

CHAPTER 17

ZONING CODE

(Repealed & Recorded Ordinance #08-2007)

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17.01 INTRODUCTION

(1) **AUTHORITY.** These regulations are adopted under the authority granted by §61.35 and 62.23(7), Wis. Stats.

(2) **SHORT TITLE.** This chapter shall be known as, referred to or cited as the “Zoning Code, Village of Newburg, Wisconsin.”

(3) **PURPOSE.** The purpose of this Chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Village.

(4) **INTENT.** It is the general intent of this Chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Village; and implement the Village comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

(5) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Chapter to repeal, abrogate, annul, or impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

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

17.02 DEFINITIONS

For the purpose of this Chapter, the following definitions shall be used:

(1) **ABUTTING.** Having a common property line or district line.

(2) **ACCESSORY USE OR STRUCTURE.** A use structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure. An accessory structure is a supplemental building located on the same lot with the principal structure and generally used for storage, private garage or other use customarily incidental to residential use, including but not

exclusive to storage sheds, garden sheds, and detached garages. This includes non-permanent structures, larger than (6) six square feet.

(2a) ADULT DAY CARE CENTER. A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

(3) ALLEY. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

(4) APARTMENT. A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

(5) APARTMENT HOUSE. See DWELLING, MULTI-FAMILY.

(6) BASEMENT. A story, as defined in sub. (53) below, partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

(7) BED AND BREAKFAST ESTABLISHMENTS. A single-family residence where lodging and breakfast are furnished to transients for compensation, but not exceeding 4 bedroom suites.

(8) BILLBOARD. An advertising device, either free-standing or attached to a building, which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.

(9) BOARDING HOUSE. A building other than a hotel where lodging and meals are regularly furnished for compensation for 4 or more persons not members of a family, but not exceeding 8 persons and not open to transient customers.

(10) BUILDING. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

(11) BUILDING, ALTERATIONS OF. See STRUCTURAL ALTERATIONS.

(12) BUILDING, HEIGHT OF. The vertical distance from the finished grade at the building line to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height between the eaves and ridge of the highest gable of a gambrel, hip, gable or pitch roof.

(13) BUILDING, PRINCIPAL. See USE, PRINCIPAL.

(14) CERTIFICATE OF OCCUPANCY. A written statement issued by the Building Inspector which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this Chapter, and Chapters 14, 15 and 16 of this Code if applicable, for the specified use and occupancy.

(15) **CONDITIONAL USE.** A use of a special nature so as to make impractical its predetermination as a principal use in a district.

(16) **DISTRICT, OVERLAY.** Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirement shall apply.

(16a) **DRIVEWAY.** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

(17) **DWELLING.**

(a) **One-Family.** A detached building designed for or occupied exclusively by one family and includes a "manufactured home".

(b) **Two-Family.** A detached or semi-detached building designed for and occupied exclusively by 2 families.

(c) **Multi-Family.** A building or portion thereof designed for and occupied by more than 2 families, including tenement houses, row houses, and apartment houses.

(18) **DWELLING UNIT.** A separate housekeeping unit, designed and used for occupancy by a single family.

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

(20) **FARM.** Land consisting of 10 acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.

(21) **FLOOR AREA.** See LIVING AREA.

(22) **FRONTAGE.** All the property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

(23) **GARAGE.**

(a) **Private.** A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles, boats or trailers. Carports shall be considered garages within this definition.

(i) **Attached.** A private garage or carport attached directly to the principal building or attached by means of an enclosed or open

breezeway, porch, terrace or vestibule, or a private garage constructed as to form an integral part of the principal building.

(ii) Detached. A private garage entirely separated from the principal building.

(b) Public. Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

(c) Storage. Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold. No commercial motor vehicle exceeding 2 tons capacity shall be stored in any storage garage.

(24) HOME OCCUPATION. A gainful occupation conducted by members of the family only within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupations, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted name plate not more than one foot square is installed and that no person other than a member of the immediate family living on the premises is employed. Outdoor storage of raw materials or finished products is not permitted.

(25) APARTMENT, HOTEL. A building in which lodging with or without meals, is offered to transient guests for compensation and in which there are more than 4 rooms with cooking facilities in individual rooms or apartments.

(26) HOTEL, MOTEL. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 4 sleeping rooms with no cooking facilities in any individual room or apartment.

(27) JUNK YARD; SALVAGE YARD. An open space where waste and used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

(28) LIVING AREA. The total area of a dwelling unit bounded by the exterior walls of a building at the floor level, but not including garage, utility areas, open porch, unfinished attic or basement.

(28a) LIVERIES. An establishment, which can include vehicle storage facilities, at which vehicles are for hire or are rented for recreational purposes.

(29) LOT. A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by this Chapter and abutting on a public street or officially approved place.

(30) LOT, CORNER. Structures shall provide a street yard as required by this Chapter on the street that the structure faces. A second street yard shall be provided on the side of the structure abutting a second public or private street. Front, side and rear yards can be street yards. See also Sec. 17.02(49), 17.04(2) & 17.04(3) of this Chapter.

(31) LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

(32) LOT, INTERIOR. A lot other than a corner lot.

(33) LOT LINES. The lines bounding a lot or parcel as defined herein.

(34) LOT, THROUGH. An interior lot having frontage on 2 nonintersecting streets.

(35) LOT, WIDTH. The width of a parcel of land measured at the setback line.

(36) MANUFACTURED DWELLING (Rep. & Recr. Ord. #1-97). A dwelling structure or component thereof, as defined in Wis. Adm. Code COM 20.07(52), which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with Wis. Adm. Code COM 20, Subchapter. V.

(36a) MANUFACTURED HOME (Cr. Ord. #1-97). A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufacturing Housing Construction Standards.

(36b) MINI-STORAGE, SELF-SERVICE STORAGE FACILITY, MINI-WAREHOUSES. A compound containing a building or group of buildings divided into separate compartments, which may be of various sizes that are used to meet the temporary storage needs of residential and small businesses uses. No other commercial transactions are permitted other than the rental of the storage units.

(37) MOBILE HOME. A non-self-propelled one-family dwelling unit of vehicular design built on a chassis and originally designed to be moved from one site to another, whether or not the same is placed on a permanent foundation.

(38) MOBILE HOME PARK. Any lot on which 2 or more mobile homes are parked for the purpose of temporary or permanent habitation.

(39) MOTEL. See HOTEL.

(40) NONCONFORMING USE or STRUCTURE. A building or premises lawfully used or occupied at the time of the passage of this Chapter or amendments thereto which use or occupancy does not conform to the regulations of this Chapter or any amendments thereto.

(41) NURSERY. Any building or lot, or portion thereof, used, for the cultivation or growing of plants and including all accessory buildings.

(42) NURSING HOME. Any building used for the continuous care, on commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

(43) PARKING STALL. An off-street space, available for the parking of a motor vehicle and which, in this Chapter, is held to be an area of 180 square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

(44) PERCENTAGE OF LOT COVERAGE. The percentage of a lot or parcel occupied by principal and accessory buildings, including paved area. (Am. Ord. #6-98)

(45) PRINCIPAL BUILDING. See USE, PRINCIPAL.

(46) PROFESSIONAL HOME OFFICE. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation and not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office. Only one person may be employed who is not a resident of the home.

(46a) RECREATION AREA. A tract of land used for activities whose primary focus or purpose is the enjoyment of nature through forms of play, amusement, or relaxation. The recreational area experiences may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

(47) RECYCLING COLLECTION CENTER. A municipally-sponsored or privately-owned location for the collection of materials for recycling. Such materials shall include, but not be limited to tin, aluminum, glass, plastic and paper goods. The use shall be limited to collection and on-site storage of such materials only.

(48) RAILROAD RIGHT OF WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train-sheds, warehouses, car or locomotive shops, or car yards.

(49) SETBACK; STREET YARD. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps. Front, side and rear yards can be street yards.

(50) SHOPPING CENTER. A group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

(51) SIGN. Any words, letters, figures, numerals, phrases, sentences, emblems, devices or designs visible from a public street or highway which convey information regarding the use or

ownership of the establishment on the same property upon which it is located, as distinguished from a billboard. See also Sec. 14.17 of this Code.

(52) STREET. All property dedicated for public street purposes.

(53) STORY. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

(54) STREET LINE. A dividing line between a lot, tract or parcel of land and an abutting street.

(55) STRUCTURE. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

(56) STRUCTURAL ALTERATIONS. Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

(57) TEMPORARY STRUCTURE / USE. A movable structure which does not require a permanent location on the ground and which is not attached to something having a permanent location on the ground. Please see Public Nuisance Ordinance, Section 90.09.

(57a) TOURIST ROOMING HOUSE. All lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. Tourist rooming houses do not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Ch. HFS 197 of the Wis. Admin. Code.

(58) USE. The use of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained.

(59) USE, CONDITIONAL. See CONDITIONAL USE.

(60) USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.

(61) USE, PRINCIPAL. The main use of land or building as distinguished from a subordinate or accessory use. Principal uses in residential districts can include attached garages. A principal use may be permitted or conditional.

(62) UTILITIES. Public and private facilities such as water wells, water and sewer pumping stations, water storage tanks, electric transmission towers, electric lines, electric transmission substations, gas transmission regulation stations, telephone and telegraph exchanges, microwave relay structures, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

(63) VISION CLEARANCE. An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

(63a) WAREHOUSES. Facilities that are engaged in the storage and open storage of material, wholesale, and distribution of manufactured products, supplies, and equipment, not including bulk storage of materials that are combustible or explosive or that present hazards or conditions commonly recognized as offensive, but are not involved in the manufacturing or production.

(63b) WAREHOUSES, MINI OR SELF STORAGE. See MINI-STORAGE, SELF-SERVICE STORAGE FACILITY, mini-warehouses.

(64) YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

(a) Front Yard or Setback. A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

(b) Rear Yard. A yard extending the full width of the lot, being the minimum required horizontal distance between the rear lot line and the nearest part of the building excluding uncovered steps.

(c) Side Yard. A yard extending from the front yard to the rear yard, being the minimum required horizontal distance between a building and the side lot line.

(65) ZONING DISTRICT. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

(66) ZONING PERMIT. A permit stating that the placement of and the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which it is to be located.

17.03 GENERAL PROVISIONS

(1) COMPLIANCE No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable Village, County and State regulations, with provision for municipal sanitary sewer. (Am. Ord. #6-98)

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

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

(b) Accessory Uses. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs, storage, parking facilities, gardening; servant's and watchman's quarters not for rent, private swimming pools, and private emergency shelters. In non-residential districts, accessory buildings shall not occupy more than 30% of the required area for the rear yard and shall be constructed only after or concurrently with the construction of the principal building.

(c) Unclassified or Unspecified Uses. Unclassified or unspecified uses may be permitted by the Village Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

(d) Temporary Uses / Structures. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Village Board for a period not exceeding one year. Please see Public Nuisance Ordinance, Section 90.09.

(3) YARD REDUCTION OR JOINT USE.

(a) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

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

(c) No lot in the Village which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such lot.

(4) LOT OCCUPANCY. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a platted lot or parcel of record and in no case shall there be more than one principal building on one lot or parcel unless approved by the Village Board.

(5) YARDS ABUTTING DISTRICT BOUNDARIES. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards in the two districts which abut the district boundary line.

(6) STORAGE LIMITATION. No required side yard or front yard in the commercial or manufacturing districts shall be used for storage or the conduct of business.

(7) VISION CLEARANCE. No obstructions such as structures, parking or vegetation shall be permitted in any district other than the B-1 District between the height of 2½ and 10 feet above a plane through the mean curb grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right of way lines and a line joining points on such lines, located a minimum of 15 feet from their intersection. Official signs, utility poles, tree trunks and wire fences may be permitted within each segment of an intersection traffic visibility area. In the case of a collector or arterial street intersecting with other streets or railroads, the corner cutoff distance establishing the triangle vision clearance space shall be increased to 30 feet.

(8) PERFORMANCE STANDARDS. See Sec. 17.29 of this Chapter.

(9) PARKING AND LOADING RESTRICTIONS. See Sec. 17.28 of this Chapter.

(10) SETBACKS FROM THE WATER.

(a) All buildings and structures shall be set back at least 75 feet from the ordinary high-water mark of navigable waters.

(b) A setback of less than that required by par. (a) above may be permitted by the Zoning Administrator where there is at least one main building on either side of the applicant's lot, within 200 feet of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one side, the setback shall be the average of the existing building's setback and the required setback. Any other setback reduction may be permitted by the Board of Zoning Appeals pursuant to Sec. 17.33 of this Chapter.

(11) ONE- AND TWO-FAMILY DWELLING AESTHETIC STANDARDS. All one- and two-family dwellings shall comply with the following minimum aesthetic standards:

- (a) Pitched roof having a minimum slope of 3.5 horizontal to 1.0 vertical.
- (b) Overhanging eaves of a minimum of one foot and appropriate eave troughs.
- (c) Roof covering of asphalt, fiberglass, cedar shingles, architectural metal, rubber or tile.
- (d) Be constructed with a permanent, continuous, frost-free footing and foundation wall.

17.031 SINGLE-FAMILY DWELLING STANDARDS

No single family dwelling, including dwellings constructed on the building site, manufactured dwellings and manufactured homes, shall be erected or installed in any zoning district except the Mobile Home District unless such dwelling meets all of the following standards (Cr. Ord. #1-97):

(1) The dwelling shall be set on a full basement or other permanent enclosed structure in accordance with the State Uniform Dwelling Code. The structure shall not rest upon a metal frame where the foundation meets the sills or floor joists.

(2) The dwelling shall have a minimum width of 24 feet and a core area of living space at least 24 feet by 24 feet.

(3) The dwelling shall have a pitched roof with a minimum slope of 3.5:1 and eaves extending beyond the nearest vertical wall a minimum of 16 inches; the roofing shall be asphalt shingles or comparable roofing, but excluding metal roofing.

17.04 HEIGHT AND AREA EXCEPTIONS

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

(1) **CHIMNEYS, TOWERS, LOFTS, ETC.** Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, windmills, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances exceeding the height regulations of this Chapter may be permitted as conditional uses by the Plan Commission.

(2) **STREET YARD MODIFICATIONS.** The yard requirements stipulated elsewhere in this Chapter may be modified as follows:

(a) Uncovered Stair Restrictions. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed 6 feet and be not closer than 3 feet to any lot line, and must be 8 feet or more above ground.

(b) Cul-de-sac and Curve Restrictions (Am. Ord. #6-98; Am. Ord. #2-02). Lot frontage on cul-de-sacs and curves may be less than the district requirements provided the width at the building setback line is at least the required width and the street frontage is not less than 45 feet.

(c) Architectural Projection Restrictions. Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projections shall not exceed 2 feet.

(d) Fence and Wall Restrictions. See Sec. 14.11 of this Code.

(e) Essential Services Exemptions. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.

(f) Street Yard Restrictions. With the approval of the Zoning Administrator, the required street yards may be decreased in any residential, business or manufacturing district to the average of the existing street yards of the abutting structures on each side, but in no case less than 20 feet in the residential districts.

(3) CORNER LOTS. Structures shall provide a street yard as required by this Chapter on the street that the structure faces. A second street yard shall be provided on the side of the structure abutting a second public or private street. Front, side and rear yards can be street yards. See also Sec. 17.02(30), 17.02(49) & 17.04(2) of this Chapter.

(4) LOTS ABUTTING DIFFERENT GRADES. Where a lot abuts on 2 or more streets or alleys having different average established grades, the grade of the frontage of the principal use shall control only for a depth of 120 feet from the line of the higher average established grade.

(5) BUILDINGS ON THROUGH LOTS. The requirements for a rear yard for buildings on through lots and extending from street to street may be waived by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirement on both streets be complied with.

(6) ACCESSORY BUILDINGS. Accessory buildings shall not extend into a side yard of the principal building or into the side yard extended of a corner lot.

(7) UNOBSTRUCTED YARDS. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 2 feet.

17.05 NONCONFORMING USES, STRUCTURES AND LOTS

(1) EXISTING NONCONFORMING USES.

(a) Continuation. The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter, provided, however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this Chapter.

2. The total lifetime structural repairs or alterations shall not exceed 50% of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Chapter.

3. Substitution of new equipment may be permitted by the Village Board if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(b) Abolishment or Replacement of Existing Nonconforming Use. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this Chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its current equalized value, it shall not be restored except so as to comply with the use provisions of this Chapter. From the date of adoption of this Chapter, a current file of all nonconforming uses shall be maintained by the Village Clerk, listing the following:

1. Owner's name and address.
2. Use of the structure, land or water.
3. Assessed value at the time of its becoming a non-conforming use.

(2) EXISTING NONCONFORMING STRUCTURES. Any lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

(3) CHANGES AND SUBSTITUTIONS. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Village Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Village Board.

(4) EXISTING SUBSTANDARD LOTS.

(a) A lot which does not contain sufficient area to conform to the dimensional requirements of this Chapter but which is at least 50 feet wide and 7,200 square feet in area may be used as a single-family building site, provided that the use is permitted in the zoning district, the lot is of record in the County Register of Deeds Office prior to the effective date of this Chapter, and the lot is in separate ownership from abutting lands. A Zoning Permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Zoning Board of Appeals has been granted.

(b) If two or more vacant substandard lots with continuous frontage have the same ownership as of the effective date of this Chapter, the lots involved shall be considered to be an individual parcel for the purpose of this Chapter.

(c) Substandard lots shall be required to meet the setbacks and other yard requirements of this Chapter.

17.06 COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES

(1) STATE LAWS ADOPTED. The provisions of §62.23 (7) (i) and 66.1017, Wis. Stats., are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this Chapter.

(2) PERMITTED USES; RESTRICTIONS.

	<u>COMMUNITY LIVING ARRANGEMENT (CLA) FAMILY DAY CARE HOMES</u>	<u>DISTRICTS PERMITTED</u>	<u>STATUTORY REQUIREMENTS</u>
(a)	Foster family home (domicile licensed under §48.62, Wis. Stats., up to 4 children	All residential districts	None
(b)	Other foster homes	All residential districts	§62.23(7) (i)1 and 2, Wis. Stats.
(c)	Adult family home (domicile, as defined in §50.01 (1), Wis. Stats., up to 4 adults, or more if all adults are siblings	All residential districts	None
(d)	Other adult family homes	All residential districts	§62.23(7)(i)1 and 2, Wis. Stats.
(e)	CLA, up to 8 persons	All residential districts	§62.23(7)(i)1, 2 and 9, Wis. Stats.
(f)	CLA, 9 to 15 persons	Multi-Family districts	§62.23(7)(i)1, 2 and 9, Wis. Stats.
(g)	Family day care home licensed under §48.65, Wis. Stats., up to 8 children	All 1- and 2-family districts planned residential development districts	§66.1017 Wis. Stats.

(3) **CONDITIONAL USES.** All community living arrangements and family day care homes not permitted in sub. (2) above. See Sec. 17.24 of this Chapter.

17.07 ZONING DISTRICTS

(1) **ESTABLISHED.** For the purposes of this Chapter, the Village is hereby divided into the following zoning districts.

- (a) R-1 Single-Family Residential District
- (b) R-2 Single-Family Residential District
- (c) R-3 Single-Family Residential District
- (d) R-4 Single-Family Residential District
- (e) RD-1 Single- and Two-Family Residential District
- (f) MH Mobile Home Park and Mobile Home Subdivision District
- (g) B-1 Central Business District
- (h) B-2 Business District
- (i) M-1 Manufacturing District
- (j) M-2 Manufacturing District
- (k) A-1 Agricultural District
- (l) A-2 Agricultural District
- (m) C-1 Conservancy District
- (n) Historic Preservation Overlay District
- (o) Shoreland-Wetland and Floodplain Zoning Districts (See Ch. 21 and Ch. 23 of this Code)

(2) **INCORPORATION OF ZONING MAP** The locations and boundaries of the districts are shown on the Village Zoning Map dated March 1997 and referred to by reference as the Official Zoning Map, Village of Newburg, Wisconsin. Such Map, together with all explanatory matter and regulations thereon, is an integral part of this Chapter and all amendments thereto. Official copies of the Zoning Map, together with a copy of this Chapter, shall be kept by the Village Clerk and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries shall not be effective until recorded and the certified change is filed with the Map. (Am. Ord. #6-98)

(3) **DISTRICT BOUNDARY AND MAP AMENDMENTS.** Ordinances #6-02 and #7-02.

(4) **BOUNDARIES OF DISTRICTS.** When uncertainty exists with respect to the boundaries of the various districts, as shown on the Map, the following rules shall apply:

(a) When width or length of boundaries are not clear, the scale of the Map shall determine the approximate dimensions.

(b) When the Floodplain Zoning Code, Shoreland-Wetland Code and the Zoning Code regulations conflict with one another, the most restrictive combination of such regulations shall control.

(c) District boundaries are normally lot lines and center lines of streets, highways, railroads or alleys.

(d) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the district in which the land lies.

(e) Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the A-1 Agricultural District unless the annexation ordinance temporarily places the land in another district. Within one year, the Plan Commission shall evaluate and recommend a permanent classification of such lands to the Village Board.

17.08 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses, and with provision for municipal sanitary sewer service.

(1) PERMITTED USES.

- (a) One-family dwellings.
- (b) Attached or detached garage.
- (c) Garden and yard equipment shed.

(2) CONDITIONAL USES. See also Sec. 17.24 of this Chapter.

(a) Churches, synagogues and similar places of worship and instruction, including parsonages.

(b) Municipal buildings, except: sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

- (c) Utility offices, provided there is no service garage or storage yard.
- (d) Public, parochial and private elementary and secondary schools.
- (e) Recreation areas.
- (f) Home occupations and professional home offices.
- (g) Bed and breakfast establishments.

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also Sec. 17.03 and 17.031 of this Chapter. (Am. Ord. #6-98)

Lot frontage at setback.....	Minimum 100 ft.
Lot area	Minimum 20,000 sq. ft.
Principal building:	
Front yard.....	Minimum 40 ft.
Side yards.....	Minimum 15 ft.*
Rear yard.....	Minimum 50 ft.
Building height.....	Maximum 35 ft.
Accessory buildings:	
Front yard.....	Minimum 40 ft.*
Side yards.....	Minimum 5 ft.*
Rear yard.....	Minimum 5 ft.
Building height.....	Maximum 15 ft.
Accessory buildings (up to three)	Total Maximum 1,200 sq. ft.
Living area	Minimum 1,500 sq. ft.
Off-street parking.....	Minimum 2 spaces per unit, both of which shall be in an enclosed structure (see also Sec. 17.28 of this Chapter)

* See Sec. 17.04(3) and (6) for further restrictions.

17.09 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

The R-2 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses, and with provision for municipal sanitary sewer service.

(1) PERMITTED USES.

- (a) One-family dwellings.
- (b) Attached or detached garage.
- (c) Garden and yard equipment shed.

(2) CONDITIONAL USES. See also Sec. 17.24 of this Chapter.

(a) Churches, synagogues and similar places of worship and instruction, including parsonages.

(b) Municipal buildings, except: sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

- (c) Utility offices, provided there is no service garage or storage yard.
- (d) Public, parochial and private elementary and secondary schools.
- (e) Recreation areas.
- (f) Home occupations and professional home offices.
- (g) Bed and breakfast establishments.

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also Sec. 17.03 and 17.031 of this Chapter.

Lot frontage at setback.....	Minimum 85 ft.
Lot area	Minimum 14,000 sq. ft.
Principal building:	
Front yard.....	Minimum 40 ft.
Side yards.....	Minimum 12 ft.*
Rear yard.....	Minimum 40 ft.
Building height.....	Maximum 35 ft.
Accessory buildings:	
Front yard.....	Minimum 40 ft.*
Side yards.....	Minimum 4 ft.*
Rear yard.....	Minimum 5 ft.
Building height.....	Maximum 15 ft.
Accessory buildings (up to three)	Total Maximum 1,050 sq. ft.
Living Area	Minimum 1350 sq. ft.
Off -street parking.....	Minimum 2 spaces per unit, both of which shall be in an enclosed structure (see also Sec. 17.28 of this Chapter)

* See Sec. 17.04(3) and (6) for further restrictions.

17.10 R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

The R-3 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses, and with provision for municipal sanitary sewer service.

- (1) PERMITTED USES.
 - (a) One-family dwellings.
 - (b) Attached or detached garage.

(c) Garden and yard equipment shed.

(2) CONDITIONAL USES. See also Sec. 17.24 of this Chapter.

(a) Churches, synagogues and similar places of worship and instruction, including parsonages.

(b) Municipal buildings, except: sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(c) Utility offices, provided there is no service garage or storage yard.

(d) Public, parochial and private elementary and secondary schools.

(e) Recreation areas.

(f) Home occupations and professional home offices.

(g) Bed and breakfast establishments.

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also Sec. 17.03 and 17.031 of this Chapter.

Lot frontage at setback.....	Minimum 75 ft.
Lot area	Minimum 10,000 sq. ft.
Principal building:	
Front yard.....	Minimum 40 ft.
Side yards.....	Minimum 10 ft.*
Rear yard.....	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Accessory buildings:	
Front yard.....	Minimum 40 ft.*
Side yards.....	Minimum 4 ft.*
Rear yard.....	Minimum 5 ft.
Building height.....	Maximum 15 ft.
Accessory buildings (up to three)	Total Maximum 900 sq. ft.
Living area	Minimum 1,150 sq. ft.
Off-street parking.....	Minimum 2 spaces/unit, both of which shall be in an enclosed structure (see also Sec. 17.28 of this Chapter)

* See Sec. 17.04(3) and (6) for further restrictions.

17.11 R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT

The R-4 District is intended to include the original platted area of the Village and to provide a quiet, pleasant living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses, and with provision for municipal sanitary sewer service.

(1) PERMITTED USES.

- (a) One-family dwellings
- (b) (Am. Ord. #6-98) Attached or detached garage.
- (c) Garden and yard equipment shed.

(2) CONDITIONAL USES. See also Sec. 17.24 of this Chapter.

(a) Churches, synagogues and similar places of worship and instruction, including parsonages.

(b) Municipal buildings, except: sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

- (c) Utility offices, provided there is no service garage or storage yard.
- (d) Public, parochial and private elementary and secondary schools.
- (e) Recreation areas.
- (f) Home occupations and professional home offices.
- (g) Bed and breakfast establishments.

(h) Catering businesses provided conditions are imposed concerning parking, hours of operation, number of employees and any other matters which would minimize the effect of such use in a residential district.

- (i) Funeral homes.

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also Sec. 17.03 and 17.031 of this Chapter.

Lot frontage at setback.....Minimum 66 ft.
Lot areaMinimum 8,700 sq. ft.
Principal building:

Front yard.....	Minimum 10 ft.
Side yards.....	Minimum 7.5 ft.*
Rear yard.....	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Accessory buildings:	
Front yard.....	Minimum 10 ft.*
Side yards.....	Minimum 4 ft.*
Rear yard.....	Minimum 5 ft.
Building height.....	Maximum 15 ft.
Accessory buildings (up to three)	Total Maximum 700 sq. ft.
Living area	Minimum 1,100 sq. ft.
Off-street parking.....	Minimum 2 spaces per unit, both of which shall be in an enclosed structure (see also Sec. 17.28 of this Chapter)

* See Sec. 17.04(3) and (6) for further restrictions.

17.12 RD-1 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

The RD-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family and two-family dwellings protected from traffic hazards and intrusion, with provision for municipal sanitary sewer service.

(1) PERMITTED USES.

- (a) Single-Family dwellings.
- (b) Two-Family dwellings.
- (c) Attached or detached garages.
- (d) Garden and yard equipment sheds.

(2) CONDITIONAL USES. See also Sec. 17.24 of this Chapter.

(a) Churches, synagogues and similar places of worship and instruction, including parsonages.

(b) Municipal buildings, except: sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

- (c) Utility offices, provided there is no service garage or storage yard.
- (d) Public, parochial and private elementary and secondary schools.

- (e) Recreation areas.
- (f) Home occupations and professional home offices.
- (g) Hospitals, rest homes, rehab centers and adult day care centers.

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also Sec. 17.03 and 17.031 of this Chapter.

(a) Single-Family Dwellings.

Lot frontage at setback.....	Minimum 75 ft.
Lot area	Minimum 10,000 sq. ft.
Principal building:	
Front yard.....	Minimum 40 ft.
Side yards.....	Minimum 10 ft.*
Rear yard.....	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Accessory buildings:	
Front yard.....	Minimum 40 ft.*
Side yards.....	Minimum 4 ft.*
Rear yard.....	Minimum 5 ft.
Building height.....	Maximum 15 ft.
Accessory buildings (up to three)	Total Maximum 900 sq. ft.
Living area	Minimum 1,150 sq. ft.
Off-street parking.....	Minimum 2 spaces per unit, both of which shall be in an enclosed structure (see also Sec. 17.28 of this Chapter)

* See Sec. 17.04(3) and (6) for further restrictions.

(b) Two-Family Dwellings.

Lot frontage at setback.....	Minimum 100 ft.
Lot area	Minimum 13,200 sq. ft.
Principal building:	
Front yard.....	Minimum 40 ft.
Side yards.....	Minimum 15 ft.*
Rear yard.....	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Accessory buildings:	
Front yard.....	Minimum 40 ft.*
Side yards.....	Minimum 4 ft.*
Rear yard.....	Minimum 5 ft.
Building height.....	Maximum 15 ft.

Garage, per unit.....	Maximum 576 sq. ft.
Garage, per unit.....	Minimum 276 sq. ft.
Accessory buildings (up to three in total) per parcel .	Total Maximum 1,200 sq. ft.
Living area	Minimum 900 sq. ft. per unit**
Off-street parking.....	Minimum 3 spaces per unit, one of which shall be in an enclosed structure (see also Sec. 17.28 of this Chapter)

* See Sec. 17.04(3) and (6) for further restrictions.

** 1,100 sq. ft. if a full basement not provided.

17.13 RM-1 MULTI-FAMILY RESIDENTIAL DISTRICT

The RM-1 District is intended to provide a quiet, pleasant and relatively spacious living area for multi-family dwellings protected from traffic hazards and intrusion. Further, it is intended that multi-family dwellings be dispersed throughout the community.

(1) PERMITTED USES.

- (a) Multi-family dwellings.
- (b) Attached or detached garages.
- (c) Yard equipment shed.

(2) CONDITIONAL USES. See also Sec.17.24 of this Chapter.

- (a) Churches, synagogues and similar places of worship and instruction, including parsonages.
- (b) Municipal buildings, except: sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.
- (c) Utility offices provided there is no service garage or storage yard.
- (d) Funeral homes.
- (e) Hospitals, rest homes, rehab centers and adult day care center.
- (f) Public, parochial and private elementary and secondary schools.

- (g) Home occupations and professional home offices.
- (h) Boarding houses.

(3) LOT, YARD AND BUILDING REQUIREMENTS (Am. Ord. #6-98). See also Sec. 17.03 and 17.031 of this Chapter.

Lot frontage at setback.....	Minimum 100 ft.
Lot area	Minimum 12,000 sq. ft.
Principal building:	
Front yard.....	Minimum 40 ft.
Side yards.....	Minimum 15 ft.*
Rear yard.....	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Accessory buildings:	
Front yard.....	Minimum 40 ft.*
Side yards.....	Minimum 8 ft.*
Rear yard.....	Minimum 8 ft.
Building height.....	Maximum 15 ft.
Garage, per unit.....	Minimum 276 sq. ft.
Garage, per unit.....	Maximum 576 sq. ft.
Accessory buildings (up to three in total) per parcel for duplexes and apartments	
.....	Total Maximum 1,200 sq. ft.
Accessory sheds for condominium units	Maximum 144 sq. ft.
Number of stories.....	Maximum 2
Lot area per dwelling unit:	
One bedroom unit	Minimum 3,600 sq. ft.
2 bedroom unit	Minimum 4,000 sq. ft.
3 bedroom unit	Minimum 4,356 sq. ft.
Living area per dwelling unit:	
One bedroom unit	Minimum 600 sq. ft.**
2 bedroom unit	Minimum 800 sq. ft.**
3 bedroom unit	Minimum 1,000 sq. ft.**
Off-street parking:	
One bedroom unit	Minimum 2-1/2 spaces per unit, one of which shall be in an enclosed structure (see also Sec. 17.28 of this Chapter)
2 bedroom unit	Minimum 3 spaces per unit, one of which shall be in an enclosed structure (see also Sec. 17.28 of this Chapter).
3 bedroom unit	Minimum 3-1/2 spaces per unit, one of which shall be in

an enclosed structure (see also
Sec. 17.28 of this Chapter)

* See Sec. 17.04(3) and (6) for further restrictions.

** If full basement not provided, add 100 sq. ft. per unit.

(4) SITE PLAN AND ARCHITECTURAL APPROVAL REQUIRED. See
Secs. 17.25 and 17.26 of this Chapter.

17.14 MH MOBILE HOME PARK AND MOBILE HOME SUBDIVISION DISTRICT

(1) PERMITTED USES.

- (a) Mobile home parks.
- (b) Mobile home subdivisions.

(2) CONDITIONAL USES. None.

(3) MOBILE HOME PARK REQUIREMENTS. See also Sec. 12.06 of this Code.

(a) Park Requirements.

- 1. (Am. Ord. #6-98) A minimum of 5 acres, 300 front foot minimum.
- 2. 40 foot minimum setbacks on all sides.
- 3. A hard surface road no less than 24 feet wide serving all mobile home spaces.
- 4. Electricity, cable television and public sewer and a central water system servicing all mobile home spaces.
- 5. A central hard surface parking lot - with one parking space for each 2 mobile home spaces.
- 6. A separate building providing laundry facilities.
- 7. An on-site manager's office.

(b) Space, yard and Building Requirements. (Am. Ord. #6-98)

Space frontage.....Minimum 45 ft.
Space areaMinimum 5,000 sq. ft.
Front yard.....Minimum 25 ft.

Side yards.....	Total 25 ft., Minimum 10 ft.
Rear yard.....	Minimum 25 ft.
Accessory building.....	Minimum 10 ft.
.....	Maximum height 15 ft.
Building height.....	Maximum 20 ft.
Accessory buildings (up to two).....	Total Maximum 120 sq. ft.
Percentage of lot coverage.....	Maximum 25%
Floor Area.....	Minimum 600 sq. ft.
Off-street parking.....	2 spaces per mobile home

(4) MOBILE HOME SUBDIVISION LOT, YARD AND BUILDING REQUIREMENTS. (Am. Ord. #6-98)

Lot frontage.....	Minimum 50 ft.
Lot area.....	Minimum 6,000 sq. ft.
Principal building:	
Front yard.....	Minimum 25 ft.*
Side yards.....	Total 30 ft.
.....	Minimum 10 ft.*
Rear yard.....	Minimum 25 ft.
Accessory building.....	Minimum 10 ft.
Building height.....	Maximum 20 ft.
Accessory buildings (up to two).....	Total Maximum 360 sq. ft.
.....	Maximum Height 15 ft.
Percentage of lot coverage.....	Maximum 27%
Floor Area.....	Minimum 720 sq. ft.
Off-street parking.....	Minimum 3 spaces

* See Sec. 17.04(3) and (6) for further restrictions.

(5) SITE PLAN APPROVAL REQUIRED. See Sec. 17.25 of this Chapter.

17.15 B-1 CENTRAL BUSINESS DISTRICT

The B-1 District is intended to provide for the orderly continuation of the traditional central business district of the Village, together with existing residential uses.

(1) PERMITTED USES.

- (a) Grocery, convenience, variety, drug, gift, clothing, appliances, sporting goods and hardware, floral, pet and pet supplies, book stores, antique, and consignment stores.
- (b) Financial institutions professional offices, medical services and sales – chiropractic, ophthalmology, dental and otolaryngology.
- (c) Taverns, liquor stores, restaurants and bakery.

- (d) Barber, beauty shops, tanning, massage and nail salons.
 - (e) Dry cleaning establishments, automatic laundries, tailor and seamstress.
 - (f) Printing shops and photography and art studios.
 - (g) Municipal buildings, except: sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.
 - (h) Post office.
 - (i) Caterers.
 - (j) Parking lots.
 - (k) Gas stations; vehicle sales and service; equipment sales and service and farm implement sales and service.
 - (l) Computer services.
 - (m) One- and 2-family dwellings existing as of February 1, 2007. New accessory buildings shall comply with R-4 District requirements.
- (2) ACCESSORY USES.
- (a) Garages for storage of vehicles used in conjunction with the operation of a business.
 - (b) Off-street parking and loading areas.
 - (c) (Am. Ord. #9-97) Residential rental apartments on the second floor, provided that there shall be a minimum floor area of 300 square feet for an efficiency apartment, 420 square feet for a one-bedroom apartment and 500 square feet for a 2-bedroom apartment. Not more than 3 apartments shall be located in any building.
- (3) CONDITIONAL USES. See also Sec. 17.24 of this Chapter.
- (a) Retail and service businesses of a similar nature not enumerated in sub. (1) above.
 - (b) Residential quarters on the ground floor level provided that there shall be a minimum floor area of 300 square feet for an efficiency apartment, 420 square feet for a one-bedroom apartment and 500 square feet for a

- (2) ACCESSORY USES. Same as in the B-1 District.
- (3) CONDITIONAL USES. See also Sec. 17.24 of this Chapter.
 - (a) Retail and service businesses not enumerated in sub. (1) above.
 - (b) Single-Family residences constructed after February 1, 2007 and uses permitted in subs. (1) and (2) above located in an adjoining or separate building on the same lot, provided that the owner or manager of the business resides in the single-family residence.
 - (c) Hotels, motels, apartment hotels and tourist rooming houses.
 - (d) Bed and breakfast.
 - (e) Child care centers.
 - (f) Adult day care centers.
 - (g) Veterinary clinics.
 - (h) Mini-storage, self-service storage facility and mini-warehouses
- (4) LOT, YARD AND BUILDING REQUIREMENTS.
 - (a) Single-Family residence. Same as R-2 District.
 - (b) Business Buildings (Am. Ord. #3-99).
 - Lot frontage.....Minimum 100 ft.
 - Lot areaMinimum 14,000 sq. ft.
 - Front yard.....Minimum 40 ft.
 - 50 ft. if parking is permitted
 - Side yards.....Minimum 20 ft.
 - Rear yard.....Minimum 25 ft.
 - Building height.....Maximum 35 ft.
 - Percentage of lot coverageMaximum 50%
- (5) OFF-STREET PARICING AND LOADING REQUIREMENTS.
See Sec. 17.28 of this Chapter.
- (6) SITE PLAN AND ARCHITECTURAL APPROVAL REQUIRED.
See Secs. 17.25 and 17.26 of this Chapter.

17.161 PUD PLANNED RESIDENTIAL, UNIT DEVELOPMENT DISTRICTS

(1) **INTENT.** Planned residential unit development District (PUD) regulations are intended to permit greater flexibility and, consequently, more creative and imaginative design for residential and business development of a site than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of amenities, and preservation of the natural qualities of open spaces. The planned development procedure requires a high degree of cooperation between the developer and the Village. The procedure described herein is designed to give the developer general plan approval before completing all detailed design work while providing the Village with assurances that the project will retain the character envisioned at the time of approval. (Cr. Ord. #1-02)

(2) **GENERAL PROVISIONS.** The Plan Commission may recommend and the Village Board may, upon the request of the owners, establish planned development overlay districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling and business types and compatible uses.

(a) **Permitted Uses.** Permitted and accessory uses in the PUD shall be the same as those permitted in the underlying existing zoning district in which the PUD is located. If a developer desires uses different than those permitted by the existing zoning, the developer must simultaneously petition for rezoning of the underlying existing zoning to a zoning district which allows the desired uses.

(b) **Mixed Uses.** A mix of different residential and business uses within a Planned Unit Development District may be permitted if the Plan Commission and the Village Board determine that the mix of uses is compatible and necessary to achieve the objectives of the PUD.

(c) **Number of Buildings on a Lot.** The Planned Unit Development may allow more than one residential or business building on a lot.

(d) **Density.** The Planned Unit Development District may permit the transfer of density from one portion of the subject site to another and will permit the clustering of buildings in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district or districts. In the event a portion of the development is zoned floodplain, up to 10% of total area for determining density may be flood fringe. No wetland areas may be used for density purposes.

(e) **Minimum Area for a Planned Unit Development District.** Planned Unit Development Districts are intended to provide flexibility to encourage more creative design for all sizes of site that would be allowed under conventional zoning. To achieve this goal, the minimum site size shall be determined by the Plan Commission on a case-by-case basis.

(f) Setbacks. Front, side, and rear setbacks abutting the perimeter of the PUD shall comply with the underlying zoning.

(g) Building Requirements. The building regulations of the underlying zoning shall be applicable for all developers.

(h) Temporary Uses. Real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure.

(3) APPLICATION PROCEDURE AND REQUIREMENT INFORMATION.

(a) Preliminary Consultation. An applicant may meet with the Plan Commission and appropriate Village staff members for a preliminary consultation prior to formally submitting a rezoning petition for planned development zoning. The purpose of this preliminary consultation is to discuss the proposed request and review the local regulations and policies applicable to the project and discuss the land use implications of the proposal.

(b) Rezoning Petition and General Development Plan. The applicant shall submit a zoning petition in accordance with the application procedure described in Sec. 17.34 of this Chapter. In addition to the required information noted in Sec. 17.34, a general development plan shall be submitted to the Plan Commission and the Village Board for review 30 business days prior to any rezoning hearing. The general development plan shall show the locations of buildings, common open space, parking and drive areas, recreation facilities, principal landscaping features and other major components of the proposed project.

(c) Other Information. In addition, other documents or related information or plans showing the architectural designs of buildings may be required by the Plan Commission and the Village Board. This information shall also be submitted to the Plan Commission and the Village Board for review at least 30 business days prior to any rezoning hearing. Other related information may include, but is not limited to, maintenance standards, plans of operation and economic impact and market feasibility.

(d) Public Inspection. The general development plan and related information shall be available for public inspection prior to any rezoning hearing on the proposed project.

(4) CONDITIONS AND RESTRICTIONS.

(a) The Plan Commission may recommend and the Village Board may adopt, by resolution, conditions and restrictions for planned developments that specify permitted uses, set bulk regulations and density standards for lot coverage and dwelling unit size and distribution and yard setbacks.

(b) Conditions and restrictions adopted to govern any planned development may include nonstandard or non-uniform requirements, regulations and provisions recommended by Plan Commission and approved by the Village Board. Such nonstandard requirements,

regulations and provisions shall be designed to insure proper development and appropriate operation and maintenance of specific developments on specific sites.

(c) Developers shall agree, by a developer's agreement, with the Village to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific planned development.

(5) DETAILED PLANS AND INFORMATION. After Planned Unit Development District zoning has been granted and the general development plan, together with conditions imposed, as been approved, detailed site plans and information covering that portion of the total project which is intended for construction shall be submitted to the Plan Commission for approval prior to the issuance of building permits. The detailed plans and information shall conform substantially to the general development plan to the resolution of conditions and restrictions which were approved at the time of rezoning.

(6) ARCHITECTURAL REVIEW. Building plans shall also be subject to architectural review by the Plan Commission for their review and approval prior to the issuance of a building permit (See Sec. 17.26 of this Chapter).

(7) COMMENCEMENT OF PROJECT.

(a) After the Plan Commission has approved the detailed site plans, construction of private and public construction may commence in accordance with Sec. 18.10 of this Code.

(b) No building permit for residences shall be issued until all applicable fees and assessments required in sub. (11) below and Sec. 18.11 of this Code have been paid and either all public and private construction has been completed and approved for a developer's agreement, including a letter of credit, has been approved by the Village Board. For staged development such developers' agreements shall provide for the construction of improvements and the use of common areas outside of the subject stage.

(c) After the Plan Commission has approved the plans, the project shall be commenced within one year unless the time is extended in writing by the Commission. In the event the project is not so timely commenced, the approval of the Commission shall be deemed to be automatically revoked.

(8) MAINTENANCE OF PROJECT.

(a) Should the owner of a planned development, or the condominium owners' associated in the event a condominium is created, fail to properly operate or maintain the premises as provided in the plan or to the extent that a nuisance is caused to occupants or neighbors, the Plan Commission may refuse to approve subsequent stages of development until such time as they determine that the situation and/or the method of operation has been corrected.

(b) Should the owner of a planned development or condominium owners' or homeowners' or business association fail to adequately perform maintenance functions such as snow and ice removal, weed cutting or trash disposal, the Village shall have the right to perform such functions or to contract for their accomplishment at the property owner's expense.

(9) CHANGES OR REVISIONS.

(a) All proposed changes, revisions and additions to any aspect of an approved planned development project shall be submitted to the Plan Commission for its review. The Plan Commission shall determine if the change, revision or addition is minor or if it materially affects the intended design of the project and the impact of the project on neighboring uses.

(b) If the change is determined to be minor, the Plan Commission shall review the request and pass its findings to the Village Board, which may approve the change without a public hearing. The Plan Commission's decision on minor changes shall be rendered at a meeting subsequent to the meeting at which the requested change was initially presented to the Plan Commission.

(c) If the requested change is determined by the Plan Commission to be substantial because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the Plan Commission to review and pass its findings to the Village Board for final approval.

(10) APPLICATION OF THE SUBDIVISION AND PLATTING CODE. To the extent applicable, any planned development shall be subject to the procedures and regulations of Ch. 18 of this Code governing the division and platting of land. However, the design standards and required improvements established in Ch. 18 may be modified or waived upon recommendation by the Plan Commission and approved by the Village Board where strict compliance would result in not achieving the design flexibility necessary to achieve the objectives of the planned development.

(11) FEES. The developer shall pay to the Village all fees and all professional expenditures incurred by the Village at the time specified.

(a) General PUD Plan Review Fee. See Village fee schedule.

(b) Detailed PUD Plan Review Fee. See Village fee schedule.

(c) Professional Fees. The developer shall reimburse the Village for all engineering, planning, and legal fees incurred by the Village. The Village shall bill the developer monthly and payment shall be made in 10 days from billing.

17.17 M-1 MANUFACTURING DISTRICT

The M-1 Manufacturing District is intended to permit existing manufacturing uses in the more congested industrial areas of the central Village and to provide for warehousing,

manufacturing or fabrication operation which, on the basis of physical and operational characteristic would not be detrimental to the immediate surrounding area or to the Village as a whole by reason of smoke, odor, noise, dust, flash, traffic, physical appearance or other similar factors, and to establish such regulatory controls as will reasonably insure compatibility with the surrounding area in this respect.

(1) PERMITTED USES.

(a) Vehicle sales and service.

(b) Farm equipment sales and service.

(c) Buildings and yards for the storage and wholesale of goods and materials other than chemical, flammable, liquid, gaseous, vaporous or explosive substances where such goods or materials are temporarily stored inside a building or within an open area visually screened from public streets or highways and adjacent non-industrial uses.

(d) All uses involving the manufacture and fabrication of goods in which ally smoke, noise, dust, flash or odor produced in the manufacturing process is confined within the building.

(e) All uses involving the provisions of which is either manufacturing or fabrication-related and not permitted in business districts confined within a building, and in which smoke, dust, flash, heat, noise or odor produced by such service used is confined within the buildings.

(f) Sewerage treatment plants.

(2) ACCESSORY USES.

(a) Screened areas for the storage of materials other than explosive or flammable materials used in the manufacturing or fabrication process.

(b) Offices normally auxiliary to the principal use.

(c) Garages for the storage of vehicles used in conjunction with the operation of the warehouse or industrial use.

(d) Off-street parking and loading areas.

(3) CONDITIONAL USES. See also Sec. 17.24 of this Chapter.

(a) Buildings, structures or tanks used for the storage of chemicals, flammable liquids and gaseous or vaporous substances.

(b) Recycling collection/processing center.

- (c) Transmitting towers, receiving towers, relay and microwave towers. See also Sec. 17.241 of this Chapter for specifications and requirements.

(4) LOT, YARD AND BUILDING REQUIREMENTS.

Lot frontage.....	Minimum 100 ft.
Lot area	Minimum 16,000 sq. ft.
Principal building:	
Front yard.....	Minimum None
Side yards.....	Minimum None
Rear yard.....	Minimum 10 ft.
Building height.....	Maximum 35 ft.
Accessory buildings:	
Front yard.....	Minimum 40 ft.
Side yards.....	Minimum 10 ft.
Rear yard.....	Minimum 10 ft.
Percentage of lot coverage	Maximum 50%

- (5) PARKING AND LOADING REQUIREMENTS. See Sec. 17.28 of this Chapter.

- (6) SITE PLAN AND ARCHITECTURAL APPROVAL REQUIRED.
See Secs. 17.25 and 17.26 of this Chapter.

17.18 M-2 MANUFACTURING DISTRICT

The M-2 Manufacturing District is intended to provide for the same type of manufacturing and fabricating operations and uses as in the M-1 Manufacturing District plus more intensive uses. However, these operations and uses shall be provided in those areas where the relationships to surrounding land use would create fewer problems of compatibility.

- (1) PERMITTED PRINCIPAL USES. Uses permitted in the M-1 District.
- (2) PERMITTED ACCESSORY USES.
 - (a) Enclosed as well as screened open storage of materials other than explosive or flammable materials or substances used in the manufacturing or fabrication process.
 - (b) Offices normally auxiliary to the principal use.
 - (c) Garages for the storage of vehicles used in conjunction with the operation of the industrial use.
 - (d) Off-street parking and loading areas.

(a) General farming, including apiculture, dairying, floriculture, forestry, grazing, hay, livestock raising (except commercial feedlots), orchards, poultry raising, paddocks, stables, truck farming and viticulture; provided, however, that farm buildings housing animals, barnyards and feedlots shall not be located within a floodland, and shall be at least 100 feet from any navigable water or district boundary.

(b) One one-family dwelling.

(c) Essential services.

(d) Two non-illuminated signs not larger than 6 square feet in area for use in advertising of products produced on the farm.

(2) **CONDITIONAL USES.** See also Sec. 17.24 of this Chapter.

(a) Kennels.

(b) Bed and breakfast establishments.

(c) Roadside stands for the sale of selected farm products.

(3) **LOT, YARD AND BUILDING REQUIREMENTS.**

Lot frontage.....Minimum 500 ft.

Lot areaMinimum 20 acres

Residence:

Yard and building requirements.....Same as R-1 District

Farm buildings:

Front yard.....Minimum 50 ft.

Side yards.....Minimum 100 ft.

Rear yard.....Minimum 100 ft.

Building height.....Maximum 35 ft.

(4) **OFF-STREET PARKING AND LOADING.** No on-street parking and loading permitted.

17.20 A-2 AGRICULTURAL DISTRICT

The A- 2 Agricultural District provides exclusively for agricultural uses. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services.

(1) **PERMITTED USES.**

Same as in A-1 District.

- (2) CONDITIONAL USES. See also Sec. 17.24 of this Chapter.

Same as in A-1 District.

- (3) LOT, YARD AND BUILDING REQUIREMENTS. Same as in A-1 District except that minimum lot area shall be 10 acres.

- (4) OFF-STREET PARKING AND LOADING. Same as in A-1 District.

17.21 C-1 CONSERVANCY DISTRICT

The C-1 District is intended to preserve scenic and natural areas in the Village and to prevent uncontrolled, uneconomical spread of residential development, and to help discourage intensive development of marginal lands so as to prevent potential hazards to public and private property.

- (1) PERMITTED USES.

- (a) Public parks and playgrounds.
- (b) Management of forestry, wildlife and fish.
- (c) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (d) Fishing and trapping.
- (e) Dams, power stations and transmission lines.
- (f) Uses customarily incident to any of the above uses.

- (2) CONDITIONAL USES. See also Sec. 17.24 of this Chapter.

- (3) LOT, YARD AND BUILDING REQUIREMENTS. None.

17.211 C-2 CONSERVATION OUTDOOR RECREATION DISTRICT

The C-2 District is intended to provide for outdoor recreation harmonious with the scenic and natural areas within the Village by organizations that practice land and wildlife conservation as well as environmental preservation and management.

- (1) PERMITTED USES.

- (a) Same as the C-1 District
- (b) Sportsman Club

- a. Trap Shooting and Archery
 - i. Four (4) Trap Fields
 - ii. One (1) Outdoor Archery Practice Range with Five (5) Stations
 - iii. One (1) Outdoor Archery Course
 - iv. Seasonal Trap Shooting (Shot-Gun Only/No Slugs) and Archery Leagues
 - v. Ten (10) Public Trap Shooting and or Archery Tournaments per Calendar Year
- b. Fishing, Hunting (Shot-Gun Only/No Slugs) & Trapping
- c. Gamebird Raising
 - i. Gamebird Brooders and Pens
 - ii. Gamebird Release for Training and Sport
- d. Outdoor Education and Training
 - i. Outdoorsman Education and Training
 - ii. Hunting Dog Training
- e. Social Activities
 - i. Clubhouse and Private Reception Hall (Use by Members and Member Guests Only)
 - ii. Picnicking and Camping
 - iii. Snowmobiling and ATV Riding
- f. Hours of Operation for the Following Enumerated Uses
 - i. Trap Shooting and Target Shooting
 - 1. Week Days: 9 am to 10 pm
 - 2. Weekends & Holidays: 9 am to 10 pm
 - ii. WDNR Hunter Safety Classes
 - 1. Weekends: 7 am to 3 pm
 - iii. All Other Hours of Operation Governed by Wisconsin State Statues and Village Ordinances

(2) CONDITIONAL USES.

- (a) Other outdoor recreation organization activities not enumerated in sub. (b) above
- (b) See also Sec. 17.24 of this chapter.

(3) LOT, YARD AND BUILDING REQUIREMENTS.

Lot frontage	Minimum 200 ft.
Lot area	Minimum 10 acres
Principal building:	
Front yard Minimum	40 ft.
Side yards Minimum	5 ft.; 40 ft. if abutting a residential district
Rear yard	Minimum 25 ft.
Building height.....	Maximum 40 ft.

Accessory buildings:

Front yard.....	Minimum 40 ft.
Side yards.....	Minimum 5 ft.
Rear yard.....	Minimum 25 ft.
Building Area	Maximum 10,000 sq. ft.
Off-street Parking	Minimum 1 stall per 4 members,

* see also Sec. 17.28 of this chapter

(4) OFF-STREET PARKING AND LOADING

See Sec. 17.28 of this chapter.

(5) SITE PLAN AND ARCHITECTURAL APPROVAL REQUIRED

See Secs. 17.25 and 17.26 of this chapter.

17.22 HISTORIC PRESERVATION OVERLAY DISTRICT.

(1) PURPOSE. The Historic Preservation Overlay District is created to regulate the design and appearance of development activities within the downtown area. The intent of the District is to preserve and enhance the historical quality of existing buildings and to attain a consistent, visually pleasing image for the downtown area.

(2) BUILDING PERMIT REQUIRED. No building in the District shall be demolished or altered in architectural design until a building permit is issued by the Building Inspector. "Altered in architectural design" shall include any change in the design of windows or entryways, facade design or facade siding.

(3) REVIEW OF BUILDING PLANS. Within the Historic Preservation Overlay District, all plans for new construction, exterior remodeling or demolition shall be reviewed and approved by the Plan Commission prior to the issuance of a building permit.

(4) APPLICATION REQUIREMENTS. Any application for a building permit within the boundaries of the Historic Preservation Overlay District shall be submitted to the Building Inspector who shall transmit it to the Plan Commission for review and approval. In addition to the information required by the Building Code, the applicant shall include building elevations and exterior architectural drawings, including enough detail to show the proposed building style, exterior materials, colors and location of signage.

(5) PLAN REVIEW GUIDELINES. The Plan Commission shall use the following guidelines for reviewing proposed development activities to assure compliance with this subsection.

(a) The mass, volume, height and setback of proposed structures should appear to be compatible with existing buildings in the immediate area.

(b) The facade of new or remodeled structures should maintain a compatible relationship with those of existing structures in terms of window sill or header lines, proportion of window and door openings, horizontal or vertical emphasis of major building elements, and extent of architectural detail.

(c) Exterior remodeling should be designed to take into account the entire building facade. The ground floor exterior should be designed to harmonize with the upper stories.

(d) The building materials and colors used should complement and be compatible with other buildings in the immediate area.

(e) In commercial buildings store front window display areas should be considered an important part of the retail marketing strategy in the downtown area. Large glass windows and street level display areas should be retained or planned into new construction.

(f) Existing buildings and structures should be recognized as products of their own time. Alterations which have no historical basis should be discouraged.

(g) Demolition should occur only where it is found that the structure is structurally unsound or physically incapable of supporting a viable use.

(h) The sizing and placement of signs should fit the building

(6) **PLAN REVIEW PROCEDURE.** The Plan Commission Chairperson shall schedule a meeting of the Commission to consider the application. The Plan Commission shall take final action to approve, deny or conditionally approve the application within 45 days of the date of Plan Commission Preliminary Review. Conditions of approval may include landscaping, modification to architectural design, type of construction, operational controls, sureties or deed restrictions upon the Plan Commission's findings that these are necessary to fulfill the purpose and intent of this subsection.

(7) **INFORMAL MEETING RECOMMENDED.** Applicants are encouraged to submit conceptual plans or meet with the Commission for preliminary review and discussion prior to formal submittal of detailed plans.

(8) **ISSUANCE OF BUILDING PERMIT.** A building permit shall be issued to the applicant, stating the official action of the Plan Commission and shall be referred to the Zoning Administrator for enforcement of this section. Approved building permits shall expire in 12 months unless substantial work has been completed.

(9) **APPEAL.** If the project is not approved, the applicant may modify the proposal and resubmit, or may choose to appeal the Commission's decision within 30 days, to the Village Board, which may affirm or modify the decision of the Plan Commission.

(10) PENALTY. Any person who shall violate any provision of this section shall be subject to a penalty as provided in Sec. 25.04 of this Code.

17.221 WASTEWATER TREATMENT OVERLAY DISTRICT

(1) PURPOSE. The Wastewater Treatment Overlay District is created to meet the requirements of Wis. Adm. Code NR 110.15(3) (d) which prescribes standards for the separation distances of sewage treatment facilities from residential properties and commercial establishments. Specifically, that section requires a 500 foot separation between mechanical treatment facilities, effluent holding and polishing ponds and residential properties and commercial establishments. The 500 foot separation requirement was designated based upon both health and aesthetic concerns in the Village. These concerns include any potential odor, noise or nuisances caused by the sewage treatment facility. The boundaries of the wastewater treatment overlay district shall lie at all points 500 feet from the mechanical treatment facilities, effluent holding and polishing ponds. (Cr. Ord. #1-95; Rep. & Recr. Ord. #2-96).

(2) DEFINITION. "Commercial Establishments," as that term is used in this section, shall be defined as those establishments providing on-site retail and customer services and a regular flow of on-site consumer traffic.

(3) BUILDING PERMIT REQUIRED. No building in the district shall be demolished, constructed or altered until a building permit is issued by the Building Inspector.

(4) REVIEW OF BUILDING PLANS. Within the Wastewater Treatment Overlay District, all plans for new construction, additions, enlargement or exterior remodeling shall be reviewed and approved by the Plan Commission prior to the issuance of a building permit.

(5) APPLICATION REQUIREMENT. Any application for a building permit within the boundaries of the Wastewater Treatment Overlay District shall be submitted to the Building Inspector who shall transmit same to the Plan Commission for review and approval. In addition to the information required by the Building Code, the applicant shall include any additional information as may be required by the Building Inspector for the Plan Commission pursuant to the plan review guidelines set forth below.

(6) PLAN REVIEW GUIDELINES. In furtherance of the purposes of the creation of the Wastewater Treatment Overlay District, no new construction, additions, enlargement, exterior remodeling or replacement of residential or commercial establishments shall be permitted within the overlay district unless there is a finding by the Plan Commission of mitigating factors which reflect the health and aesthetic concerns referred to in sub. (1) above. Those mitigating factors include, but are not limited to, the following:

(a) The existence of a berm or natural land mass that effectively separates the residential property or commercial establishment from the sewage treatment facilities and creates a natural barrier to protect the residential property or commercial establishment from the health and aesthetic concerns outlined in this section.

(b) The existence of a vegetation screen that effectively separates the residential property or commercial establishment from the sewage treatment facility and creates a natural barrier to protect the residential property or commercial establishment from the health and aesthetic concerns outlines in this section.

(7) **PLAN REVIEW PROCEDURE.** The Plan Commission Chairperson shall schedule a meeting of the Commission to consider the application. The Commission shall take final action to approve, deny or conditional approve the application within 45 days of the date of Plan Commission Preliminary Review. Conditions of approval may include landscaping deemed necessary to fulfill the purpose and intent of this subsection.

(8) **INFORMAL MEETING RECOMMENDED.** Applicants are encouraged to submit conceptual plans or meet with the Plan Commission for preliminary review and discussion prior to formal submittal of detailed plans.

(9) **ISSUANCE OF BUILDING PERMIT.** A building permit shall be issued to the applicant, stating the official action of the Plan Commission and shall be referred to the Zoning Administrator for enforcement of this section. Approved building permits shall expire in 12 months unless substantial work has been completed.

(10) **APPEAL.** If the project is not approved, the applicant may modify the proposal and resubmit, or may choose to appeal the Commission's decision within 30 days, to the Village Board which may affirm or modify the decision of the Commission.

17.23 FLOODPLAIN ZONING AND SHORELAND-WETLAND AND FLOODPLAIN ZONING DISTRICTS

See Ch. 21, Floodplain Zoning, and Ch. 23, Shoreland-Wetland Zoning of this Code.

17.24 CONDITIONAL USES

(1) **GENERAL USES APPLICABLE TO ONE OR MORE DISTRICTS.** The following uses shall be conditional uses and may be permitted as specified:

(a) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums and historical landmarks or restorations may be permitted in all residential, business and manufacturing districts.

(b) Utilities in all districts may be permitted, provided all principal utility structures and uses are not less than 50 feet from any residential lot line.

(c) Incinerators, and earth or sanitary landfill operations may be permitted in agricultural, and M-2 Districts.

(d) Golf courses may be permitted in any residential or agricultural district.

(e) Cemeteries may be permitted in any residential or agricultural district.

(f) Skating rinks, sports fields, swimming pools and tennis courts may be permitted in any district.

(g) Commercial recreational facilities such as bowling alleys, dance halls, driving ranges, miniature golf, amusement parks, gymnasiums, physical culture facilities, roller rinks and outdoor theaters may be permitted in any business district.

(h) Boat launches may be permitted in B-2 and C-1 Districts.

(2) APPLICATION. Applications for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Village Clerk and shall include the following:

(a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

(b) Description of the subject site by lot, block and recorded subdivision, or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees, if any; and the zoning district within which the subject site lies.

(c) Site plan showing the location of any buildings and all proposed provisions for off-street parking and loading.

(d) Additional information as may be required by the Plan Commission, the Director of Public Works, Building Inspector, and Zoning Administrator.

(3) NOTICE. Notice of such application and the subsequent hearing thereon before the Plan Commission shall be published as a Class II notice in accordance with §62.23(7)(d), Wis. Stats..

(4) APPEARANCE AT HEARING. Either the applicant or his agent or attorney shall attend the public hearing of the Plan Commission at which such application is to be considered unless such attendance has been excused by the Commission.

(5) REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation. The Commission shall hold a hearing and thereafter shall recommend approval, denial or conditional approval to the Village Board. The Board may accept, reject or modify the Commission's recommendations.

(6) ISSUANCE OF PERMIT. If such permit is issued, the Village Board may attach conditions thereto such as, but not limited to, landscaping, architectural design, type of

construction, construction commencement and completion dates, hours of operation, traffic circulation or parking requirements, highway access restrictions or increased yards.

(7) **PERMIT LAPSES.** A conditional use permit shall lapse and be void unless the use granted is operational, or substantial construction required to implement such use has been commenced, within one year of the issuance of such permit. A Conditional Use Permit is non-transferable.

(8) **TERMINATION.** In the event that a permitted conditional use subsequently does not conform with the conditions of the original permit granted, the conditional use permit shall be terminated by action of the Village Board and may be considered by the Board as a violation of this Chapter.

17.241 WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS

(1) **DEFINITIONS.** (Cr. Ord. #6-00)

(a) Alternative Tower Structure. Man-made structures such as clock towers, bell steeples, light poles and similar mounting structures.

(b) Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

(c) Backhaul Network. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices and/or long distance providers or the public switch telephone network.

(d) Collocation. The provision of multiple antennas or more than one commercial wireless communications service provider or government entity on a single tower or structure.

(e) FAA. Federal Aviation Administration,

(f) FCC. Federal Communications Commission.

(g) Height. When referring to a tower or other structure, the distance measured from the grade to the highest point on the tower or other structure, including the base pad.

(h) Personal Communications Service (PSC). The provider of personal wireless service as defined in Sec. 704 of the Telecommunications Act of 1996, 47 U.S.C. par. 332 and as the same may be amended from time to time.

(i) Personal Wireless Facilities. Transmitters, antenna structures and other types of installations used to provide personal wireless services.

(j) Pre-Existing Towers/Antennas. Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this section.

(k) Tower. Any structure that is designed and I constructed for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

(2) STANDARDS AND EXCEPTIONS.

(a) Applicability.

(1) New Towers and Antennas. All towers or antennas constructed after passage of this section shall be subject to all applicable standards of this section.

(2) Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this section shall not be required to meet the requirements of this section other than the requirements of par. (b) below. Any such towers or antennas shall be referred to hereinafter as "pre-existing towers" or "pre-existing antennas."

(3) Amateur Radio and Receive-Only Antennas. This section shall not apply to any tower or the installation of any antenna that is under 70 feet in height and is owned by a Federally licensed amateur radio station operator or is used exclusively for a receive-only antenna.

(b) General Requirements.

(1) Building Codes, Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, upon notice being provided to the owner of a tower, the owner shall immediately bring such tower into compliance with such standards. Failure to bring such tower immediately into compliance shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(2) State or Federal Requirements. All towers shall meet or exceed standards and regulations of the FCC, the FAA and any other agency of the State or Federal government with the authority to regulate towers and antennas.

(3) Collocation.

(a) Any proposed telecommunication tower and tower site shall be designed in all respects so as to accommodate collocation of the applicant’s antennas and at least 2 additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

(b) The holder of a permit for a tower shall permit collocation for at least 2 additional users and shall not make access to the tower and tower site for an additional user economically unfeasible. If an additional user demonstrates, through an independent arbitrator or other permitted means, that the holder of a tower permit has made access to such tower and tower site economically unfeasible, the permit shall become null and void.

(4) Antenna Height. Antenna height shall not be restricted provided such device is installed and maintained in accordance with applicable State and local building codes and in compliance with current standards of the FAA, FCC and any other agency of the State or Federal governments with the authority to regulate antennas.

(5) Tower Height. 180 feet maximum.

(6) Separation Between Towers. Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

NEW TOWER TYPE	EXISTING TOWER TYPE			
	Lattice	Guyed	Monopole 75 ft. in Height or Greater	Monopole Less than 75 ft. in Height
Lattice	5000 Ft.	5000 Ft.	1500 Ft.	750 Ft.
Guyed	5000 Ft.	5000 Ft.	1500 Ft.	750 Ft.
Monopole Less Than 75 Ft. in Height	1500 Ft.	1500 Ft.	1500 Ft.	750 Ft.
Monopole Greater Than 75 Ft. in Height	750 Ft.	750 Ft.	750 Ft.	750 Ft.

(7) Availability of Suitable Existing Towers, Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant’s proposed antenna. Evidence submitted to determine that no existing tower, structure or alternative technology can accommodate the applicant’s proposed antenna may consist of any of the following:

(a) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.

(b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

(c) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

(d) The proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the proposed antenna.

(e) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(8) Aesthetics.

(a) Towers shall maintain either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light gray so as to reduce visual obtrusiveness and blend into the natural setting and built environment.

(b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(9) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen shall cause the least disturbance to the surrounding views.

(10) Fencing. A tower shall be enclosed by security fencing not less than 8 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

(11) Landscaping. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscape strip of at least 5 feet in width outside the perimeter of the tower compound. Existing mature tree growth and natural landforms shall be preserved to the maximum extent possible. In some cases, such as towers placed on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

(12) Accessory Equipment and Buildings. The equipment cabinet or structure used in association with an antenna shall be suited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable landscape treatments, except where the use of non-vegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

(13) Signs. No signage or advertising is permitted to be placed on a wireless communication tower.

(c) Permitted Uses. The installation of a tower or antenna as follows:

(1. Antennas or Existing Towers. The attachment of a new antenna on an existing tower may be permitted to minimize adverse visual impacts associated with the proliferation and clustering of towers provided that:

- (a) The height of the existing tower is not increased.
- (b) No building addition is required.

(2) Cable Microcell Network. The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireline systems such as conventional cable or telephone wires or similar technology that does not require the use of towers.

(d) Conditional Uses. The installation of towers and antennas, including the placement of accessory equipment or buildings, may be permitted by conditional use permit in all M-2 Manufacturing Districts. In addition to the standards identified in this section, any request for a conditional use permit shall also comply with the standards identified by Sec. 17.24 of this Chapter.

(e) Removal of Abandoned Antennas and Towers. An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Village notifying the owner of such abandonment. Failure to remove the antenna or tower within 90 days

shall be grounds to remove the antenna or tower at the owner's expense. If there are 2 or more users of a single tower, this provision shall not become effective until all users cease using the tower.

17.25 SITE PLAN APPROVAL REQUIREMENTS

(1) **PURPOSE AND INTENT.** For purposes, of promoting compatible development and ensuring adequate public facilities, no person shall obtain a building permit or commence a use of land without first obtaining site plan approval from the Plan Commission; however, no approval is required for construction in single- and 2-family districts or for any building remodeling that does not substantially change the character or use or add substantial floor area.

(2) **PRELIMINARY CONSULTATION.** Prior to the preparation and official submittal of the site plan and supporting data, the applicant shall meet with the Zoning Administrator for a preliminary consultation. The purpose of this preliminary consultation is to have an informal discussion of the proposed project, a review of the regulations and policies applicable to the project and a discussion of the land use implications of the project.

(3) **REQUIRED SITE PLAN INFORMATION.** The site plan shall be drawn to a scale not smaller than 30 feet to the inch, certified by a registered land surveyor, professional engineer, planner, architect or landscape architect and shall show the following:

(a) The dimensions of the land area and lot lines included in the project and the area of the site or lots included in the project.

(b) Existing and proposed grades based on Village datum (U.S.C.G.S.), drainage systems and structures, and topographic contours at intervals not to exceed 2 feet.

(c) The shape, size, location, height, floor area and the finished ground and basement floor grades of all proposed buildings and structures.

(d) Natural features such as wood lots, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.

(e) Adjacent properties and their building locations and their uses, and zoning classification shall be identified.

(f) Existing and proposed sidewalks, paths, streets, driveways, parking spaces and loading spaces showing direction of travel for one-way drives.

(g) The width of existing and proposed streets, driveways, parking spaces and loading spaces showing direction of travel for one-way drives.

(h) Architectural renderings and general floor plans shall be provided for all new buildings. These drawings and plans should show sufficient detail to indicate the architectural design of the proposed building, but all design details are not required at this stage.

(i) An exterior lighting plan describing fixtures and designating placement.

(j) The site and location of all existing and proposed public and private utilities.

(k) A vicinity- sketch showing the location of the site in relation to the surrounding street system.

(l) The name, address and telephone number of the owner, developer and designer.

(m) The anticipated resident population contained within the project or the number of employees anticipated to determine the impact on public utilities, including estimates of average daily quantities of waste consumption and wastewater discharge and strengths and cooling water volumes, if any.

(n) Any other information necessary to establish compliance with this Chapter 8, Chapter 14, Chapter 18, Chapter 21 Chapter 22 and Chapter 23 of this Code.

(4) OFFICIAL SUBMITTALS REQUIRED. Twelve copies of the site plan, accompanied by a dated letter of submittal requesting action, shall be submitted to the Plan Commission for its review and action. The site plans shall be submitted to the Plan Commission in accordance with the Plan Commission Application and Review Schedule prior to the Plan Commission meeting at which the site plan will be considered for approval unless an extension of time is mutually agreed upon.

(5) LANDSCAPING REQUIREMENTS. All developments subject to this section shall be required to comply with minimum landscaping standards as follows:

(a) Residential Development.

1. All yards except for those portions used for driveways and accessory buildings sodded or seeded on black dirt.

2. Two trees and/or shrubs per dwelling unit. Trees shall be a minimum of 1-1/2 inch in diameter and shrubs shall be a minimum of 3 years old.

(b) Non-residential Development.

1. Sodding, seeding, trees and shrubbery appropriate for the development.

2. Trees shall be a minimum of 1-1/2 inch in diameter and shrubs shall be a minimum of 3 years old.

(6) DEVELOPER'S AGREEMENT. The Plan Commission may require a bond, letter of credit or a consent and waiver for special assessments, together with a signed developer's agreement, in order to assure completion of the improvements provided for in the proposed site plan.

(7) REVIEW PROCEDURE. Upon receipt of the site plan, the Plan Commission shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this and other ordinances and plans of the Village, and demonstrates the adequacy of utility services. The Plan Commission shall in accordance with the Plan Commission Application and Review Schedule approve it, conditionally approve it or deny approval. Denial of approval shall be limited to any defect in form or required information, or any violation of any provision of this Chapter or any ordinance, or the inadequacy of any utility. The Plan Commission's action shall be issued in writing by the Plan Commission Secretary stating, in detail, the reasons for the Plan Commission's actions.

(8) APPEAL. The applicant may appeal any denial to the Board of Zoning Appeals.

(9) SITE PLAN REVISIONS. Any major revisions to the site plan after initial approval must -be approved by the Plan Commission prior to the issuance of a building permit.

(10) FEES. Prior to site plan approval, the applicant for a site plan shall pay all professional fees incurred by the Village for review of a site plan by the Village Planner, the Village Attorney or the Engineering Department staff and other fees required by the Village.

(11) LAPSE OF SITE PLAN APPROVAL. In the event the project for which the site plan approval was granted is not completed within 18 months of such approval, the site plan approval shall lapse and there shall be no further development or construction. Upon application, the Plan Commission may renew the site plan as originally granted or require changes as deemed appropriate.

(12) CERTIFICATE OF OCCUPANCY.

(a) Required. No certificate of occupancy shall be granted until all improvements shown on an approved site plan have been completed in accordance therewith and all fees have been paid.

(b) Exceptions. Upon a finding by the Zoning Administrator that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer and that temporary occupancy prior to completion will involve no health or safety hazard, the Building Inspector may issue a temporary certificate of occupancy bearing an expiration date, which date shall allow reasonable time for completion of the temporary certificate of occupancy. No temporary certificate of occupancy shall be granted for a period longer than one year. No permanent certificate of occupancy shall be issued by the Building Inspector until all required improvements are completed.

- (c) Also see Sec. 17.32 of this Chapter.

17.26 ARCHITECTURAL CONTROL

(1) **COMPLIANCE.** For the purpose of promoting compatible development, aesthetics, stability of property values, and to prevent impairment or depreciation of the commercial-industrial community in the Village, no structure, including signs, in any Business Manufacturing Multi-Family District and Conservation Outdoor Recreation District shall hereafter be erected, moved, reconstructed, extended, enlarged, or have its exterior altered or changed in such a manner as to violate the principles set forth in sub. (2) below. Small accessory structures not requiring a zoning permit pursuant to Sec. 17.3 of this Chapter are herewith exempt from the requirements of Sec. 17.3.

(2) **PRINCIPLES.** To implement and define criteria for the purposes set forth in sub. (1) above, the following principles are established :

(a) No building or sign shall be permitted, the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

(b) No building or sign shall be permitted, the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.

(c) No building or sign shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

(d) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

(3) **ADMINISTRATION.** The Zoning Administrator shall require that each zoning permit application in any Business, Manufacturing, Conservation Outdoor Recreation or Multi-Family District be accompanied by plans showing the exterior elevations of all existing and proposed structures on the property; a description of the proposed materials to be used; and proposed floor elevations of all structures. The Zoning Administrator shall transmit all Zoning Permit applications and their accompanying plans to the Village Plan Commission for their review.

(4) **REVIEW AND FINDINGS.** The Plan Commission shall review the referred plans at a subsequent meeting, in accordance with the Plan Commission Application and Review Schedule and before the architectural plans for the proposed structure in the Business, Manufacturing, Multi-Family and Conservation Outdoor Recreation District are submitted for any State Agency required approval. The Commission shall not approve any building plans unless it

finds, after reviewing the application, that the structure, as planned, will not violate the principles set forth in (2b) above.

(5) APPEALS. Any person aggrieved by any decision of the Plan Commission related to architectural control may appeal the decision to the Board of Zoning Appeals. Such appeal shall be filed with the Village Clerk within 30 days after filing the decision with the Zoning Administrator.

17.27 EROSION CONTROL

See Chapters 14 and 22 of this Code.

17.28 TRAFFIC, PARKING AND ACCESS

(1) LOADING REQUIREMENTS. In all business and industrial districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

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

(a) Access. (Am. Ord. #6-98; Rep. & Recr. Ord. #4-00). See Sec. 8.10 of this Code.

(b) Sizes. The size of each parking space shall be not less than 180 square feet, exclusive of the space required for ingress and egress.

(c) Location. (Am Ord. #1-01). The location is to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street opposite a residential district. No parking stall for any institutional use located in a residential district shall be located within 25 feet of a residential lot.

(d) Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. All parking lots shall be paved within one year of occupancy. Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked.

(e) Curbs or Barriers. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot line.

(f) Minimum Number of Parking Stalls Required.

1	Single and 2-family dwellings and mobile homes	(See District requirements)
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2	Multi-family dwellings	(See District requirements)
3	Hotels, motels, and bed and breakfast establishments	1 stall/guest room plus 1 stall/2 employees or residents.
4	Clubs and lodges	1 stall / 4 members
5	Boarding houses	1 stall/boarder plus 2 stalls
6	Sanitariums, institutions, rest, and nursing homes	1 stall/5 beds plus 1/3 employees
7	Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly.	1 stall/5 seats
8	Colleges, secondary and elementary schools	1/2 employees plus 1 stall/student auto permitted
9	Restaurants, bars, places of entertainment, repair shops, retails and service stores	1 stall/150 square feet of floor area, plus 1 stall/2 employees
10	Manufacturing and processing plants, laboratories and warehouses	1 stall/2 employees
11	Financial institutions and businesses, governmental and professional offices	1 stall/200 square feet of floor area plus 1 stall/2 employees
12	Funeral homes	1 stall/4 seats plus 1 stall/vehicle used in the business
13	Bowling alleys	5 stalls/alley

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

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

Parking stalls are not required to be provided in the B-1 District, but when they are provided, they shall conform to requirements of size, access, surfacing and barriers, but not to the number of stalls or location as specified above.

- (3) DRIVEWAYS. (See Sec. 8.10 of this Code.)

17.29 PERFORMANCE STANDARDS, COMPLIANCE

This chapter permits specific uses in specific districts; and performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structures, lands, air and water shall hereafter, in addition to their use, site, and sanitary regulations, comply with the performance standards as set forth by those county, state and federal agencies or departments having regulatory jurisdiction concerning air pollution; fire and explosive hazard; glare and heat; water quality; noise; radioactivity and electrical disturbances ; and, vibration. Permits for the construction or location of certain industrial, commercial, institutional and other specific uses may require prior review and approval by one or more of the aforementioned agencies or departments and in reviewing complaints regarding any of the aforementioned agencies or departments, and in reviewing complaints regarding any of the concerns listed above the Zoning Administrator may require formal technical review and recommendation from such agencies or departments prior to making a decision on the matter.

17.30 SIGNS, SWIMMING POOLS & FENCES

See Chapter 14 of this Code.

17.31 ZONING PERMIT REQUIRED

No building or structure, or any part thereof, shall hereafter be built within the Village unless a permit therefore shall first be obtained by the owner or his agent from the Zoning Administrator. No construction shall be commenced prior to the issuance of such permit. Commencement of construction shall include such acts as beginning excavation or constructing forms for cement work. See also Ch. 14 of this Code.

17.32 CERTIFICATE OF OCCUPANCY

(1) CERTIFICATE REQUIRED. No vacant land shall be used or occupied for other than an approved use in the zoning district in which it is located and no building hereafter moved into or relocated within the Village shall be so occupied or used until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate shall show that the building or land or part thereof and the proposed use thereof are in conformity with the provisions of this Chapter. No such certificate shall be required for any property for which a valid zoning permit providing for such use or occupancy exists.

(2) APPLICATION FOR CERTIFICATE. Application for such certificate shall be made to the Building Inspector, in writing, on such form and containing such information as the applicant deems sufficient to advise such Inspector of his request. After reviewing such application, the Inspector may require such additional information as he deems necessary.

(3) **TEMPORARY CERTIFICATE.** The Building Inspector may issue temporary certificates of occupancy for a designated period in the event all Code requirements cannot be completed because of weather conditions. The Inspector may require a cash bond to guarantee the completion of the work within the designated period.

(4) **PAYMENT OF FEES REQUIRED.** No certificate of occupancy shall be granted until the sewer connection charge, site fee and all permit fees are paid.

17.33 BOARD OF ZONING, APPEALS

(1) **MEMBERSHIP.** See Sec. 1.04(3) of this Code.

(2) **POWER OF THE BOARD.** The Board shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official.

(b) To hear and decide special exceptions to the terms of this Chapter upon which the Board is required to consider.

(c) To authorize, upon appeal in specific cases, such variance from the terms of this Chapter as will not be contrary to the public interest where, owing to special conditions, a Literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.

(d) Permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this Chapter for such public utility purposes which are reasonably necessary for public convenience and welfare.

(e) The Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premises and to that end shall have all the powers of the administrative official. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Chapter.

(3) **OTHER POWERS.** In addition to the foregoing, the Board shall have the following specific powers:

(a) To grant a permit for a temporary building for commerce or industry in a residential district which is incidental to the residential development, such permit to be issued for a period of not more than 6 months.

(b) To grant a permit for the extension of a district boundary for a distance of not more than 25 feet where the boundary of a district divides a lot in single ownership at the time of the adoption of this Chapter.

(c) To permit the temporary storage, as defined herein, of an item otherwise prohibited under Sec. 17.03 of this Chapter.

(d) To interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the plan as shown on the Official Map accompanying and made a part of this Chapter where the street layout actually on the ground varies from the street layout on the aforesaid map.

(4) POWERS LIMITED. Except as specifically provided, no action of the Board shall have the effect of permitting in any district uses prohibited in such district; nor shall such Board be permitted to take any action which would, in effect, create a buildable lot smaller than the minimum lot size or area otherwise required by the Village.

(5) APPEALS TO THE BOARD.

(a) Appeals of any administrative determination of any officer, department, Zoning Administrator, Building Inspector, or the Plan Commission concerning the literal enforcement of this Chapter and chapters 14 and 18 of this Code may be made by any person aggrieved or by any officer or department of the Village. Such appeals shall be filed with the Secretary within 30 days after receiving actual or constructive notice of the administrative decision, order, or denial of a permit by the any officer, department, Zoning Administrator, Building Inspector, or the Plan Commission. Such appeals and applications shall include the following:

1. The name and address of the applicant.
2. What administrative determination is being appealed and the basis for the appeal.

(b) The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(c) The Board shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof by publication once in the Village's official newspaper, said publication to be not less than 7 days before said hearing nor more than 15 days before said hearing and shall give notice to the parties in interest and shall decide the same within a reasonable time.

(6) NOTICE OF GRANTING PERMITS. Upon the issuance of any permit provided for in this Code by the Village Board or the Plan Commission which requires an administrative determination, the Village Clerk shall, upon the request of the grantee of such permit, prepare a public notice suitable for publication and providing the following:

- (a) A brief description of the permit granted and the date of issuance.
- (b) The governmental body which issued the permit.
- (c) The name of the grantee and the address where the activity permitted under the permit will take place.
- (d) A reference to the 30-day appeal period provided under sub. (5) above.

17.34 CHANGES AND AMENDMENTS

(1) **AUTHORITY.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

(2) **INITIATION.** A change or amendment may be initiated by the Village Board, the Plan Commission or by a petition of one or more of the owners of property within the area proposed to be changed.

(3) **PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

(a) A plot plan showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

(b) The owner's names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.

(c) Additional information required by the Plan Commission.

(4) **RECOMMENDATIONS.** The Plan Commission shall hold a public hearing with a Class II Notice as provided in § 62.23(7)(d), Wis. Stats and review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board.

(5) **VILLAGE BOARD ACTION.** After careful consideration of the Plan Commission recommendations, the Village Board shall vote on the passage of the proposed change or amendment. If the Village Board denies the proposed change or amendment, a similar petition for such change or amendment may not be submitted for a period of one year.

(6) PROTEST. In the event of a protest against such district change or amendment to the regulations of this Chapter, duly signed and acknowledged by the owners of 20% or more of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the members of the Village Board voting on the proposed change.

17.35 FEES AND PENALTIES

(1) All persons performing work which, by this Chapter, requires the issuance of a permit shall pay a fee for such permit to the Village Treasury to help defray the cost of administration, investigation, advertising and processing of permits and variances. The fee for permits shall be as follows:

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|-----|--|---------------------------|
| (a) | <u>Zoning Permit.</u> | See Village fee schedule. |
| (b) | <u>Occupancy Permit.</u> | See Village fee schedule. |
| (c) | <u>Conditional Use Permit.</u> | See Village fee schedule. |
| (d) | <u>Variance or Appeal.</u> | See Village fee schedule. |
| (e) | <u>Amendment to Ordinance</u> (Map or Text). | See Village fee schedule. |
| (f) | <u>Site Plan Review and Approval.</u> | See Village fee schedule. |
| (g) | <u>Architectural Control.</u> | See Village fee schedule. |

A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this section or from prosecution for violation of this section.

(2) ENFORCEMENT AND PENALTIES. Any building or structure hereinafter erected, moved, placed or structurally altered or any use hereinafter established in violation of the provisions of this section by any person (including a building contractor or his agent) shall be deemed an unlawful structure or use. The Plan Commission may direct the Village Attorney to bring an action to enjoin, remove or vacate any use, erection, moving, alteration or placement of any building or use in violation of this section. Any person who violates this section shall, upon conviction thereof, forfeit not more than \$200 plus costs of prosecution for each violation. A separate offense occurs each day a violation occurs and/or continues.

17.36 ENFORCEMENT

It shall be the duty of the Zoning Administrator, with the aid of the Police Department, to enforce the provisions of this Chapter.

17.37 VIOLATION AND PENALTIES

Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter, shall forfeit a sum of not less than \$20 nor more than \$200, together with the costs of prosecution, and, in case of nonpayment of such forfeiture, shall be imprisoned in the County Jail for a term of not more than 30 days or until such judgment is paid, and each day of violation shall constitute a separate offense.

Severability. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall not affect the validity of any other provisions, sections, or portions thereof the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.