manufacturing.
- (n) Lithographing.
- (o) Lodges and offices of labor organizations.
- (p) Machinery and appliance manufacturing (light).
- (q) Manufacturing and bottling of non-alcoholic beverages.
- (r) Manufactured home dealers.
- (s) Municipal facilities.
- (t) Musical instrument manufacturing.
- (u) Orthopedic and medical appliance manufacturing.
- (v) Printing and publishing establishments.
- (w) Radio and television towers.
- (x) Sign manufacturing.
- (y) Sporting goods manufacturing.
- (z) Trade schools.
- (a1) Warehousing, storage, and distribution facilities.
- (b1) Parking lots.

**(3) Conditional Uses.** The Planning & Zoning Commission shall make a recommendation to the Board concerning the proposal. The conditional uses may be allowed when determined not to be obnoxious, unhealthful, or offensive.

**(4) Lot Requirements.**

With public sewer

Area: one (1) acre minimum

Width: one hundred feet (100') minimum

Without public sewer

Area: two (2) acre minimum

Width: two hundred feet (200') minimum

**(5) Height Regulations.**

Residential dwelling: thirty-five feet (35') maximum

All other structures: sixty feet (60') maximum

**(6) Building Setbacks.** Building setbacks shall be those listed on a certified survey map and/or plat duly approved by the

Board for the Village on or after September 16, 2002, or the setbacks listed below:

Yard	Princ. Struc.	Acces. Build.
Front	45 foot min. from street ROW	45 foot min. from street ROW
Side	20 foot min.	20 foot min.
Rear	20 foot min.	20 foot min.
Corner Side	45 foot min. from street ROW	45 foot min. from street ROW

ROW=right-of-way

When adjacent to a residential zone, side, and rear yard setbacks shall be increased to a fifty feet (50') minimum.

**(7) Parking.** Parking shall conform to the requirements as set forth in Section 18.18.

**(8) Signs.** Signs shall be regulated as set forth in Section 18.17.

**18.15 I2 – INDUSTRIAL 2.** The I2 Industrial District is a special or exclusive type of planned industrial area designed and equipped to accommodate a community of both light and heavy industrial activities which require large parcels of property, which are compatible with the use and occupancy of adjoining properties and which, by their character should be remote from residential and business development, and which are found not to be obnoxious, unhealthful, or offensive by reason of potential emission or transmission of noise, vibrations, smoke, dust, odors, heat, or toxic or noxious matter.

**(1) General Requirements.**

(a) All business, servicing, processing, manufacturing operations within three hundred feet (300') of a residential, business, or commercial zoning district shall

be conducted within completely enclosed buildings. Except for permitted off-street parking and loading, all storage within three hundred feet (300') of a residential, business, or commercial zoning district shall be within completely enclosed buildings or effectively screened by a solid wall or fence (including solid entrance and exit gates) not less than six feet (6') nor more than eight feet (8') in height.

(b) No building shall be erected or structurally altered within the district to exceed two (2) stories or thirty-five feet (35') in height, excepting that architectural features and chimneys may extend above such height; and further excepting that buildings may exceed such height if an additional one foot (1') of front yard and side yard is provided for each foot exceeding such height of thirty-five feet (35'). No building shall exceed seventy-five feet (75') in height.

(c) No building or any improvement shall be erected, placed, or altered on any building site until the plans for such building or improvement, including site plan, landscape plan, building plan and specifications, have been submitted for approval to the Board or its designated agent or representative. The Board or its designated agent or representative shall approve or disapprove such plans with respect to conformity with the Village Industrial Land Use Controls and other applicable codes and ordinances of the Village, and with respect to harmony of external design and land use as it affects property within and adjacent to the I2 Industrial District.

(d) Stormwater plans shall be approved by the Engineer.

**(2) Permitted Uses.** The following general uses are permitted in the I2 Industrial District:

- (a) Abrasive manufacturing.
- (b) Adult entertainment establishments.

- (c) Asphalt products manufacturing.
- (d) Assembly plants.
- (e) Bakeries (excluding retail outlets).
- (f) Bedding manufacturing.
- (g) Boot and shoe manufacturing.
- (h) Bottling companies.
- (i) Brick and masonry products manufacturing.
- (j) Carpet and flooring manufacturing cartage facilities.
- (k) Cartage facilities.
- (l) Chemical manufacturing and processing.
- (m) Cloth products manufacturing.
- (n) Concrete mixing plants.
- (o) Contractor's offices, shops, and yards.
- (p) Cosmetic production.
- (q) Dairy products manufacturing, processing, and packaging.
- (r) Electronic and scientific instrument manufacturing.
- (s) Electroplating facilities.
- (t) Feed mills (including feed and seed sales outlets).
- (u) Food manufacturing, processing, and packaging (excluding meat packing).
- (v) Foundries and forge plants.
- (w) Freight terminals.
- (x) Furniture manufacturing and upholstery.
- (y) Fur processing plants.
- (z) Glass products manufacturing.
- (a1) Grain storage and processing.
- (b1) Graphite products manufacturing.
- (c1) Kennels.
- (d1) Laboratories (research and testing).
- (e1) Laundries (non-retail).
- (f1) Leather tanning and processing.
- (g1) Lithographing facilities.
- (h1) Machinery and appliance manufacturing.
- (i1) Machine shop.
- (j1) Manufacturing plants.
- (k1) Mail order houses.
- (l1) Metal stamping.

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- (m1) Motor vehicle repair shops and service centers.
- (n1) Musical instrument manufacturing.
- (o1) Orthopedic and medical appliance manufacturing.
- (p1) Paint products manufacturing.
- (q1) Paper products manufacturing.
- (r1) Parking lots, garages, and structures (non-accessory).
- (s1) Petroleum products manufacturing, processing, and storage.
- (t1) Plastic and plastic products manufacturing.
- (u1) Printing and publishing establishments (non-retail).
- (v1) Public utility, governmental, and service uses.
- (w1) Radio and television stations and towers.
- (x1) Railroad facilities.
- (y1) Rope, cord, and twine manufacturing.
- (z1) Rubber manufacturing and processing.
- (a2) Sign manufacturing.
- (b2) Sporting goods manufacturing.
- (c2) Steel manufacturing.
- (d2) Stone products manufacturing.
- (e2) Trade schools.
- (f2) Transportation equipment manufacturing.
- (g2) Trucking facilities.
- (h2) Utilities.
- (i2) Warehousing, storage, and distribution facilities.
- (j2) Woodworking and wood products manufacturing.
- (k2) Wearing apparel manufacturing.
- (l2) Other establishments that can be operated without creating objectionable noise, odor, dust, gas, fumes, or vapor, and that is not an offensive, dangerous, or unwholesome use, and that is a use compatible with the use and occupancy of the adjoining properties.

(m2) Accessory offices and administrative uses, such as office buildings and cafeterias are permitted.

(n2) Watchman's quarters may be permitted for temporary, short-term use in conjunction with the above permitted uses.

**(3) Conditional Uses.** The Planning & Zoning Commission shall make a recommendation to the Board concerning the proposal. The conditional uses may be allowed when determined not to be obnoxious, unhealthful, or offensive.

**(4) Prohibited Uses.** The prohibited uses in the I2 Industrial District shall not be limited to those uses listed. Any other use found and determined to be obnoxious, unhealthful, or offensive, may be prohibited by the Planning & Zoning Commission.

(a) Automobile or machinery wrecking or salvaging.

(b) Cement, lime, gypsum, or plaster of paris manufacture.

(c) Distillation of bones.

(d) Explosive manufacture, processing, or storage.

(e) Junk yards.

(f) Manufacture, storage, or processing of fuel products consisting of petroleum or coal.

(g) Smelting.

(h) Manufacture, processing, storage, or distribution of animals or animal by-products; rendering plants, slaughter houses, meat packing, gelatin, glue, soap, or fertilizer plants.

(i) All permitted or conditional uses in all residential or business districts.

(j) Dwelling units and lodging rooms.

**(5) Lot Requirements.**

With public sewer

Area: one (1) acre minimum

Width: one hundred feet (100') minimum

Without public sewer

Area: two (2) acre minimum

Width: two hundred feet (200') minimum

**(6) Setbacks.**

*(a) Front Yard.*

1. All properties fronting on a county highway shall have a front yard setback of not less than forty-five feet (45').

2. All properties fronting on a municipal street shall have a front yard setback of not less than twenty-five feet (25').

*(b) Side Yard.* There shall be a minimum side yard of not less than twenty feet (20') on each side of the building or buildings.

*(c) Rear Yard.* There shall be a minimum rear yard of not less than twenty feet (20'); except when adjoining a residential zone, in which case a minimum of fifty feet (50') is required.

*(d) Corner Side Yard.* All corner lots shall have two (2) front yards.

1. All corner side yards fronting on a county highway shall have a corner side yard setback of not less than forty-five feet (45').

2. All corner side yards fronting on a municipal street shall have a corner side yard setback of not less than twenty-five feet (25').

*(e) Yards, Unoccupied.* All front and exterior side yard setback areas shall be open and unoccupied by structures of any kind for open storage of materials, except for landscaping and landscaping structures, including walls and identity signs when incorporated as a landscape feature, entrance ways, and flagpoles.

**(7) Signs.** Signs shall be regulated by the provisions of Section 18.17.

**(8) Parking Regulations.**

*(a)* Parking shall conform to the requirements as set forth in Section 18.18.

*(b)* Any applications for a building permit, or for an occupancy certificate where no building permit is required, shall include therewith a plot plan drawn to scale

and fully dimensioned showing any off-street parking, loading facilities, and any ingress and egress areas.

**(9) Off-Street Loading Requirements.**

Off-street loading facilities shall be provided by the individual business.

*(a) Minimum Facilities.* All warehouses, supply houses, manufacturing plants, or any other building where large amounts of goods are received or shipped, shall provide adequate loading or unloading berth or berths as determined by the Planning & Zoning Commission.

*(b) Size.* A required off-street berth shall be at least fifty-five feet (55') in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen feet (15').

*(c) Utilization.* Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities of portions thereof.

**18.16 MANUFACTURED HOUSING**

**PARKS.** This section shall regulate the parking, location, and maintaining of all manufactured homes and manufactured home parks. Manufactured home parks may be allowed as a Planned Development District (PDD) in the RR-Rural Residential and RS-Residential Sewer zones. Manufactured homes shall be prohibited in all zoning districts except within a manufactured home park within the Village or as set forth in Section 18.16 (2) & (3). No manufactured home park space shall be rented or leased for a period of less than thirty (30) days.

**(1) Definitions.** The following definitions shall apply in the interpretation and enforcement of this code.

*(a) Manufactured Home-Class I.* A structure, transportable in one (1) or more sections built on a permanent chassis and designed to be used as a dwelling unit, with



or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. Sections 5401 to 5426. For purposes of this ordinance, a manufactured home Class I shall be considered a single family or two (2) family home when meeting the requirements of Section 18.04 (5) and therefore, may locate in any district permitting such use.

(b) *Manufactured Home-Class II.* A structure transportable in one (1) or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

(c) *Manufactured Home Park.* Any park, court, campsite, lot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two (2) or more manufactured homes and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured home park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

(d) *Unit.* One (1) manufactured home.

(e) *Non-Dependent Unit.* A manufactured home that has a bath or shower and toilet facilities.

(f) *Dependent Unit.* A manufactured home which does not have a bath or shower and toilet facilities.

(g) *Space.* A plat of ground in a manufactured home park designed for the location of only one (1) manufactured home.

(h) *Person.* Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir, or assignee.

(i) *Pad.* A concrete slab or its equivalent, as determined by the Building Inspector, constructed on the manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.

(j) *Occupied Area.* That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.

(k) *Park Management.* The person who owns or has charge, care, or control of the manufactured home park.

**(2) License for Manufactured Home Park: Application and Issuance.**

(a) No person shall establish, operate, maintain, or permit to be established, operated, or maintained upon any property owned, leased, or controlled by him, a manufactured home park within the limits of the Village without first securing a license for each park from the Board, pursuant to this chapter. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this chapter for additional periods of one (1) year.

(b) The application of such license or renewal thereof shall be approved by the Board. Before a license is issued, an applicant shall pay an annual fee as adopted from time to time by resolution of the Board and, in addition thereto, each applicant for an original or renewal license shall file with the Clerk a bond in the sum of one thousand dollars (\$1,000) for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees

as provided in this code and the compliance of the licensee and the park management with the provisions of this code. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this code. The annual license shall be subject to renewal by the Board, provided that said licensee has abided by the requirements of this ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.

(c) The application for a license or a renewal thereof shall be made on forms furnished by the Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new, or revised manufactured home park shall be accompanied by five (5) copies of the park plan showing the following, either existing or as proposed:

1. The extent and area for park purposes.
2. Roadway and driveways.
3. Location and designation of dependent and independent manufactured home spaces.
4. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms to be used by occupants of the manufactured home park.

5. Complete layout of storm, sanitary, and water systems for service building and spaces.
6. Method and plan of garbage removal.
7. Plan for electrical or gas lighting of spaces.
8. Interest in applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him or her to construct and maintain the proposed park, addition, modification, or extension, and make the application.

**(3) Revocation and Suspension.** The Board may suspend or revoke a license after a hearing held pursuant to Wis. Stats. §66.058(2)(d).

**(4) Location of Manufactured Home Parks.** An application for the construction of a manufactured home park shall be considered only when its proposed location is within a district zoned to permit this type of use.

**(5) Manufactured Home Park Plan.**

(a) Manufactured home spaces shall be clearly defined and shall consist of a minimum of eleven thousand two hundred fifty (11,250) square feet and a width of not less than forty feet (40') measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred feet (100') when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty feet (30') in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Public Works Director. The roadways shall be well lit and shall not be obstructed.

(b) The park shall be so laid out that no dependent unit shall be further than two hundred feet (200') from the toilets and service building, provided for herein, and walkways to such buildings shall be paved and well lit.

(c) Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though fully set forth.

(d) All manufactured homes within a manufactured park shall be parked within the designated spaces.

(e) For the protection of abutting property owners, as well as manufactured homeowners, a twenty-five foot (25') buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior twenty-five foot (25') buffer strip.

(f) Each manufactured home space shall provide a front and rear yard setback of ten feet (10') and a side yard setback of ten feet (10'). The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:

1. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.

2. The hitch used for pulling the manufactured home may protrude into the front yard setback.

(g) One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with Section 18.16 (5) (f).

(h) There shall be constructed on each manufactured home space a concrete pad, or

its equivalent, as determined by the Building Inspector to be used for the accommodation of necessary water and sanitary connections.

(i) A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in Section 18.16 (5) (e) & (f) above, shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home space.

(j) In no case shall a manufactured home and its accessory buildings occupy more than thirty-six percent (36%) of a space.

(k) All manufactured homes in manufactured home parks shall be skirted, unless the unit is placed within one foot (1') vertically of the stand with soil and other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.

(l) No person shall construct, add to, or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Building Inspector. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactures home affected. This section shall not apply to addition of awnings, antennae, or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback side yard and rear yard requirements for manufactured home units.

**(6) Sanitarian Regulations.** All manufactured home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Brown County.

**(7) Operation of Manufactured Home Parks: Responsibility of Park Management.**

(a) In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this code shall be posted therein and the park register shall at all times be kept in said office.

(b) The attendant or person in charge and the park licensee shall operate the park in compliance with this code and regulations and codes of the Village and state and their agents or officers and shall have the following duties:

1. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
  - a. Names and addresses of all owners and occupants of each manufactured home.
  - b. Number of children of school age.
  - c. State of legal residence.
  - d. Dates of entrance and departure of each manufactured home.
  - e. Make, model, year, and serial number or license number of each manufactured home and towing or other motor vehicles and state, territory, or county issuing such licenses.
  - f. Place of employment of each occupant, if any.
2. Notify park occupants of the provisions of this code and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this code or any other violations of law which may come to their attention.
3. Notify the health officer immediately of any suspected communicable or contagious disease within the park.
4. Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tiedowns.

5. Maintain park grounds, buildings, and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

6. Maintain the park free from growth of noxious weeds.

**(8) Permit for Location Outside of Manufactured Housing Park.**

(a) Upon a showing of a hardship and/or immediate necessity for use, the Planning & Zoning Commission may issue special written permits allowing the location of a Manufactured Home Class II outside of a manufactured housing park for a period not to exceed ninety (90) days for any one (1) premises in any twelve (12) month period. This permit shall be granted only upon the written consent of the owner, legal agent of the owner, or the lessee of the location for which the permit is issued. Not more than one (1) Manufactured Home Class II shall be granted a permit to locate on any one (1) premises outside a manufactured housing park. Any violation of this clause shall comply with the penalty as set forth in Section 18.99 of this code.

(b) Application for the hardship/necessity permit shall be made to the Clerk and shall be accompanied by an inspection fee of twenty-five dollars (\$25) and shall state the name and permanent addresses of the occupants of the Manufactured Home Class II, the license number of the Manufactured Home Class II and towing vehicle, place of last stay, intended purpose of stay at requested location, whether any occupant is employed in state; the exact location of premises, and the owner's and/or occupant's sanitary facilities, and the permission of the occupant of the dwelling house for their use and statement that all wastes from Manufactured Home Class II occupancy will be disposed of in a sanitary manner. Application for

location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within two hundred feet (200') of the proposed location of the Manufactured Home Class II, and a statement of permission from the owner for their use.

(c) All occupied Manufactured Homes Class II not located in a manufacturer housing park shall be subject to the remaining regulation of this code.

**(9) Variances.** The requirements of Section 18.16 (5) (a), (e), (f), (g), (h), (i), and (j) shall not apply to manufactured home parks existing prior to the adoption of this ordinance. All provisions of this ordinance, however, shall apply to additions of new manufactured home parks.

**18.17 SIGN REGULATIONS.** The following regulations shall apply to all signs hereinafter erected or established within the Village:

**(1) General.** This section shall apply to all billboards, fences, or display structures of any kind for advertisement purposes, upon which any advertisement is shown, painted or displayed, etc.

(a) No sign shall hereafter be erected, located, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit from the Building Inspector except signs in Section 18.17 (3)(a) & (4)(a), which are exempt from the provisions of the code.

(b) All signs shall be erected and maintained so as to withstand a wind pressure of not less than thirty (30) pounds per square foot (with a factor of safety of four (4) times the specified minimum). When a sign is erected or maintained on any wall of a building, it shall be fastened or anchored to such wall or building and all fasteners or anchors used shall be of metal

and be maintained free from rust or defects of any kind.

(c) In all zones any off-premise outdoor advertising sign greater than one hundred (100) square feet per side shall require a variance.

(d) All signs requiring a permit, except for those covered by Section 18.17 (3), shall be approved by the Design Review Committee.

(e) Roof signs shall not be allowed in any zoning district in the Village.

**(2) Maintenance, Removal, and Disposition of Signs.**

(a) Every sign shall be maintained in a safe, presentable, and good structural material condition at all times, including the replacement of defective parts, painting (except when a weathered or natural surface is intended as approved by the Design Review Committee), repainting, cleaning, and other acts required for the maintenance of said sign.

(b) All signs or sign messages shall be removed by the owner or lessee of the premises upon which the sign is located when the sign no longer correctly directs any person or advertises a bonafide business, lessor, owner, product, activity, conductor, or product available on the premises where the sign is displayed; or when a business which it advertises is no longer conducted; or when rental or compensation is no longer provided. If the property owner or lessee fails to remove it, the Zoning Administrator shall give the sign owner thirty (30) days written notice to remove it. Upon failure to comply with the notice, the Village or its duly authorized representative shall remove the sign at the expense of the sign owner. Such charge shall be placed on the tax roll pursuant to Wis. Stats. §66.0627.

(c) The Village or its duly authorized agent shall cause to be removed any sign that is illegally placed or endangers the

public safety, such as dangerous materially, electrically, or structurally defective signs. The Village or its duly authorized agent shall give the land owner a written notice to repair or remove the illegally placed, dangerous, or defective sign within thirty (30) days. If the sign creates an immediate hazard, it will be the property owner's obligation to remove the sign immediately. If the hazardous sign is not removed by the property owner, the Village reserves the right to remove the sign at the expense of the property owner. Such charge shall be placed on the tax roll pursuant to Wis. Stats. §66.0627.

**(3) Temporary Signs.** The regulations for temporary signs apply to all zoning districts unless otherwise stated in the provisions below.

*(a) Temporary Signs that Do Not Require a Permit or Fee.*

1. Political Campaign Signs. Political campaign signs on behalf of candidates for public office or issues on election ballots are subject to the following requirements:

a. Each sign shall not exceed sixteen (16) square feet in area in non-residential zoning, except in the Highway 41 corridor.

b. Each sign shall not exceed twelve (12) square feet in area in residential zoning, except in the Highway 41 corridor.

c. No sign shall be located within fifteen feet (15') of the public right-of-way at a street intersection, nor over the right-of-way in any instance.

d. Each sign shall not exceed thirty-two (32) square feet in the Highway 41 corridor.

2. Yard Sale Signs. Yard sale signs located on premises may be placed one (1) day prior to the event and shall be removed the day following the event.

*(b) Temporary Signs that Require a Permit and/or Fee.*

1. Temporary Signs for Non-Commercial Promotional Events.

a. No temporary sign shall exceed thirty-two (32) square feet in area.

b. Temporary signs may be issued for a maximum of two (2) weeks. One (1) extension may be granted upon the applicant showing the continued necessity and compliance. A property owner is limited to four (4) promotional events per year.

2. Temporary Signs for the Sale or Leasing of Real Estate including Residential Developments and Subdivisions, Not Including Individual Home Sales. The Zoning Administrator may issue a special permit for two (2) temporary signs in any zoning district in connection with the marketing of lots or structures in a subdivision subject to the following conditions:

a. Such permits may be issued for up to two (2) years and may be renewed for a time period not to exceed six (6) months, until fifty percent (50%) of the lots have been sold, after which said signs shall be removed.

b. Signs advertising the sale of new subdivision lots shall not exceed one hundred (100) square feet each in area. Not more than one (1) sign shall be located on the owner's property at each major approach to the subdivision. Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located.

c. Signs advertising the rental of new apartment units shall not exceed one hundred (100) square feet each in area. Not more than two (2) signs shall be located at each major approach to the apartment complex.

3. Temporary Signs for Roadside Stands. The following provisions shall apply to all roadside stands and stands for the sale of products associated with a national holiday, except fireworks, located within the Village:

a. Off-Premises Signs. All roadside stands shall be permitted four (4) temporary off-premises signs per the following:

1. Two (2) of the permitted off-premises signs shall not exceed sixteen (16) square feet in size, two (2) of the off-premises signs shall not exceed thirty-two (32) square feet in size, and all of the off-premise signs shall be restricted to the message board on one (1) side only.

2. The signs shall:

- i. be located no closer than three hundred feet (300') to the roadside stand;
- ii. be located not farther than two thousand five hundred feet (2,500') from the roadside stand;
- iii. not exceed eight feet (8') in height;
- iv. not be located within the public right-of-way;
- v. not be illuminated or flashing.

b. On-Premise Signs. All roadside stands shall be permitted only two (2) temporary on-premise signs per the following:

1. The signs shall not:

- i. exceed thirty-two (32) square feet in size each and shall be restricted to the message board on one (1) side only;
- ii. exceed eight feet (8') in height;
- iii. be located in a public right-of-way;
- iv. be illuminated or flashing;
- v. be combined to create one (1) sign of sixty-four (64) square feet but may be back to back for a total of sixty-four (64) square feet.

2. Wall mounted signs or signs painted on the side of the roadside stand shall be considered as on-premises signs addressed in this section.

c. No other signage shall be permitted for roadside stands in the Village.

d. All signage for roadside stands for the purpose of the sale of products associated with national holidays, except fireworks stands, shall not be erected, displayed, or used more than forty-five (45)

days prior to the national holiday and shall be removed within ten (10) days after the holiday.

e. All signage for fireworks stands shall be part of the conditional use permit for such stands.

4. Temporary Signs for Business and Industrial Developments.

a. Permits for temporary signs shall be issued for a fifteen (15) day period. A maximum of eight (8)-fifteen (15) day periods in any one (1) calendar year will be issued to any one (1) lot. The fifteen (15) day periods may be combined to allow for longer displays but shall not be permitted for more than the allowed one hundred twenty (120) days in any one (1) calendar year.

b. Temporary signs shall be limited to one (1) per lot, except corner lots may be granted a second (2<sup>nd</sup>) identical sign which may be displayed during the same fifteen (15) day period.

c. Signs shall not exceed thirty-two (32) square feet and may be two (2) sided.

d. Multiple businesses on one (1) lot will require the approval in writing of all businesses on that lot prior to issuance of the permit for the temporary sign.

e. Businesses that have buildings and/or parking/display areas that overlap parcel lines will be considered a single lot for temporary signs.

f. Temporary signage shall not be allowed for any business that has any type of electronic message display.

g. Must be in conjunction with a special event.

5. Fees Required for Permits. The schedule of fees shall be as adopted from time to time by resolution of the Board and is hereby adopted by reference as if fully set forth herein.

(c) *Temporary Signs Prohibited*.

1. Inflatable Signs. Inflatable signs are prohibited except for:

a. Novelty balloons which do not advertise and are tethered or moored, not to exceed fifty feet (50') above grade.

b. Hot air balloons in use and/or moored but not being used as a sign.

2. Promotional Flags, Pennants, Streamers, and Banners in the Village Right-of-Way. No owner or occupant of any property shall install or display any promotional flag, pennant, streamer, or banner in the Village right-of-way except for the Village.

3. Mobile Signs. No sign mounted on wheels, trailers, or any other non-permanent structure shall be parked within sight of a street for the purpose of advertising except for signs approved as part of a special event or by the Board.

**(4) Residential & Agricultural Districts.** In residential and agricultural districts, all sign types, except signs for charitable or religious institutions, shall be of a non-flashing and non-illuminated type.

1. No sign shall project higher than one (1) story or eight feet (8') above the finished ground level, whichever is lower.

2. No sign shall project beyond the property line.

3. Signs shall be set back ten feet (10') from any side or rear lot line.

*(a) Signs that Do Not Require a Permit or Fee.*

1. Property Identification. A sign not in excess of two (2) square feet identifying the property or nature of the owner or occupant.

2. Warning Signs. Warning signs such as "No Hunting", "No Trespassing", "No Parking", or "No Loitering" not to exceed four (4) square feet are permitted.

3. Real Estate and Lease Signs. Real estate signs which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. In the residential zones, no sign shall exceed eight (8) square feet in area. In the agricultural zone such signs shall not exceed twelve (12)

square feet. Corner lots in residential zones shall be permitted two (2) signs. All signs shall be confined to the immediate property being solely advertised or displayed.

4. Signs for Historic or Commemorative Places and Events. Signs not in excess of two (2) square feet which commemorate or identify a historic building, place, event, landscape, geologic or archaeological feature. A larger sign may be allowed after review by the Planning & Zoning Commission and Board approval.

5. Agricultural Signs. Agricultural signs pertaining to the products of the agricultural premises shall not exceed thirty-two (32) square feet in area per sign for any one (1) farm. Height of this respective sign shall not exceed eight feet (8'). Two (2) such signs shall be permitted per farm. The sign shall be limited to the name of the premises, the producer, and product being sold or produced.

6. Official Signs. Official signs as determined by the Village such as traffic control, parking restrictions, information, and notices.

*(b) Signs that Require a Permit and Fee.*

1. Signs for Charitable or Religious Institutions. Signs for charitable or religious institutions applicable to Wis. Stats. Ch. 70, located on premises, shall not exceed thirty-two (32) square feet in area (one (1) per street face) located on the premises. The height of the sign shall not exceed eight feet (8'). May be illuminated if approved by the Design Review Committee.

2. Non-Residential. Permitted non-residential building use in a residential district shall have no sign larger than twelve (12) square feet in area and displaying only the name and address of the building.

3. Development Name Signs. Subdivision, condominium, and apartment complex sign, masonry wall, landscaping, and other similar materials or features may



be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name and shall not exceed sixteen (16) square feet.

**(5) Business/Industrial Districts.** All signs hereafter established within the business zone district shall conform to the following regulations set forth. Any reference to business shall include industrial also:

(a) All signs advertising or displaying business places shall be erected on the business premises only. Business signs constructed off the premises shall be permitted only upon conditional approval by the Village.

(b) Illuminated signs shall be permitted in the business districts, subject to the following:

1. Signs shall be illuminated so light is diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential.

2. No sign shall be brighter than necessary for clear and adequate visibility.

3. No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

4. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

5. Must be equipped with a means to immediately turn off the sign if it malfunctions and the sign owner or operator must immediately turn off the sign when notified by the Village that it is not complying with the standards of Section 18.17.

6. The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the

Village's instructions. The adjustment must be made immediately upon notice of non-compliance from the Village. The person owning or controlling the sign may appeal the Village's determination through the following appeal procedure:

a. After making the adjustment required by the Village, the person owning or controlling the sign may appeal the Village's determination by delivering a written appeal to the Clerk within ten (10) days after the Village's non-compliance notice.

b. The appeal will be referred to the Health and Safety Committee for their review and determination at the next available meeting.

(c) Electronic message displays shall conform to Section 18.17 (7).

(d) All types of flashing signs shall be prohibited.

(e) Window signs shall be placed only on the inside of business buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.

(f) Wall signs placed against the exterior of a building shall not extend more than eight inches (8") outside of a building wall surface, shall not exceed one hundred (100) square feet in area for any one (1) business, and shall not exceed twenty feet (20') in height above the average ground level. Larger signs will require approval from the Planning & Zoning Commission but, shall never exceed ten percent (10%) of the wall surface of the front of the building or five hundred (500) square feet, whichever is less. In the case of a lot fronting on two (2) public streets, additional wall signage equal to the above restrictions shall be allowed. Signs may be allowed on any wall surface but, aggregate signage on any one (1) wall of the building may not exceed above requirements.

(g) Ground signs shall not exceed ten feet (10') in height above the average

ground level; shall not be located closer than fifteen feet (15') from any lot line; and shall not exceed one hundred (100) square feet in area per side for all signs combined on any one (1) parcel.

(h) Property signs fastened to, suspended from or supported by structures on a premises developed for business shall not exceed one hundred (100) square feet in area for all signs combined on any one (1) premises; shall not extend more than ten feet (10') out from the structure, shall not exceed a height of twenty feet (20') above the average ground level; and shall not be less than ten feet (10') above any pedestrian way, and not less than fifteen feet (15') above a driveway.

(i) One (1) pedestal type sign, a ground sign generally supported by one (1) full base matching building materials and not exceeding a height of twenty-five feet (25'), shall be permitted per each business establishment. Such sign shall not exceed a total area of one hundred (100) square feet total per side.

(j) One (1) pylon type sign, a special type of ground sign supported by tall mast-like members or pyramidal tower supports and not exceeding a height of twenty-five feet (25'), shall be permitted per each business establishment. Such sign shall not exceed a total area of one hundred (100) square feet total per side unless approved by the Planning & Zoning Commission. All poles or supports shall be covered in a material to match the building.

(k) On any one (1) lot, there shall be allowed either a ground sign, pedestal sign, or pylon sign. Multiple types of signs on a single lot shall require Planning & Zoning Commission approval.

(l) No sign shall be permitted within fifty feet (50') of any residence.

(m) No sign shall be within the vision triangle of intersecting roads.

(n) All off-premises signs shall be separated by no less than one thousand (1,000) lineal feet measured on single sign of road grade at the right-of-way line and at no point shall any three (3) signs be closer than three thousand (3,000) lineal feet.

(o) Directional and drive-thru signs shall be exempt from total sign square footage but shall not exceed three (3) square feet in area per sign and a maximum of three feet (3') above grade. The construction and appearance of the sign shall not constitute a safety hazard where erected.

**(6) Planned Development Districts.** Specific sign regulations shall be contained in the conditions in each approval by the Board authorizing the establishment of a Planned District.

**(7) Electronic Message Displays.** The following requirements shall apply to electronic message displays:

(a) All electronic message displays shall:

1. Advertise on-premise only, except for non-profit community events & off-premise signage with-in the Highway 41/141 corridor provided;

a. The proper conditional use permits &/or variances have been obtained,

b. The sign meets the current separation requirements of 18.17(5)(n) above,

c. The existing structure is sufficient to support any additional loads,

d. Permits are submitted & approved

e. Public service messaging/municipal information messaging of a minimum of 5% per month is required,

f. Limited to level 1 or 2 only,

g. Such signs shall not be located within one hundred (100) feet of residential district boundaries, school property, or public parks and parkways (including those so designated on the Official Map) if said signs are perpendicular to or facing away from such uses. This distance increases to four hundred (400) feet if signs are facing

(oriented with message side parallel) said use.

2. Use automatic day/night dimming in software and conform to Section 18.17 (5) (b) above.

3. Require Design Review Committee approval.

4. Not exceed fifty percent (50%) of total sign area except for allowable off-premise signs which can be at 100%.

5. Conform to all other requirements of federal, state, and/or local jurisdictions including but limited to Trans. 201 and Wis. Stats. §84.30.

(b) Public service messaging and their intervals should be part of the approval process.

(c) Electronic message displays are defined in four (4) basic levels of operational modes for message transitions.

1. Level 1. Static display only (messages change with no transition).

a. Permitted in all business, commercial, and public land zones.

b. Permitted for charitable or religious institutions with Design Review Committee approval.

c. Minimum display time of:

1. Twenty (20) seconds for locations within five hundred feet (500') of a roundabout or major intersection or a restricted business corridor, as recommended by the Health and Safety Committee.

2. Six (6) seconds for all other locations.

2. Level 2. Static display with “fade” or “dissolve” transitions, or similar transitions and frame effects that do not have the appearance of moving text or images.

a. Permitted in all business, commercial, and public land zones.

b. Minimum display time of:

1. Twenty (20) seconds for location within five hundred feet (500') of a roundabout or major intersection or a restricted business corridor, as

recommended by the Health and Safety Committee.

2. Six (6) seconds for all other locations.

3. Level 3. Static display with “travel” or “scrolling” transitions, or similar transitions and frame effects that have text or animated images that appear to move or change size, or be revealed sequentially rather than all at once.

a. Permitted by conditional use permit or as part of a planned development only.

b. Minimum display time of:

1. Twenty (20) seconds for locations within five hundred feet (500') of a roundabout or major intersection or a restricted business corridor, as recommended by the Health and Safety Committee.

2. Six (6) seconds for all other locations.

c. Not permitted adjacent to the Highway 41/141 corridor.

4. Level 4. Full animation, no flashing or video shall be allowed as part of any display.

a. Permitted as part of a planned development only.

b. Not permitted within five hundred feet (500') of a roundabout or major intersection or in a restricted business corridor, as recommended by the Health and Safety Committee.

c. Not permitted adjacent to the Highway 41/141 corridor.

**(8) Definitions.** In this section, the terms have the following meaning:

(a) *Electronic Message Display*. A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

(b) *Dissolve*. A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first (1<sup>st</sup>) message gradually appears to dissipate and lose legibility simultaneously with the gradual

appearance and legibility of the second (2<sup>nd</sup>) message.

(c) *Fade*. A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first (1<sup>st</sup>) message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(d) *Frame*. A complete, static display screen on an electronic message display.

(e) *Frame Effect*. A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

(f) *Scroll*. A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.

(g) *Temporary Sign*. Any advertisement or promotional device not permanently attached to the ground or permanent structure to include, but not limited to, signs, banners, promotional flags, balloons, sign trailers, streamers, and pennants.

(h) *Transition*. A visual effect used on an electronic message display to change from one (1) message to another.

(i) *Travel*. A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface.

**18.18 OFF-STREET PARKING REQUIREMENTS.**

The following regulations shall apply to all zone districts within the Village.

**(1) General.**

(a) All parking spaces required to serve buildings or uses erected or established after the effective date of this code shall conform to the requirements herein.

(b) Buildings or uses existing on the effective date of this code which are subsequently altered or enlarged so as to

require the provisions of the parking spaces under this code shall conform to the requirements as set forth herein.

(c) One (1) commercial vehicle licensed at twelve thousand (12,000) pounds or less may be parked at any lot in a residential zone provided the owner or driver of the vehicle resides at that lot. Commercial vehicles licensed over twelve thousand (12,000) pounds must obtain a permit from the Board. Permits shall be issued and/or rescinded at the discretion of the Board.

(d) All off-street parking areas for customer and/or employee parking shall be paved and shall have the aisles and spaces clearly marked. Parking areas for vehicle storage shall be graded and surfaced so as to be dust free and properly drained.

(e) All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately during the hours of sunset and sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

**(2) Size.**

(a) Each required off-street parking space shall be at least nine feet (9') in width and at least eighteen feet (18') in length, exclusive of access drives or aisles.

(b) All angle parking shall conform to the requirements as set forth.

Angle	Stall Depth	Width of Aisle
30°	17 feet	12 feet
45°	19 feet	15 feet
60°	20 feet	18 feet
90°	18 feet	28 feet

(c) All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a

manner which will least interfere with traffic movement.

**(3) Setbacks.** All parking spaces shall meet the following setbacks:

(a) Ten feet (10') from any county highway or Village street, except that any parking lot which is fully curbed may be reduced to five feet (5') provided it does not impact any existing ditch and/or flow line.

(b) Five feet (5') from any side or rear property line.

**(4) Plans.** Except for residential uses, the design of parking lots or areas shall be subject to the approval of the Village in accordance with the standards herein required.

**(5) Parking Standards.**

(a) *Single Family Dwellings.* Two (2) spaces for each dwelling unit.

(b) *Two (2) Family Dwellings.* Two (2) spaces for each dwelling unit.

(c) *Multiple-Family Dwelling.* Two (2) spaces for each dwelling unit.

(d) *Motels.* One (1) space for each guest room plus one (1) space for each three (3) employees.

(e) *Hotels.* One (1) space for each two (2) guest rooms plus such additional spaces as required for supplemental uses, such as bars, ballrooms, or nightclub facilities in the hotel.

(f) *Lodging, Rooming, and Boarding Houses.* One (1) space for each two (2) beds plus one (1) space for each three (3) employees.

(g) *Churches and Places of Worship.* One (1) space for every five (5) seats.

(h) *Hospitals.* One (1) space for each two (2) hospital beds, plus one (1) space for each two (2) employees (other than staff doctors), plus one (1) space for each doctor assigned to the staff.

(i) *Medical and Dental Clinics.* Five (5) spaces shall be provided for each doctor.

(j) *Sanitariums, Rest Homes, Convalescent Homes, and Nursing Homes.*

One (1) space for each four (4) beds, plus one (1) space for each two (2) employees (other than staff doctors), plus one (1) space for each doctor assigned to the staff.

(k) *Elementary Schools.* One (1) space for each employee.

(l) *Junior High Schools.* One (1) space for each employee.

(m) *Senior High Schools.* One (1) space for each employee, plus one (1) space for each ten (10) students in the school.

(n) *Colleges and Universities.* One (1) space for each employee, plus one (1) space for each six (6) students.

(o) *Public Libraries, Art Galleries, and Museums.* One (1) space for each five hundred (500) square feet of gross floor area.

(p) *Fraternities, Sororities, and Dormitories.* One (1) space for each three (3) residents, plus one (1) space for the manager.

(q) *Restaurants.* Spaces equal to fifty percent (50%) capacity in persons, plus one (1) space for each three (3) employees.

(r) *Taverns.* Spaces equal in number to sixty percent (60%) of the capacity in persons.

(s) *Theaters-Indoor.* One (1) space for each four (4) seats.

(t) *Theaters-Drive-In.* Extra reservoir spaces equal in number to ten percent (10%) of the vehicle capacity of such theaters.

(u) *Bowling Alleys.* Six (6) spaces shall be provided for each alley, plus additional spaces as required by this ordinance for any associated use (bars, restaurants, etc.).

(v) *Swimming Pools and Skating Rinks.* Spaces equal in number to thirty percent (30%) of the design capacity.

(w) *Amusement Establishments Not Listed and Amusement Parks.* Spaces shall be provided in adequate number as determined by the Planning & Zoning Commission to serve persons employed, as well as the visiting public.

(x) *Stadiums, Ball Parks, and Outdoor Arenas.* Spaces shall be provided at the rate of thirty percent (30%) of the maximum capacity of persons using and/or observing activities at these facilities during a twenty-four (24) hour period.

(y) *Golf Courses.* One (1) space shall be provided for each four (4) persons using the course at maximum capacity. Bars, restaurants, and related uses shall require additional spaces.

(z) *Driving Ranges.* Two (2) spaces shall be provided for each tee.

(a1) *Private Clubs.* One (1) space shall be provided for each lodging room, plus parking spaces equal in number to thirty percent (30%) of the maximum capacity in persons of such clubs.

(b1) *Recreational Buildings and Community Centers, Non-Commercial.* Spaces equal in number to thirty percent (30%) of the capacity in persons.

(c1) *Convents, Seminaries, Monasteries, Nunneries, Rectories, Parsonages, Parish Houses, and Religious Retreats.* One (1) space shall be provided for each two (2) employees, plus additional spaces equal in number to five percent (5%) of the maximum capacity of professional persons residing on the premises at any one (1) time.

(d1) *Riding Academies and Commercial Stables.* One (1) space shall be provided for each employee, plus spaces adequate in number as determined by the Planning & Zoning Commission to serve the visiting public.

(e1) *Shopping Centers.* Eight (8) spaces for each one thousand (1,000) square feet of gross floor area in the center.

(f1) *Warehousing and Wholesaling Establishments.* One (1) space for each two (2) employees.

(g1) *Junk Yards, Salvage Yards, and Auto Grave Yards.* One (1) space shall be provided for each two (2) employees, plus

one (1) space for each five thousand (5,000) square feet of lot area.

(h1) *Animal Hospitals and Kennels.* Three (3) spaces shall be provided for each employee.

(i1) *Airport and Commercial Heliports.* One (1) space for each one hundred fifty (150) square feet, plus additional employee spaces in the ratio of one (1) space for each two (2) employees working the same shift, based on the maximum number of employees working the same shift.

(j1) *Automobile and Truck Service Stations.* One (1) space for each employee, based on the maximum number of employees working the same shift, as well as one (1) additional space for each inside service bay.

(k1) *Automobile Laundries.* One (1) space for each two (2) employees, plus one (1) space for manager, and in addition, reservoir spaces equal to five (5) times the capacity of the automobile laundry for those automobiles awaiting entrance to the facility. Maximum capacity in this instance shall mean the greatest number possible of automobiles undergoing some phase of laundering and drying at the same time.

(l1) *Building Material Sales.* One (1) space shall be provided for each two (2) employees, plus additional space equal to one (1) space for each three hundred (300) square feet of gross floor area in excess of two thousand (2,000) square feet.

(m1) *Cartage and Express Facilities.* One (1) space shall be provided for each vehicle maintained on the premises, plus one (1) space for each two (2) employees.

(n1) *Contractor or Construction Offices, Shops, and Yards.* One (1) space shall be provided for each employee plus additional customer space at the rate of one (1) additional space for each five (5) employees.

(o1) *Food Stores, Grocery Stores, Meat Markets, Bakeries, Delicatessens,*

*Supermarkets, and Department Stores.* One (1) space shall be provided for each one hundred fifty (150) square feet of gross floor area for the first six thousand (6,000) square feet, and one (1) additional space for each two hundred (200) square feet of gross floor area in excess of six thousand (6,000) square feet.

*(p1) Motor Vehicle Sales.* Three (3) spaces shall be provided for each employee, plus additional spaces as deemed necessary by the Planning & Zoning Commission to store those cars waiting to be serviced.

*(q1) Offices, Business, and Professionals.* One (1) space shall be provided for each three hundred (300) square feet of gross floor area.

*(r1) Public Utility and Service Uses.* One (1) space for each three hundred (300) square feet of gross floor area in excess of four thousand (4,000) square feet or one (1) space for each two (2) employees, whichever provides the greater amount.

*(s1) Radio and Television Stations and Studios.* One (1) space shall be provided for each two (2) employees, plus one (1) space for each three hundred (300) square feet of gross floor area in excess of six thousand (6,000) square feet.

*(t1) Post Offices.* One (1) space shall be provided for each two (2) employees, plus one (1) space for each two hundred (200) square feet of gross floor area in excess of three thousand (3,000) square feet.

*(u1) Undertaking Establishments.* One (1) space shall be provided for each four (4) seats provided in each chapel or parlor.

*(v1) General-General Retail Sales, Including Department Stores Not Located in a Shopping Center.* One (1) parking space per two hundred (200) square feet of gross floor area, plus one (1) per employee on the maximum shift.

*(w1) General-Industries (not listed above).* One (1) space for every one thousand (1,000) square feet of building area

or for every two (2) employees, whichever constitutes the greater number of stalls. Industries operating more than one (1) shift must have additional spaces to provide for change of personnel at shift change time.

## **18.19 TELECOMMUNICATION TOWERS.**

**(1) Purpose.** The purpose of this section is as follows:

*(a)* To allow necessary radio, television, cellular, and other wireless communication facilities.

*(b)* To encourage joint use of new and existing structures.

*(c)* To minimize visual impact on surrounding properties, particularly residential.

*(d)* To encourage the location of towers in nonresidential areas and minimize the total number of towers within the Village.

**(2) Applicability.** The requirements of this section shall apply to all telecommunication towers and antennas, except that towers and antennas that are under seventy feet (70') in height and are owned and operated by federally-licensed amateur radio station operators or are receive-only antennas shall be exempt from this section.

### **(3) Antennas.**

*(a) Permitted Use.* Installing an antenna on an existing structure (including a tower) shall be a permitted use in all zoning districts provided the antenna adds no more than twenty feet (20') to the height of the existing structure.

*(b) Design.* If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of a neutral color that is identical, or closely compatible with, the color of the supporting structure in order to limit visual impact.

### **(4) Telecommunication Towers.**

*(a) Permitted Uses.* Telecommunication towers which do not

exceed the maximum building height requirement for the district in which they are located shall be allowed as a permitted use in all districts.

*(b) Conditional Uses.*

Telecommunication towers which exceed the maximum building height requirement for the district in which they are located shall only be permitted as a conditional use in the AG-Agriculture, Public Lands & Institutions, B-Business District, HB-Highway Business, I1-Industrial District (Limited), and I2-Industrial District.

*(c) Utilizing Existing Structures.* A conditional use permit for a new telecommunication tower shall not be granted unless the applicant demonstrates that the telecommunications equipment planned for the new tower cannot be accommodated on an existing or approved tower or structure. Such demonstration may include one (1) or more of the following reasons:

1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have the structural capacity to support the applicant's proposed antenna and related equipment and the existing tower or structure cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost.
4. The planned equipment would cause interference affecting the usability of other existing or planned equipment at the tower or the existing antennas would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.
5. The fees, costs, or contractual provisions required by the owner to share an

existing tower or structure or adapt and existing tower.

*(d) Accommodation of Other Users.*

Any proposed telecommunication tower shall be designed, structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

*(e) Federal Requirements.*

All telecommunication towers must meet the current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and relations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the owner's expense.

*(f) Construction.*

All telecommunication towers constructed, erected, or located within the Village shall comply with all applicable state and local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

*(g) Design.*

All new and modified telecommunication towers and associated accessory structures shall be designed, to the extent possible, to blend in with the surrounding environment, except as may be required by rules of the FAA and FCC.



(h) *Lighting.* Telecommunication towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, it shall be designed to cause the least disturbance to surrounding views as possible.

(i) *Setbacks.* Telecommunication towers and associated structures shall meet the required setbacks for the district in which they are located. In addition, towers shall be set back a distance equal to the height of the tower from any off-site residential building.

(j) *Signs.* No signs, other than warning or equipment information signs, shall be located on any telecommunication tower.

(k) *Security.* The base of the telecommunication tower shall be fenced with materials impervious to sight and secured so that it is not accessible by the general public.

**(5) Conditional Use Permits.** If a conditional use permit is required by this section, the applicant shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation or information deemed necessary by the Village to assess compliance with the requirements and purpose of this section and code. Any information of an engineering nature that the applicant submits shall be certified by a licensed professional engineer.

**(6) Removal of Abandoned Antennas and Towers.** Any antenna or telecommunication tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of such antenna or tower shall remove them within ninety (90) days of receipt of notice from the Village notifying the owner of such abandonment. If the antenna or tower is not removed within the ninety (90) day period, the Village may remove such antenna or tower at the owner's expense. If there are two (2) or more users

of a single tower, then this provision shall not become effective until all users cease operation.

**18.20 LAKES AND PONDS.** The following regulations shall apply to all artificial lakes and ponds hereinafter constructed or developed within the Village.

**(1) Location.**

(a) Artificial lakes and artificial ponds two thousand (2,000) square feet or larger in size may only be permitted in any zoning district by conditional use approval.

(b) Artificial ponds of less than two thousand (2,000) square feet are permitted in any zoning district of this ordinance and shall conform to these regulations including the site plan and excavation permit requirements.

(c) Wildlife ponds may only be permitted in Agricultural - Farmland Preservation (AG-FP), Agriculture (AG), or Rural Residential (RR) zoning and must reside in an existing wetland area. Design standards are to be governed by the Wisconsin Department of Natural Resources and/or the Soil Conservation Service and Agriculture Conservation Service. All size wildlife ponds shall require conditional use recommendation from the Planning & Zoning Commission and approval by the Board.

**(2) Approval Process.**

(a) The property owner, developer, or assigned agent shall make application for and receive conditional use approval from the Board with review and recommendation from the Planning & Zoning Commission prior to requesting an excavation permit and beginning construction. The property owner shall request and obtain the required excavation permit for all lake or pond development, regardless of size, prior to beginning construction.

(b) The Building Inspector shall issue an excavation permit for artificial lakes and

ponds requiring conditional use approval, following the Village's approval of the conditional use as prescribed above, in accordance with the conditions and requirements of the conditional use approval.

(c) The Building Inspector shall issue an excavation permit for all pond construction of less than two thousand (2,000) square feet and conduct the necessary inspections to ensure the compliance of pond construction with the requirements of this code.

**(3) Site Plans.** A site plan shall be required for all lake or pond construction, submitted with all conditional use approval applications as part of the application itself, and submitted for review by the Building Inspector for compliance with these regulations for all ponds not requiring conditional use approval prior to the issuance of an excavation permit. All site plans shall provide the following information:

(a) A map drawn at a minimum scale of one inch (1") to two hundred feet (200') showing the proposed lake or pond size, existing buildings on the property (residential and other), existing natural features of the property (i.e. wetlands, watercourses, topographic features, etc.), and the adjoining property within five hundred feet (500') of the site.

(b) A layout of proposed residential lots and other buildings, if applicable.

(c) The type and location of sanitary facilities to be installed if residential development is to take place or the existing sanitary facility location and type.

(d) Reasonable proof that the ground water table is at a sufficient level to support the requirements of water depth for the applicable designation (lake or pond). Water levels shall not be artificially maintained by use of a well to protect the potable water source of surrounding properties.

(e) Surface water runoff with two foot (2') contour topography.

The developer shall submit ten (10) copies of the site plan to the Planning & Zoning Commission for lake or pond construction requiring conditional use approval. A minimum of three (3) copies shall be submitted to the Building Inspector for pond construction not requiring conditional use approval.

**(4) Development Standards.**

(a) All artificial lakes and ponds, other than a fish or wildlife facility, garden ponds, or landscape ponds, shall meet the following design standards:

1. The center portion of any artificial lake shall be excavated deep enough to maintain a water depth of ten feet (10').

2. The center portion of any pond, other than a fish or wildlife facility, shall be excavated deep enough to maintain a water depth of eight feet (8').

3. The perimeter (land side) shall have a slope not greater than one foot (1') of fall in five feet (5') of travel (5:1) for a minimum of fifteen feet (15') from the highwater mark.

4. The perimeter (water side) shall have a slope not greater than one foot (1') of fall in three feet (3') of travel (3:1) for a minimum of fifteen feet (15') from the highwater mark.

5. No lake or pond shall be constructed within fifty feet (50') of an existing or proposed soil absorption onsite sanitary waste disposal system. No lake or pond shall be constructed within twenty-five feet (25') of an existing or proposed holding tank, sanitary waste disposal system.

6. No lake or pond shall be constructed within fifty feet (50') of any existing or proposed residence or other structure.

7. No lake or pond shall be constructed within thirty feet (30') of any property line

except for lakes or ponds that cross property lines may be approved conditioned upon a maintenance agreement approved by the Board and recorded with the Register of Deeds office.

8. The perimeter of the lake or pond shall be landscaped and seeded within six (6) months after completion of the excavation.

9. A performance bond of one thousand five hundred dollars (\$1,500) per acre shall be required of the property owner/developer for lakes and ponds of one (1) acre or more in size.

(b) Garden ponds or landscape ponds shall meet the following design standards:

1. Must be lined with plastic, rubber, or similar material.

2. Shall be designed to be stepped at a maximum of one foot (1') intervals to a depth of not more than three feet (3').

3. Shall not be closer than ten feet (10') to the occupied portion of a residential structure (not garages, decks, or accessory uses attached to the dwelling).

4. Shall not be closer than twenty feet (20') to a property line.

5. Shall be designed with a pump or circulating system to maintain water quality.

6. Shall be designed to be entirely self contained, allowing no possibility of overflow or release of any non-native species into the surrounding lands or waterways.

**(5) Other Requirements.**

(a) The constructed lake or pond shall meet the requirements of the Brown County Shoreland and floodplain ordinances.

(b) Artificial lakes or ponds constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources. The Building Inspector or Planning & Zoning Commission may require the owner/developer to obtain a determination

of navigability from the Wisconsin Department of Natural Resources for watercourses in close proximity to or associated with the proposed lake or pond.

(c) The groundwater table in the surrounding area and adjacent to the lake or pond shall be protected.

(d) The Division of Environmental Health requirements shall be met to ensure proper safety of swimmers.

**18.21 EARTH EXCAVATIONS AND**

**FILL.** The following regulations shall apply to all future fill or excavations of sand, gravel, stone, loam dirt, and other earth products within the Village. All existing gravel pits, sand pits, and stone quarries within the Village shall also be regulated by this code. Excavations required to develop man-made bodies of water shall be administered by separate Village codes.

**(1) Applicability and Permit Requirements.**

(a) *Gravel Pits, Sand Pits, and Stone Quarries.*

1. The excavation of gravel, sand, stone, and other earthen materials from gravel pits, sand pits, stone quarries, or other similar excavation sites is allowed with a conditional use permit in the Agriculture (AG), Agriculture-Farmland Preservation (AG-FP) Rural Residential (RR), and Industrial Districts (I1, I2).

2. Application for conditional use permits shall be made as provided for in Section 18.04 (3) (d). All applications must include a detailed site plan containing all information listed in Section 18.21 (2) (a) & (b).

a. If the conditional use permit is approved by the Board, the Zoning Administrator shall issue the permit. The permit shall be valid for two (2) years upon issuance.

b. Upon expiration of the permit, the Village shall inspect the site to determine compliance with any conditions attached to the permit as well as compliance with the existing regulations. The Village has the right to attach additional conditions to the re-issuance of the permit. If the regulations have been complied with, then the permit may be reissued by the Board for another two (2) year period.

*(b) Other Earth Excavations and Fill.*

1. A permit is required for fill (temporary or permanent) or excavation of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earthen materials.

- a. Inside any building setback, floodplain, drainage way, or easement; or
- b. Greater than one hundred (100) cubic yards over a period of one (1) year on any single parcel of land recorded in the Brown County Register of Deeds office.

2. Exceptions. A permit is not required for:

- a. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.
- b. Normal agricultural activities.
- c. Excavation, fill, and grading for public road construction purposes within the right-of-way.
- d. All excavation or fill associated with the development of an approved plat prior to acceptance/completion of the public roads.

3. The Zoning Administrator shall have the authority to issue permits for fill and for all excavations not included in Section 18.21 (1) (a). Application for a fill permit shall be made to the Zoning Administrator by the property owner or his or her assigned agent. All applications must include a detailed site plan containing all information listed in Section 18.21 (2) (a).

**(2) Site Plan Requirements.**

(a) The following information shall be submitted on a site plan when applying for a fill or excavation permit:

1. Existing and proposed contours of the site at intervals of twenty feet (20') if required. Spot elevations may also be acceptable.

2. Existing and proposed drainage patterns of the site.

3. Drainage and erosion control plans.

4. Approximate amount of earth material to be placed, and/or excavated, and/or removed from the site.

(b) The following additional information shall be submitted on a site plan when applying for an excavation permit to operate a gravel pit, sand pit, or stone quarry:

1. A map showing the location of the premises and the adjoining properties within five hundred feet (500'). The map shall be drawn at a scale not smaller than one inch (1") equals two hundred feet (200').

2. Proposed truck and machinery access to the site.

3. Types and location of temporary or permanent buildings to be erected on the site.

4. Approximate number of trucks and other types of machinery to be used at the site.

5. Designated hours of operation.

6. A timetable for the commencement and cessation of nonmetallic mining operations and, if seasonal operations are intended, the months of operation shall be identified.

7. Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed.

8. Measures to be taken to ensure dust control of the site.

9. Amount of and location of parking spaces.

10. Location and means of storing fuel.

11. Security plans for site.

12. Proposed regrading and revegetation of the site after completion of the fill or excavating operation.

**(3) Operation of Gravel Pits, Sand Pits, and Stone Quarries.** The following regulations shall apply to the operation of all gravel pits, sand pits, stone quarries, and other similar sites of excavation. All existing sites of excavation shall comply with this section prior to any additional expansions or alterations of the existing site.

*(a) Trucks and Machinery.*

1. No fixed machinery shall be erected or maintained within two hundred feet (200') of any property or street line.

2. Truck access to the fill or excavation site shall be so arranged to minimize danger to traffic and nuisance to surrounding property.

*(b) Material Handling.*

1. No excavation shall take place within fifty feet (50') of any property line or street line if below the established grade of the street.

2. No blasting within one hundred feet (100') of any adjoining property line.

3. No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises unless it is located more than five hundred feet (500') from a residential dwelling.

*(c) Other Requirements.*

1. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

2. The premises shall be filled and/or excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Board to revoke the permit upon the recommendations of the Planning & Zoning Commission.

3. When excavating and removal operations are no longer used, as determined

by the Zoning Administrator, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area, except exposed rock surfaces to a minimum depth of four inches (4"). The area shall be seeded with a non-invasive perennial grass capable of survival in this climate and maintained until a uniform growth is established.

4. If the excavation site shall fall within a floodplain, shoreland, or conservancy, the regulations as set forth in the Shoreland-Floodplain Protection Ordinance for the Village shall apply.

5. Village employees shall be allowed on the premises during scheduled operating hours for inspection purposes.

6. Any violation of this section shall be subject to the regulations of the Section 18.99 (9) of this code.

7. A performance bond in such amount as the Administrator shall deem sufficient to ensure completion of the work following excavation pursuant to the conditions set forth in this ordinance. Said performance bond may be in the form of a cash bond, certificate of deposit, or insurance bond, the minimum value of which shall be the weekly extraction value of material taken from the site, plus an amount to cover the cost of restoration of the site in question.

8. Copies of all permits required by overlying jurisdictions.

**(4) Erosion Control.**

*(a)* All erosion control must be installed and maintained per any and all ordinances and requirements of any and all overlying jurisdictions having authority over the site.

*(b)* All tracking and/or erosion must be placed back on the site at the close of business each day.

**18.22 PDD – PLANNED DEVELOPMENT DISTRICT.**

**(1) Application to Existing Use Districts.** This section shall operate as a conditional use and as an alternate to the permitted use and regulations applicable to existing district, except the Agricultural - Farmland Preservation (AG-FP) and Agriculture (AG) Districts, and shall be applicable only to those lands which are hereby and may hereafter be zoned Planned Development District by the Board. Basic underlying zoning requirements for land conditionally zoned as a Planned Development District, shall continue in full force and effect and shall be solely applicable until such time as the Board grants final approval as hereinafter provided. All Planned Commercial Districts approved prior to January 21, 2008 will fall under the guidelines of this section.

**(2) Purpose.** The purpose of the Planned Development District and the regulations applicable to the same are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than permitted under the basic district regulations, and to accomplish a well balanced aesthetically satisfying Village and economically desirable development of building sites within a Planned Development District. These regulations are established to permit latitude in the development of the building sites if such development is found to be in accordance with the purpose, spirit, and intent of this code and is found not to be hazardous, harmful, offensive, or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety, and welfare of the community. It is intended to permit and encourage diversification, variation, and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and

implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services and to encourage and facilitate preservation of open space and other natural features such as woodlands, floodplains, and wetlands.

**(3) Definitions.**

*(a) Basic Zoning Regulations.* Means such zoning regulations as are applicable to the use district other than the regulations set forth in this section.

*(b) Building Site.* Is a tract of land not divided by public streets or into lots, excepting single family dwelling purposes, and which will not be subdivided, or where the tract of land, if so divided is in single ownership or is owned by a condominium group. (The site must be located on a public street or highway.)

*(c) Comprehensive Plan.* Shall mean the official guide for the physical, social, and economic growth of the Village, which is now or may hereafter be in effect.

*(d) Density.* Shall mean the number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land use.

*(e) Final Plan.* The final drawing described in Appendix A, Exhibit 10, indicating the proposed manner for layout of the PBD to be submitted to the Planning & Zoning Commission for approval.

*(f) Preliminary Plan.* Shall mean the preliminary drawings described in Section 18.22 (8), indicating the proposed manner and/or layout of the Planned Development District to be submitted to the Planning & Zoning Commission for approval.

*(g) Open Space.* Shall mean a parcel or parcels of land or an area of water, or a combination thereof with the site designated and intended for the use or enjoyment of residents of the Planned Development District.

(h) *Improved Open Space.* Shall mean the above parcels and any structure or improvements which are placed upon such parcels (i.e. restrooms, tennis courts, ball diamonds, etc.).

(i) *Unimproved Open Space.* Shall mean open space kept free of structure or improvements except for hiking, horseback riding, bicycle trails, ponds, picnic areas, and nature parks.

(j) *Planned Development District.* Shall mean an area of land, controlled by a single owner, corporation, or other legal entity, which is to be developed as a single unit, and is referred to as PDD.

**(4) Uses Permitted.**

(a) *Basic Zoning Uses.* The following uses are permitted in a Planned Development District upon obtaining all necessary approvals required under this ordinance:

1. All uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located.

2. Where a building site is situated in more than one (1) use district, all uses permitted under basic zoning regulations of one (1) district may be extended into the adjacent district, but only under the condition that the maximum area of such extension shall not exceed an area computed to be fifty percent (50%) of the smaller of the areas of the portion of the property located in either district.

3. Recreational, commercial, and institutional uses may be included to serve the residents of the PDD and/or residents of the surrounding area, provided such uses can be supported by the residents as indicated by an appropriate market study provided by the developer. Also, parking, signage, and any additional use restrictions for the uses shall be addressed in the code adopted that authorizes and establishes the proposed PDD development.

(b) *Building Restrictions.* Requirements for building height, size, and floor area, lot size, setbacks (front, side, rear, and corner side), density and open space shall be delineated in the final development plan and the code adopted that authorizes and establishes the proposed PDD. In no case shall these requirements be less than stated in other sections of the PDD ordinance and shall be found to not be hazardous, harmful, offensive, or otherwise adverse to the environment, property values, or the character of the proposed development, surrounding neighborhood or community or adverse to the health, safety, and welfare of the residents of the PDD and/or community as a whole. Notwithstanding the foregoing, if the final development plan does not address a specific zoning requirement (the "Non-addressed Requirement"), the provisions of the Suamico Zoning Ordinance shall apply to the development plan to the extent of the non-addressed requirements.

**(5) General Provisions.**

(a) *Engineering Design Standards.* Normal standards or operational policy regarding right-of-way widths, provisions of sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a planned development, but precise standards satisfactory to the Village, pursuant to the criteria as set forth in Section 18.22 (6) shall be made a part of the approval plan and shall be enforceable as part of the code.

1. Unless approved by the Village, all sewer and water utility extensions shall remain public.

(b) *Approvals.* The developer shall develop the site in accordance with the terms and conditions of development presented to and approved by the Board. Any changes or additions to the original approved development site, structures, or plans of operation shall require resubmittal

and recommendation by the Planning & Zoning Commission and approval by the Board.

(c) *Rescinding Approval.* Failure to comply with conditions, commitments, guarantees, or the recommendations established in the approval of such development project shall be cause for rescinding the approval of the same. Upon notice given by the Building Inspector, the developer then shall be required to appear before the Board at its next public meeting to explain any such failure to comply. The Board at such hearing shall determine whether or not the developer shall have failed to comply, and if there has been such a failure, may either:

1. Rescind its approval, whereupon such recession and cessation of all rights and privileges of the developer and owner, including the right to complete construction or to construct any building or other structure or improvement, shall become effective on the thirty-first (31<sup>st</sup>) day following mailing by certified mail to the developer at his or her last known address of a written notice of such decision; or

2. Adjourn such hearing for a period not to exceed sixty-five (65) days to enable the developer to comply; whereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time that there be such compliance, or does not establish to the reasonable satisfaction of the Board that there will be compliance in the future, the Board will proceed in accordance with Section 18.22, 1.

**(6) Criteria for Approval.** As a basis for determining the acceptability of a PDD proposal, the following criteria shall be applied to the development proposal, with specific considerations as to whether or not

it is consistent with the spirit and intent of this code, has been prepared with competent professional advice and guidance and produces significant benefits in terms of environmental design:

(a) *Character and Intensity of Land Use.* The uses proposed and their intensity and arrangement on the site shall be a visual, aesthetic, and operational character which:

1. Is compatible to the physical nature of the site, with particular concern for preservation of natural features, tree growth, and open space.

2. Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability, and functional practicality compatible with the general development plans as established by the community.

3. Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pickup, fire protection, or other municipal services.

4. Would provide sufficient and accessible off-street parking and loading facilities. The parking requirements shall be determined in the specific approval of the preliminary and final development plans and delineated in the code adopted that authorizes and establishes the proposed PDD. However, the Village's off-street parking requirements shall be used as a guide to determine adequate off-street parking provision. Creativity in addressing the provision of parking is encouraged. Alternate parking arrangements may be used (such as exterior or interior satellite parking lots, provision of mass transportation, etc.) to provide adequate parking within the requirements of the PDD code.

(b) *Landscaping of Parking Areas.* The parking site shall be planned to provide a desirable transition from the streetscape and to provide for adequate landscaping, pedestrian movement, and parking areas. In



keeping with this purpose, the following design standard shall be set forth:

1. Where natural or existing topographic features contributed to the beauty and utility of a development, consideration shall be given to this preservation. Modification to topographic features should only occur where it contributes to good appearance.

2. Plant material shall be selected for interest in its ultimate growth. Further, it is recommended that native materials be employed for their ability to tolerate the prevailing adverse conditions.

3. In locations where plant materials will be susceptible to injury by pedestrians and/or motor vehicles; appropriate curbs, tree guards or other protective devices shall be employed.

4. Parking areas shall be arranged so as to prevent through traffic to other parking areas.

5. Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms, changes in grade, or walls except where parking areas are designed as an intricate part of the street.

6. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from the adjoining residences.

7. All off-street loading and unloading areas shall be paved, and the design thereof approved by the Planning & Zoning Commission.

8. All parking areas and off-street loading and unloading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding, and other inconveniences.

(c) *Engineering Design Standards.* The width of rights-of-way, width and location of street or other paving, requirements for outdoor lighting, location of sanitary and storm sewer and water lines, and provision for drainage and other similar environmental

engineering considerations shall be based upon a determination as to the appropriate standards necessary to implant the specific function in the specific situation; provided, however, that in no case shall construction standards be less than necessary to ensure the public safety and welfare.

(d) *Preservation and Maintenance of Open Space.* Adequate provisions shall be made for the permanent preservation and maintenance of common "open space" and rights-of-way either by private reservation or dedication to the public.

1. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village, as part of the conditions for project approval, an open space easement over such open areas restricting the areas against any further building or use except as is consistent with that of providing landscaped open spaces for aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan, or, subsequently, with the express approval of the Board following the recommendation of site and operational plans by the Planning & Zoning Commission.

2. In the case of roadways and other rights-of-way which are not dedicated to the public, as part of the conditions for project approval there shall be granted to the Village such easements over the same as may be necessary to enable the Village to provide suitable and adequate fire protection, sanitary and storm sewer water, and other required municipal services to the project area.

3. The care and maintenance of such open space reservations and rights-of-way shall be assured either by establishment of

an appropriate management organization for the project or by agreement with the Village for establishment of a special service district and levy the cost thereof as a special assessment on the tax bill of properties within the project area. In any case the Village shall have the right to carry out, and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the Village. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title of each property. The developer shall submit a landscape maintenance schedule with the final plan for approval by the Village that satisfies the above requirements.

4. Ownership and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Village and made a part of the conditions of plan approval.

*(e) Accommodation of Pedestrian Traffic.*

1. Sidewalks and/or other walkways and bicycle paths shall be provided where necessary for the boundaries. Special attention shall be given to connections accommodating pedestrian movement between the dwelling units, common open space, recreation facilities, commercial establishments, and parking facilities or areas.

2. Walkway widths and surface treatments of all walkways shall be designated with regard to their function and the anticipated manner of usage. The natural feature of the area traversed by the walkway system and suitable lighting in scale with the project shall also be considered.

3. Utilization of pedestrian ramps shall be encouraged where necessary to either resolve conflicts with vehicular traffic or

facilitate the movement of elderly and/or children.

*(f) Setback Requirements.* Setbacks for parking areas and structures shall be established by the conditions governing the particular Planned Commercial District so as to ensure compatibility with adjoining developments, uses, and zoning but no parking area or structure shall be permitted within:

1. Fifteen feet (15') from any county highway or Village arterial street right-of-way;
2. Ten feet (10') of the right-of-way line of a collector or local street.

*(g) Signs and Outdoor Graphics.* All signage shall comply with Section 18.17 unless specific signage regulations are contained in the conditions of each approval by the Board authorizing the establishment of the Planned Development District.

*(h) Factors and Requirements to be Considered by the Planning & Zoning Commission and the Board.*

1. Height of structures.
2. Auto parking facilities.
3. Screening and fencing.
4. Landscaping.
5. Setbacks.
6. Open space and reservations.
7. The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use, and general neighborhood characteristics.
8. Nature and use of the proposed structures, and design, architecture, and materials to be used.
9. Highway access to the site, number of openings, and location of same.
10. Traffic generation, number of vehicles parked, and rate of turnover per hour.
11. Drainage.
12. Capacities required for sewer, water, and other necessary utilities.

13. Educational capacity capabilities (number of families and school load).
14. Economic impact on the Village, its inducements, attractions, and detractions.
15. Lighting.
16. Proposed methods and hours of operation.
17. Comparison of open space as required by the underlying basic zones with that proposed project.
18. Operational control.
19. Commencement and completion dates.
20. Highway dedication.
21. Deed restrictions and sureties deemed necessary to protect the health, safety, and welfare of the community.
22. Such other limitations, conditions, special requirements, or characteristics to the use as may be deemed necessary to protect the health, safety, and welfare of the Village.

(i) *Implementation Schedule.* The proponents of a planned development shall submit a reasonable schedule for implementation of the development to the satisfaction of the Planning & Zoning Commission and the Board, including suitable provisions (and the Village may require the furnishing of a sufficient performance bond) for assurance that each phase could and should be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase.

**(7) Pre-Application Conference.** Prior to filing of an application for PDD, the applicant of the proposed PDD is encouraged to arrange a conference with the Village. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to

the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys, and other data.

**(8) Procedure.** The procedure for approval of a planned development project shall consist of two (2) phases:

(a) *Preliminary Approval.* Consisting of approval of the proposed project in principle only.

(b) *Final Approval.* Consisting of approval of the proposed project in all its terms and details.

**(9) Preliminary Approval.**

(a) *Notice and Fee.* A person desiring to develop a particular site as a planned development project shall apply to the Building Inspector on such forms as shall be provided by the Village and shall pay a fee equal to that currently required for a Preliminary Planned Development District application which must accompany said forms. Such application shall contain the names, mailing addresses, and telephone numbers of the owners and developers, and a description of the development site. Appropriate supporting documents and maps, as required in Section 18.22 (9) (d) shall be filed with the application.

(b) *Notice to Committee.* The Building Inspector shall inform the Planning & Zoning Commission of such desire and shall secure a date for a preliminary discussion between the developer and the Planning & Zoning Commission, and shall notify such developer of such date.

(c) *Planning & Zoning Commission Recommendations.* The Planning & Zoning Commission, after such preliminary discussions and such further discussions as may be required with the developer, shall report in writing such proposed project development to the Board, together with its recommendation for either approval or disapproval of the same. Such report and recommendation of the Planning & Zoning Commission shall be made to the Board no

later than four (4) months from the filing of the application with the Building Inspector. A recommendation of approval by the Planning & Zoning Commission shall in no way be binding on the Board.

(d) *Information Required.* The following information shall be provided by the applicant in adequate detail to satisfy the Planning & Zoning Commission for its recommendation regarding preliminary approval:

1. A statement describing the general character of the intended development.
2. An accurate map of the project area, drawn to scale no less than one inch (1") equals two hundred feet (200'), showing the nature, use, and character of abutting properties prepared by a registered surveyor.
3. Four (4) copies of a general development plan of the proposed project drawn at a scale no less than one inch (1") equals two hundred feet (200') showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in Section 18.22 (6) (a), (b), (c), (d), and (h) of this section:
  - a. Tract boundaries and a statement of the total acreage of the tract;
  - b. Significant existing physical features within the tract, with two feet (2') contour topographic information, including natural drainage patterns and water resources such as streams, drainage swales, watercourses, ponds, lakes, wetlands, floodplains subject to one hundred (100) year flood frequency and proposed changes in those features;
  - c. Zoning district(s) on and within four hundred feet (400') adjacent to the proposed project;
  - d. Property lines (if any) within the proposed project;
  - e. All contemplated land uses within the tract;
  - f. An indicator of the contemplated intensity of use; i.e., gross density in residential development; number of

prospective tenants in office, commercial and industrial development or recreational development;

- g. Number and type of dwelling units;
- h. Existing buildings that may affect future development and proposed location of all principal structures and associated parking area;
- i. Proposed lot coverage of buildings and structures;
- j. Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type, how they relate to the existing network outside this site;
- k. Existing rights-of-way and easements which may affect the PDD project;
  1. In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages;
  - m. The location of sanitary and storm sewer lines, watermains, fire hydrants and lighting;
  - n. The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, parks, etc.;
  - o. Description of proposed system for drainage;
  - p. General landscape treatment.
4. Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development, and any other data pertinent to the evaluation under the criteria of Section 18.22 (6) (a), (b), (c), (d), and (h).
5. Architectural drawings and sketches illustrating the design and character of proposed structures.
6. General outline of intended organization structure related to property owner's association, deed restrictions, and private provision of common services, if any.
7. Economic feasibility and impact report may be required by the Planning &

Zoning Commission to provide satisfactory evidence of the project's economic feasibility, of available adequate financing, and of not adversely affecting the economic prosperity of the Village or the values of surrounding properties.

**(10) Amendment of Preliminary Approval.** The recommendation of the Planning & Zoning Commission and the preliminary approval of the Board shall be based on and include as conditions thereto the building, site, and operational plans for the development as approved, as well as all other commitments offered or required with regard to project value, character, or other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the approved plans. Detailed construction time, and the approval of such preliminary plan shall be conditional upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to the plans or use shall first be submitted to the Planning & Zoning Commission, and if, in the opinion of the Planning & Zoning Commission, such change or addition constitutes a substantial alteration of the original plan, it shall timely make an appropriate recommendation to the Board relating to an amendment of the preliminary approval.

**(11) Final Approval.**

*(a) Petition for Final Approval.* When the Board has issued its preliminary approval of the proposed plan, then the developer may file with the Clerk a petition executed by the owner of the property to be developed, or its agent, for the final approval, stating that it seeks to develop such property under the provisions of this section. Such petition, accompanied by a final planned development district fee, shall include (unless previously submitted):

1. The names, mailing addresses, and telephone numbers of any additional owners

and developers of the development site, and the names of owners and developers listed on the application that no longer have an interest in the project, in the event there has been a change in owners or developers since the date of application.

2. An accurate topographical map showing topographical data at two foot (2') intervals and extending within one hundred feet (100') beyond the exterior boundaries of such site, showing all public rights-of-way and all buildings accurately located within one hundred feet (100') of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and capacities thereof and high water elevations along rivers.

3. A scale plot plan showing the location, type, and size of every proposed structure and its proposed use; also driveways, driveway access roads, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing, and landscaping areas, and utility easements.

4. A statistical table showing the size of the site in square feet, the acreage (exclusive of public streets), proposed population densities and open areas (both in square feet and as a percentage of the project area).

5. Architectural drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.

6. A table showing the approximate cost of structures.

7. A statement showing the starting and completion dates of the project.

8. Any other pertinent data, statements, drawings, or plans which may be required by the Planning & Zoning Commission or the Board.

9. The following additional information for commercial and industrial developments:

a. Square feet of buildings.

b. Square feet of offices, production areas, and the proposed number of employees in such area.

c. Details of proposed use or uses and manner of operation; and

d. The municipal services that may be required to serve the area.

*(b) Plan Approval.* Approval of the preliminary plan shall entitle the developer to final approval if the final development plan is submitted within twelve (12) months of the date of the preliminary plan and conforms to such layout and conditions of the approved preliminary plan and required final approval information. The Planning & Zoning Commission shall make a recommendation to the Board within forty-five (45) days of the submittal of a final plan. The Board then shall have an additional forty-five (45) days after receipt of the Planning & Zoning Commission recommendation in which to make a decision.

*(c) Expiration of Plan.* If construction has not begun and/or no use established in the PDD or one (1) of its stages within twenty-four (24) months of final approval date, the final development plan shall lapse and be of no further effect.

*(d) Changes.* Minor changes in the location, setting, and heights of buildings and structures may be authorized by the Planning & Zoning Commission without additional hearing if required by engineering or other circumstances not foreseen at the time the final plan was approved. A planned development district amendment fee shall accompany any such request. No change authorized by this section may cause any of the following:

1. A change in the use or character of the development.
2. An increase in overall coverage of structures.
3. An increase in the intensity of use.

4. An increase in the problems of traffic circulation and public utilities.

5. A reduction in approved open space.

6. A reduction of off-street parking and loading spaces.

7. A reduction in required pavement widths.

8. All other changes in use, or rearrangement of lots, blocks, and building's tracts, every change in the provision of common open space and changes other than listed above must be made by the Planning & Zoning Commission. Such amendments may be required by changes in community policy.

**(12) Interpretation.** In their interpretation and application, the provisions of this code shall be held to the minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed in a limitation or repeal of any other power granted by the Wisconsin statutes. Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, in interpreting and applying the provisions of this subchapter or any PDD adopted under this subchapter they shall take precedence and be controlling when there is conflict between their provision and those of the zoning provisions of this code.

### **18.23 TCOD – TOWN CENTER OVERLAY DISTRICT.**

#### **(1) Purpose of the Town Center Overlay District (TCOD).**

*(a)* The TCOD is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicular traffic; to create more active social places; to provide an opportunity for

developers to create economic activities that serve the needs of Village residents; to provide attractive recreation, green spaces, town squares and plazas, and public activity spaces as integral parts of the development; to enable economical design of utilities and community facilities; and to ensure adequate standards of construction and planning. The TCOD under this section will allow for flexibility of overall development design, with benefits from such flexibility intended to be derived by both the developer and the community, while at the same time maintaining, where judged appropriated by the Board, other standards or use requirements as set forth in the underlying base zoning district. The TCOD shall be applicable only within the district as depicted in the accompanying map within the Town Center Plan (TCP).

(b) The unified and planned development of a site in a single, partnership, or corporate ownership or control or in common ownership under the Unit Ownership Act set for in Wis. Stats. Ch. 703 (condominiums) may be permitted by the Village upon specific petition, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures, when all regulations and standards as set forth in this section have been met.

**(2) Area Requirements for TCOD Project.** Areas designated as a TCOD project shall be under single or corporate ownership or control and shall contain a minimum development area of either one half (1/2) acres or the size of the lots and parcels existing as of the adoption date of this TCOD.

**(3) Uses, Structures, Lot Area and Dimensions, Density, Parking, Landscaping, Heights, Setback Yards, and Other Requirements.** Uses, structures, individual lot sizes, densities, setbacks, yards, dimensional requirements,

landscaping requirements, parking requirements, height requirements, and other requirements required by the underlying base use district may be modified and shall be considered as permitted uses if, in the judgement of the Planning & Zoning Commission, Design Review Commission, and Board, the proposed project is compatible with the site design, illustrations, guidelines, and related features as shown in the TCP.

**(4) Procedure.**

(a) *Pre-Petition Conference.* Prior to official submittal of the petition for approval of a proposed project or development for the TCOD, the owner or his or her agent making such petition shall meet with the Village Staff to discuss the scope and proposed nature of the contemplated development. Subsequent to such meeting, all costs for Village Staff and consultants associated with the proposed project shall be borne by the owner or his or her agent by agreement with the Village.

(b) *The Petition.* Following the pre-petition conference, the owner or his or her agent may file a petition with the Planning and Zoning Commission and Design Review Commission for an approval of a TCOD proposal thereby permitting the application of the provisions of this section to the designated area.

(c) Such petition shall be accompanied by the appropriate fee as well as a statement which sets forth the relationship of the proposed project to the TCOD, the TCP, and any other plans or studies deemed relevant by the Village and the general character and use of all structures and site changes to be included in the proposed project, including but not limited to the following items:

1. Total area to be included in the project, are of open space, commercial area computations, parking and traffic estimates, density computations, 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.

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

3. A general outline of the organizational structure of a property owner or management association, which may be proposed to be established for the purpose of providing any necessary private services.

4. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land division ordinance, sign ordinance, other Village regulations or administrative rules or other guidelines.

5. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.

(d) Subsequent to or in conjunction with the petition (as determined by Village Staff), the applicant shall submit a general development plan (GDP) which shall include, in addition to other site plan and architectural review requirements, the following:

1. A preliminary plat or certified survey map, if required, depicting the plan of the development.

2. A legal description of the boundaries of lands included in the proposed project.

3. A description of the relationship between the proposed project and the surrounding areas, including all other areas within the boundary to the TCP as requested by Village staff.

4. The location of roads, driveways, parking facilities, sidewalks, trails, bicycle facilities, and related circulation components.

5. The size, arrangement, and location of any individual building sites and

proposed building groups on each individual lot.

6. The location of recreational and open space areas and areas reserved or dedicated for parks, town squares or town plazas, and drainage ways.

7. The type, size, and location of all structures.

8. Specific landscaping treatment, including detailed street cross sections showing roadside landscaping standards.

9. Architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures.

10. The existing and proposed location of sanitary sewer, water supply facilities and stormwater drainage facilities.

11. The existing and proposed location of all private utilities or other easements.

12. Characteristics of soils related to contemplated specific uses.

13. Existing topography onsite with contours at no greater than two foot (2') intervals.

14. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.

15. If the development is to be staged, a staging plan.

**(5) Referral to Planning & Zoning Commission.** The petition and GDP for a TCOD shall be referred to the Planning & Zoning Commission for its review and recommendation with regard to all aspects of the GDP except those to be submitted to the Design Review Commission as listed in Section 18.23 (6) below. The Planning & Zoning Commission may add any additional conditions or restrictions which it may deem necessary or appropriate to promote the spirit and intent of this section and the purpose of this section or may reject or recommend denial of the application as



inconsistent with the goals, intentions, or details of the TCP.

**(6) Referral to Design Review Committee.** The petition and GDP for TCOD shall be referred to the Design Review Committee for its review and recommendation with regard to the design, architecture, and materials to be used in the proposed structures, proposed lighting plan and light fixture style, landscaping plan, and signage. The Design Review Committee may add any additional conditions or restrictions which it may deem necessary or appropriate to promote the spirit and intent of this section and the purpose of this section or may reject or recommend denial of the application as inconsistent with the goals, intentions, or details of the TCP.

(a) If the proposed development includes a historic structure, historic site, or is located within a historic district as designated through the procedures outlined in Chapter 16 Subchapter IV the submissions to the Design Review Committee shall instead be made to the Historic Preservation Commission for its review and recommendation.

**(7) Basis for Approval.**

(a) The Planning & Zoning Commission and Design Review Committee in making its recommendations and the Board in making its determinations shall consider:

1. Whether the petitions for the proposed TCOD project have indicated that they intend to begin the physical development of the designated project within twelve (12) months following the approval of the petition for a TCOD project and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.

2. Whether the proposed TCOD project is consistent in all respects with the purpose of this section and with the spirit and intent of this section; is in conformity with the TCP and other Village plans and studies that

are relevant to this area; that such development would not be contrary to the general welfare and economic prosperity of the Village or of the immediate neighborhood; and that the benefits and improved design of the resultant development justify the establishment of a TCOD project.

(b) The Planning & Zoning Commission, Design Review Committee, and the Common Council shall not give their respective recommendations or approvals unless it is found that:

1. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.

2. The proposed project shall be accessible from roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.

3. No undue constraint or burden will be imposed on Village services and facilities.

4. Adequate utilities shall be provided.

5. Adequate guarantee is provided for permanent preservation of open space areas, town squares and plazas, green spaces, and other open spaces as shown on the approved site plan either by private reservations and maintenance or by dedication to the public.

**(8) Changes or Additions.** Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Planning & Zoning Commission, and if in the opinion of the Planning & Zoning Commission such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Board shall be required and notice thereof shall be given pursuant to the provisions of this section.

**(9) Developer's Agreement and Restrictive Covenants.** The terms and conditions of the TCOD shall be set forth in a developer's agreement and restrictive covenants as deemed necessary by the Village.

**(10) Excluded Areas.** Lands currently zoned Agricultural-Farmland Preservation are not eligible for inclusion in any Town Center Overlay District.

**18.97 NONCONFORMITY.** The purpose and intent of this chapter is to provide for the regulation of nonconforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such nonconforming buildings, structures, land and uses shall be permitted to continue.

**(1) Definitions.**

*(a) Nonconforming Use.* A use which existed lawfully prior to the adoption, amendment, or comprehensive revision of a zoning ordinance, which does not comply with present zoning provisions. A use permitted by zoning statutes or ordinances to continue notwithstanding that similar uses are no longer permitted in the area in which it is located.

*(b) Nonconforming Structure.* A structure which was legal prior to the adoption, amendment, or comprehensive revision of a zoning ordinance, but which now violates the size, location, or dimensional limits of its zoning district.

*(c) Nonconforming Lot.* A lot which had legal dimensions or square footage prior to the adoption, amendment, or comprehensive revision of a zoning ordinance, but which now fails to conform to the requirements of its zoning district.

**(2) General.**

*(a)* Any nonconforming building, structure, land, or other use which existed lawfully at the time of the adoption of this code and which remains nonconforming, and any such building, structure, land, or other use which shall become nonconforming upon the adoption of this code, or of any subsequent amendments thereto, may be continued subject to the regulations which follow.

*(b)* Any nonconforming building, structure, land, or other use which is covered by Section 19 or Section 20 shall have the more restrictive code apply.

**(3) Nonconforming Use.**

*(a)* If a nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the building, structure, land, or other use shall thereafter conform to the provisions of this code.

*(b)* The structural alteration/repair of a structure containing a nonconforming use shall not exceed fifty percent (50%) of the structures assessed value over the life of the structure.

*(c)* Additions to a structure containing a nonconforming use shall not be allowed.

*(d)* Once a nonconforming use has been changed to conform, it shall not revert back to a nonconforming use.

**(4) Nonconforming Structure.**

*(a) Primary Structures.*

1. Additions shall be allowed as long as the addition complies with all the requirements of all applicable ordinances.

2. Repairs and alterations shall be allowed except for structures deemed a public safety hazard.

3. No repair or alteration shall cause a structure to be more nonconforming except when necessary for the structure to comply with applicable local, state, or federal requirements.

*(b) Accessory Structures.*

1. Repairs and alterations of a structure shall not exceed fifty percent (50%) of the structure's assessed value over the life of the structure, except for structures deemed a public safety hazard.

2. No additions shall be allowed.

3. No repair and alteration shall cause a structure to be more nonconforming except when necessary for the structure to comply with applicable local, state, or federal requirements.

(c) *Structures Damaged by Violent Wind, Vandalism, Fire, Flood, Ice, Snow, Mold, or Infestation.*

1. Wis. Stats. §62.23(7)(hc) & §61.351 shall apply.

**(5) Nonconforming Lots.**

(a) All lots shall be considered buildable if:

1. It was a legal conforming lot at the time of its creation.
2. It has frontage on an improved public street.
3. All other applicable codes and requirements shall be met.

**(6) Public Safety Hazards.**

(a) No structure deemed a public safety hazard shall be allowed to be repaired or altered without review and approval of the Public Health & Safety Committee.

**18.98 ADMINISTRATION AND ENFORCEMENT.** This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this ordinance.

**(1) General.**

1. This section shall provide the authority and necessary requirements for issuance of variances, appeals, amendments, conditional uses, special exceptions, and penalties.

**(2) Planning & Zoning Commission.**

The Planning & Zoning Commission (referred to as Planning Commission) shall be the authorized planning agency, administer the said zoning ordinance, and shall perform the duties of the Planning & Zoning Committee as set forth in Wis. Stats. §62.23 (and as amended).

(a) *Jurisdiction.* The Planning Commission shall carry out the following duties as enumerated in Wis. Stats. §62.23 under this ordinance:

1. Carry out the administration of this zoning ordinance.

2. Review all applications for conditional uses, special exceptions, and amendments to this ordinance and report said findings and recommendations to the Board in the manner designated by this ordinance for conditional uses, special exceptions, and amendments.

3. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.

4. Maintain permanent and current records of this ordinance including, but not limited to all maps, land divisions, amendments, conditional uses, special exceptions, variances, appeals, and applications thereof.

5. Initiate, direct, and review from time to time a study of the provisions of this ordinance and to make reports of its recommendations to the Board.

(b) *Meetings.*

1. All meetings of the Planning Commission shall be held on the second (2<sup>nd</sup>) Wednesday of the month or at the call of the chairperson of the Commission and at such times as the Commission may determine.

2. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

(c) *Decisions.* All actions of the Planning Commission shall require the vote of a majority of the members of the Commission.

(d) *Membership.* Shall be as specified in Village Code Section 2.07.

**(3) Board of Appeals.** The Board of Appeals is hereby established under Village Code Section 1.03 and as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23(7)(e) and as amended.

(a) *Jurisdiction.* The Board of Appeals is hereby entrusted with the jurisdiction and authority to:

1. Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this ordinance.

2. Hear and act upon the application for variances from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.

3. Hear and decide all matters referred to it or upon which it is required to act upon under this ordinance as prescribed by Wis. Stats. §62.23(7)(e) (and as amended).

4. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Wis. Stats. §62.23(7)(e) or of any ordinance adopted thereto.

5. To authorize upon appeal in specific cases such variance from the terms of the land use and planning ordinance as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. To have the powers and duties provided for Boards of Appeals under 62.23(7)(e)7 Wisconsin Statutes and shall carry out their duties in the manner provided for Boards of Appeals by 62.23(7)(e) Wisconsin Statutes.

(b) *Meetings and Rules.*

1. All meetings of the Board of Appeals shall be governed by Wisconsin Statute 62.23(7)(e).

2. The Board shall adopt its own rules and procedures not in conflict with this ordinance or with the applicable Wisconsin state statutes.

(c) *Decisions.* All decisions and findings of the Board of Appeals on appeals

or upon application for a variance shall be by the concurring vote of the majority of the Board and after said hearing shall in all instances be final administrative decisions and shall be subject to judicial review as by law may be provided.

(d) *Board Membership.* Shall be as specified in Village Code Section 1.03.

**(4) Variances.**

(a) *Application.*

1. An application for a variance shall be filed with the Zoning Administrator. The application shall contain such information as the Board of Appeals by rule may require. Notice of the time and place of such public hearing shall be published as a Class 1 Notice and also by mailing notice thereof to parties in interest, said publication and mailing to be made at least ten (10) days prior to the date of the hearing. The Board of Appeals shall thereafter reach its decision within sixty (60) days from the filing of the appeal.

(b) *Standards for Variances.* The Board of Appeals shall not vary the regulations as set forth in the Zoning Code unless it shall make findings based upon the evidence presented to it in each specific case.

1. Because of the particular physical surrounds, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

2. Conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable generally to other property within the same zoning classification.

3. Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

4. Granting of the variation shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

5. Proposed variation shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**(5) Appeals.** An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Administrative Officer. The process for such appeals shall be governed by Wisconsin Statute 62.23(7)(e).

**(6) Amendments to the Zoning Code.**

*(a) Authority.* The Board may from time to time in the manner hereafter set forth amend the regulations imposed in the districts or amend district boundary lines provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purpose of said changes as per 18.02, Purpose and Severability of this ordinance.

*(b) Initiation.* Amendments may be proposed by any governmental body or any interested person or organization.

*(c) Application.* An application for an amendment shall be filed with the Zoning Administrator in such form and accompanied by such information as required by the Planning & Zoning Commission. Said application shall be reviewed and a written recommendation submitted thereon to the Board.

*(d) Hearing Notice.* The Board shall hold public hearing on each application for an amendment. Time, place, and purpose of the hearing shall be published as a Class 2 Notice.

*(e) Findings and Recommendations.*

1. The Planning Commission shall make written findings of fact and shall submit together with its recommendations to the Board prior to the public hearing.

2. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

a. Existing uses of property within the general area of the property in question.

b. Zoning classification of property within the general area of the property in question.

c. Suitability of the property in question to the uses permitted under the existing zoning classification.

d. Trend of development, if any in the general area of the property in question, including changes if any, which have taken place in its present zoning classification.

e. Adequate public facilities to serve the development are present or will be provided.

f. Providing these facilities will not be an unreasonable burden to the Village.

g. The land is suitable for development and development will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.

h. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

i. The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

*(f) Board Action.*

1. The Board shall not act upon a proposed amendment to this ordinance until it has received a written report and recommendation from the Planning Commission on the proposed amendment.

2. The Board may grant or deny any application for an amendment provided, however, that in the event of a written protest, Wis. Stats. 62.23(7)(d)2m is followed.

3. If an application for a proposed amendment is not acted upon finally by the Board within ninety (90) days of the date upon which such application is received by the Board, it shall be deemed to have been denied.

4. This section shall not interfere with the Board's ability to alter, supplement, or change the boundaries or regulations established in this ordinance.

**(7) Conditional Uses.**

(a) *Purpose.* To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need, conditional uses shall be of two (2) types.

1. Uses publicly operated or traditionally affected with a public interest.

2. Private uses in character of an unusual nature that their operation may give use to unique problems with respect to their impact upon neighboring property as public facilities.

(b) *Initiation.* Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

(c) *Application.* The application for a conditional use shall be filed with the Zoning Administrator on a form so

prescribed by the Planning Commission. The application shall be accompanied by such plans and/or data prescribed by the Planning Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Planning Commission and a written recommendation submitted thereon to the Board.

(d) *Hearing on Application.* Upon receipt in proper form of the written recommendation referred to Section 18.99 (7) (c), the Board shall hold a public hearing on the proposed conditional use.

(e) *Authorization.* For each condition listed in an application for a conditional use, the Planning Commission shall report to the Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon within ninety (90) days of the date upon which such application is received by the Board, it shall be deemed to have been denied.

(f) *Standards.* No conditional use shall be recommended by the Planning Commission unless said Commission shall find that the conditions comply with Section 18.02.

(g) *Conditions and Guarantees.* Before issuing a conditional use, the Planning Commission may recommend that the Board shall stipulate conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 18.99 (7)

(f) above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**(8) Special Exceptions.**

(a) *Purpose.* A special or unique situation, excluding a change in use or a use prohibited in a zoning district, which may be authorized by the Planning & Zoning Commission and is specifically set forth in the ordinance as a special exception and which may justify the waiver of the regulations applicable thereto and does not necessarily require the demonstration of an unnecessary hardship or practical difficulty.

(b) *Initiation.* Any person having a freehold interest in land or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application for a special exception provided for in this ordinance in the Zoning District in which the land is located.

(c) *Application.* The application for a special exception shall be filed with the Planning Commission on a form so prescribed by the Planning Commission. The application shall be accompanied by such plans and/or data prescribed by the Planning Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special exception will conform to the standards set forth in the respective zone districts. Such application shall be reviewed and acted upon by the Planning Commission.

(d) *Hearing on Application.* The Planning & Zoning Commission shall hold a public hearing on the proposed special exception.

(e) *Authorization.* For each special exception application, the Planning Commission including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed special exception is not acted upon within ninety (90) days of the date upon which such application is received by the Planning & Zoning Commission, it shall be deemed to have been denied.

(f) *Standards.* No special exception shall be approved by the Planning & Zoning Commission unless said Commission shall find that the conditions comply with Section 18.02 of the Zoning Code, Intent, Purpose, and Severability.

**18.99 PENALTY, SEVERABILITY, AND ENFORCEMENT.**

(1) **Penalty.** Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture of not less than twenty-five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500) per violation. Failure or refusal to pay forfeiture may result in imprisonment for a period of not more than ninety (90) days for each offense. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(2) **Severability.** If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of the same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified

in the court's decision, portions remaining in the ordinance shall retain the full force and effect thereof.

**(3) Enforcement.** Enforcement of this chapter shall be the responsibility of the Board or its designee, and/or Police Department.



Village of Suamico

Chapter 18

- Ordinance 2008-10 Amending Chapter 18 Zoning Code  
Adopted 5-5-08*
- Ordinance 2008-16 Amending Chapter 18 Zoning Code  
Adopted 6-2-08*
- Ordinance 2008-22 Amending Chapter 18 Zoning Code and Creating Section 18.23  
Town Center Overlay District  
Adopted 7-14-08*
- Ordinance 2009-03 Amending Chapter 18 Zoning Code  
Adopted 2-16-09*
- Ordinance 2009-18 Amending Chapter 18 Zoning Code  
Adopted 6-15-09*
- Ordinance 2009-19 Amending Chapter 18 Zoning Code  
Adopted 8-17-09*
- Ordinance 2009-20 Amending Chapter 18 Zoning Code  
Adopted 9-14-09*
- Ordinance 2010-06 Amending Chapter 18 Zoning Code  
Adopted 1-18-10*
- Ordinance 2012-09 Amending Chapter 18 Zoning Code  
Adopted 6-4-12*
- Ordinance 2013-03 Rescinding section 18.07, EA and Creating Section 18.07, AG-FP  
Adopted 3-18-13*
- Ordinance 2014-02 Amending Chapter 18.17 Sign Regulations  
Adopted 1-6-14*
- Ordinance 2014-10 Amending Chapter 18 Zoning Code  
Adopted 6-16-14*
- Ordinance 2014-13 Amending Chapter 18 Zoning Code  
Adopted 9-15-14*
- Ordinance 2014-15 Amending Chapter 18 Zoning Code  
Adopted 11-17-14*
- Ordinance 2014-16 Amending Chapter 18 Zoning Code  
Adopted 12-15-14*
- Ordinance 2015-10 Amending Chapter 18.18 Off-Street Parking  
Adopted 9-21-15*
- Ordinance 2015-14 Amending Chapter 18.08 Rural Residential (4) Lot Requirements  
Adopted 11-2-15*
- Ordinance 2016-11 Amending Chapter 18 Residential Sewer of the Village Code  
Adopted 9-19-16*
- Ordinance 2018-09 Amending Chapter 18  
Adopted 8-20-18*
- Ordinance 2020-05 Amending Chapter 18.10  
Adopted 2-7-20*