

CHAPTER 17
ZONING CODE

- 17.01 Introduction
- 17.02 Definitions
- 17.03 General Provisions
- 17.04 Height and Area Exceptions
- 17.05 Nonconforming Uses, Structures and Lots
- 17.06 Community Living Arrangements; Family Day Care Homes
- 17.07 Zoning Districts
- 17.08 R-1 Single- and Two-Family Residential District
- 17.09 R-2 Single-Family Residential District
- 17.10 R-3 Single-Family Residential District
- 17.11 R-4 Mobile Home Park District
- 17.12 B-1 Business District
- 17.13 B-2 Business District
- 17.14 M-1 Manufacturing District
- 17.15 M-2 Manufacturing District
- 17.16 A-1 Agricultural District
- 17.17 A-2 Agricultural District
- 17.18 CON Conservancy District
- 17.19 Floodplain and Shoreland-Wetland Districts
- 17.20 Conditional Uses
- 17.21 Wireless Communications Towers and Antennas
- 17.22 Construction Site Erosion Control
- 17.23 Traffic, Parking and Access
- 17.24 Performance Standards, Compliance
- 17.25 Signs
- 17.26 Zoning Permit Required
- 17.27 Certificate of Occupancy
- 17.28 Plan Commission
- 17.29 Board of Zoning Appeals
- 17.30 Changes and Amendments
- 17.31 Fees
- 17.32 Enforcement
- 17.33 Violation and Penalties

17.01 INTRODUCTION.

- (1) **AUTHORITY.** These regulations are adopted under the authority granted by §§62.23(7) and 61.35 Wis. Stats.
- (2) **SHORT TITLE.** This chapter shall be known as, referred to or cited as the "Zoning Code, Village of Port Edwards, 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, 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 or structure subordinate to the main structure and used for a purpose customarily incidental to the permitted use of the main structure or the use of the premises.
- (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. (47) below, partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.
- (7) **BILLBOARD.** An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.
- (8) **BOARDINGHOUSE.** A building other than a hotel where lodging and meals are furnished for compensation for 3 or more persons not members of a family.
- (9) **BUILDING.** Any structure use, 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.
- (10) **BUILDING, ALTERATIONS OF.** See STRUCTURAL ALTERATIONS.
- (11) **BUILDING AREA.** The total living area bounded by the exterior walls of a building at the floor level, but not including a basement not qualified for living area under the State Building Code, a garage, an unfinished and unheated porch and an attic.
- (12) **BUILDING, HEIGHT OF.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

- (13) **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 for the specified use and occupancy.
- (14) **CONDITIONAL USE.** A use of a special nature so as to make impractical its predetermination as a principal use within a district.
- (15) **DWELLING.**
- (a) One-Family. A detached building designed for or occupied exclusively by one family.
 - (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, apartment houses and apartment hotels.
- (16) **DWELLING UNIT.** A separate housekeeping unit, designed and used for occupancy by a single family.
- (17) **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.
- (18) **FARM.** Land consisting of 5 acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.
- (19) **FLOOR AREA.**
- (a) For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of unfinished and unheated porches, balconies, garages and basements qualified for living area under the State Building Code, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.
 - (b) For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the center line of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- (20) **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.
- (21) **GARAGE.**
- (a) Private. An accessory building or space for the storage of motor-driven vehicles.
 - (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.
- (22) **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.
- (23) **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 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- (24) **JUNKYARD.** A commercial junkyard shall consist of an area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.
- (25) **LOADING AREA.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

- (26) 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.
- (27) LOT, CORNER. A lot abutting on 2 or more dedicated and accepted streets at their intersections, provided that the interior angle of such intersection is less than 135°.
- (28) LOT DEPTH. The mean horizontal distance between the front and rear lot lines.
- (29) LOT, INTERIOR. A lot other than a corner lot.
- (30) LOT LINES. The lines bounding a lot as defined herein.
- (31) LOT, THROUGH. An interior lot having frontage on 2 nonintersecting streets.
- (32) MANUFACTURED DWELLING. A dwelling structure or component thereof as defined in Wis. Adm. Code COMM 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 COMM 20 Sub ch. V.
- (33) MANUFACTURED HOME. 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.
- (34) MOBILE HOME. A nonself-propelled one-family dwelling unit, built prior to July 15, 1976, 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.
- (35) MOBILE HOME PARK. Any lot on which 2 or more mobile homes are parked for the purpose of temporary or permanent habitation.
- (36) MOTEL. See HOTEL.
- (37) NONCONFORMING USE. 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.
- (38) NURSERY. Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (39) 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.
- (40) 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 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.
- (41) 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 an R-1 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.
- (42) 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.
- (43) SETBACK. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.
- (44) 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.
- (45) 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.
- (46) STREET. All property dedicated for public street purposes.
- (47) 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. A

basement or cellar having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

- (48) STREET LINE. A dividing line between a lot, tract or parcel of land and an abutting street right of way.
- (49) 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.
- (50) STRUCTURAL ALTERATIONS. Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.
- (51) TEMPORARY STRUCTURE. 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.
- (52) TRAILER. All units, including camp trailers, intended for temporary occupancy.
- (53) 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.
- (54) USE, ACCESSORY. A use subordinate in nature, extent or purpose to the principal use of a building or lot and which is also an approved use if so stated in this chapter.
- (55) USE, CONDITIONAL. See CONDITIONAL USE.
- (56) 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.
- (57) USE, PRINCIPAL. The main use of land or building as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.
- (58) 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.
- (59) 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. (See sec. 17.03 of this chapter)
- (60) 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 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 horizontal distance between a building and the side lot line. See also secs. 17.03(5) and 17.04(3) of this chapter.
- (61) 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.
- (62) 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.
- (2) USE RESTRICTIONS. The following use restrictions and regulations shall apply:
 - (a) Principal Uses. Only those principal uses specified for a district and their essential services 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 and watchman's quarters not for rent; private swimming pools; and private emergency shelters. Accessory buildings shall not occupy more than 30% of the required area for the rear yard.
 - (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. 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.
- (3) PERFORMANCE STANDARDS. Performance standards listed in sec. 17.24 of this chapter shall be complied with by all uses in all districts.
- (4) 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.
- (5) LOT OCCUPANCY. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a platted lot and in no case shall there be more than one principal building on one platted lot unless approved by the Village Board.
- (6) 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 and courts in the 2 districts which abut the district boundary line.
- (7) STORAGE LIMITATION. No required side yard or front yard in the commercial or industrial districts shall be used for storage or the conduct of business.
- (8) VISION CLEARANCE. No obstructions such as structures, parking or vegetation shall be permitted in any district other than the C-1 District between the height of 2-1/2 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 35 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.
- (9) 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 R-4 Mobile Home Park District unless such dwelling meets all of the following standards:
- (a) The dwelling shall be set on a full basement or other permanent enclosed structure in accordance with the State Uniform Dwelling Code.
 - (b) The dwelling shall have a minimum width of 24 feet and a core area of living space at least 24 feet by 24 feet.
 - (c) The dwelling shall have a pitched roof with a minimum slope of 3:12 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.
- (10) PERFORMANCE STANDARDS. See sec. 17.24 of this chapter.
- (11) PARKING AND LOADING RESTRICTIONS. See sec. 17.23 of this chapter.

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 10 feet and be not closer than 3 feet to any lot line.
 - (b) Cul-de-Sac and Curve Restrictions. Residential lot frontage on cul-de-sacs and curves in R-1 Districts and for single-family residences in the R-2 District may be less than 80 feet provided the width at the building setback line is at least 80 feet and the street frontage is not less than 45 feet. Residential lot frontage on cul-de-sacs and curves for 2-family and multi-family residences in R-2 Districts may be less than 100 feet provided the width at the building setback line is at least 100 feet and the street frontage is not less than 55 feet.
 - (c) Residential Fence Restrictions. Except for front yard, open-design, decorative fences approved by the Zoning Administrator, residential fences are permitted only on the rear and side yards in the residential districts. On the side yards the fence shall not project into the principal building required setback distance and shall be in compliance with required vision clearance. A building permit is required; see ch. 14 of this Code.
 - (d) Security Fence Restrictions. Security fences are permitted in industrial and business districts with Village Board approval, but shall not be located more than 2 feet from the property line and shall not exceed 10 feet in height and shall be an open type similar to woven wire or wrought iron fencing. A building permit is required. See ch. 14 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 Plan Commission, the required street yards may be decreased in any residential, business or industrial district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the residential districts and 5 feet in any business or industrial district.
- (3) **CORNER LOTS.** On corner lots the side yard facing the street shall not be less than 25 feet.
- (4) **LOTS ABUTTING DIFFERENT GRADES.** Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade plus 12 inches to the top of the basement wall.
- (5) **BUILDINGS ON THROUGH LOTS.** The requirements for a rear yard for buildings on through lots, as defined in sec. 17.02(31) of this chapter, 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 requirements on both streets be complied with.
- (6) **ACCESSORY BUILDINGS.** Accessory buildings which are not a part of the main building shall not occupy more than 20% of the area of the required rear yard and 10% of the total lot, and shall not be nearer than 3 feet to any lot line nor 5 feet to any alley line and shall not extend into a front yard beyond the required setback.
- (7) **UNOBSTRUCTED YARDS.** Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard.

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 assessed 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 nonconforming use.

(2) EXISTING NONCONFORMING STRUCTURES. Any lawful nonconforming structures 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 unless a variance is first obtained from the Board of Zoning Appeals.

(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 VACANT SUBSTANDARD LOTS. An existing lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 60 feet wide and 6,000 square feet in area, may be used as a single-family building site provided that the use was permitted in the zoning district when the lot was created and the lot is of record in the County Register of Deed's office prior to the effective date of this chapter; and, further provided, that the lot is in separate ownership from abutting lands. If 2 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. Substandard lots shall be required to meet the setbacks and other yard requirements of this chapter. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after approval of a variance by the Board of Zoning Appeals.

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.

COMMUNITY LIVING ARRANGEMENT (CLA);

FAMILY DAY CARE HOMES DISTRICTS PERMITTED STATUTORY RESTRICTIONS

- | | | | |
|-----|---|------------------------------|--|
| (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). 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 districts under §48.65, Wis. Stats., up to 8 children | All 1 and 2-family 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. 17.20 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- and 2-Family Residential District
 - (b) R-2 Single-Family Residential District
 - (c) R-3 Single-Family Residential District
 - (d) R-4 Mobile Home Park District
 - (e) B-1 Business District
 - (f) B-2 Business District
 - (g) M-1 Manufacturing District
 - (h) M-2 Manufacturing District
 - (i) A-1 Agricultural District
 - (j) A-2 Agricultural District
 - (k) CON Conservancy District
 - (l) Floodplain and Shoreland-Wetland Districts (See Ch. 18 of this Code)
- (2) **INCORPORATION OF ZONING MAP.** The locations and boundaries of the districts are shown on the Village Zoning Map, dated July 1, 2002, and referred to by reference as the Official Zoning Map, Village of Port Edwards, 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 Clerk-Treasurer 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.
- (3) **DISTRICT BOUNDARY AND MAP AMENDMENTS.** Ordinances:
- (4) **BOUNDARIES OF DISTRICTS.** When uncertainty exists with respect to the boundaries of the various districts as shown on the Map, the following rules 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 and 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.

17.08 R-1 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT. The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family and 2-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

(1) PERMITTED USES.

- (a) Single-family and 2-family dwellings.
- (b) Attached and detached garages.
 - 1. Attached Garages. Attached garages with living quarters above shall have a floor to ceiling height of 10 feet maximum; attached garages without living quarters above shall have a floor to ceiling height of no more than 10 feet maximum and a roof pitch no greater than that of the principal building living quarters.
 - 2. Detached Garages. Detached garages 960 square feet in area maximum, a floor to ceiling height of 10 feet maximum and a roof pitch no greater than that of the principal building.
- (c) Garden and yard equipment shed, 150 square feet maximum and 15 feet in height maximum.
- (d) Swimming pools.
- (e) Home occupations and professional offices.

(2) CONDITIONAL USES. See also sec. 17.20 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) Public parks, recreation areas, playgrounds and community centers.

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

(a) Single-Family Dwellings.

Lot frontage.	Minimum 75 ft.
Lot area.	Minimum 7,500 sq. ft.
Principal building:	
Front yard.	Minimum 25 ft.
Side yards.	Minimum 7 ft. one side 10 ft. other side
Rear yard.	Minimum 20% of lot depth
Building height.	Maximum 35 ft.
Accessory buildings:	
Front yard.	Minimum 25 ft.
Side yards.	Minimum 3 ft.
Rear yard.	Minimum 3 ft.
Building height:	
Garages.	See sub. (1)(b) above
Garden and yard equipment sheds.	See sub. (1)(c) above
Lot coverage:	
Principal building.	Maximum 30% of lot
Accessory buildings.	Maximum 10% of lot area

(b) Two-Family Dwellings.

Lot frontage.	Minimum 75 ft.
Lot area.	Minimum 7,500 sq. ft.
Principal building:	
Front yard.	Minimum 25 ft.
Side yards.	Minimum 10 ft.
Rear yard.	Minimum 20% of lot depth
Building height.	Maximum 35 ft.
Accessory buildings:	
Front yard.	Minimum 25 ft.
Side yards.	Minimum 3 ft.
Rear yard.	Minimum 15 ft.
Garage.	See sub. (1)(b) above
Garden and yard equipment shed.	See sub. (1)(c) above
Lot coverage:	
Principal building.	Maximum 30% of lot area
Accessory buildings.	Maximum 10% of lot area
Off-street parking.	Minimum 2 spaces per dwelling unit See also sec. 17.23 of this chapter.

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, 2-family and multi-family dwellings protected from traffic hazards and intrusion. Further, it is intended that multi-family dwellings be dispersed throughout the District on a conditional use basis.

- (1) PERMITTED USES.
 - (a) Uses permitted in the R-1 District.
 - (b) Boarding houses, up to 4 paying guests or boarders, including bed and breakfast establishments.
- (2) CONDITIONAL USES.
 - (a) Uses permitted in the R-1 District.
 - (b) Multi-family dwellings.
 - (c) Funeral homes.
 - (d) Public hospitals and rest homes.
 - (e) Private clubs, fraternities and lodges, except those whose chief activity is customarily carried on as a business.
- (3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.
 - (a) Single Family Dwellings.

Lot frontage at setback.	Minimum 100 ft.
Lot area.	Minimum 15,000 sq. ft.
Principal building:	
Front yard.	Minimum 30 ft.
Side yards.	Minimum 10 ft.
Rear yard.	Minimum 30 ft.
Building height.	Maximum 35 ft.
Accessory buildings:	
Front yard.	Minimum 30 ft.
Side yards.	Minimum 5 ft.
Rear yard.	Minimum 5 ft.
Building height.	Maximum 15 ft.
Garage.	See sec. 17.08(1)(b) of this chapter
Garden shed.	See sec. 17.08(1)(c) of this chapter

Off-street parking. Minimum 2 spaces See also sec. 17.23 of this chapter.

(b) Two-Family Dwellings.

Lot frontage. Minimum 100 ft.
 Lot area. Minimum 15,000 sq. ft.
 Principal building:
 Front yard. Minimum 30 ft.
 Side yards. Minimum 10 ft.
 Rear yard. Minimum 30 ft.
 Building height. Maximum 35 ft.
 Accessory buildings:
 Front yard. Minimum 25 ft.
 Side yards. Minimum 5 ft.
 Rear yard. Minimum 5 ft.
 Garage. Maximum 960 sq. ft. per unit
 Garden shed. Maximum 150 sq. ft. per unit
 Building height:
 Garage. Maximum 15 ft.
 Garden and yard equipment shed. Maximum 15 ft.
 Off-street parking. Minimum 2 spaces per unit. See also sec. 17.23 of this chapter.

(c) Multi-Family Dwellings.

Lot frontage. Minimum 100 ft.

 Lot area. Minimum 15,000 sq. ft.
 Lot area per dwelling unit. Minimum 3,500 sq. ft.
 Principal building:
 Front yard. Minimum 30 ft.
 Side yards. Minimum 15 ft.
 Rear yard. Minimum 15 ft.
 Building height. Maximum 30 ft.
 Accessory building:
 Front yard. Minimum 30 ft.
 Side yards. Minimum 8 ft.
 Rear yard. Minimum 8 ft.
 Building height:
 Garage. Maximum 15 ft.
 Garden and yard equipment shed. Maximum 15 feet
 Garden shed area. Maximum 200 sq. ft.
 Lot coverage. Maximum 35%
 Off-street parking. 2 spaces per unit. See also sec. 17.23 of this chapter.

17.10 R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT. The R-3 District is intended to provide a quiet, pleasant and spacious living area in areas of the Village where sewer is not readily available for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

- (1) PERMITTED USES. Except for two-family dwellings, same as R-1 District.
- (2) CONDITIONAL USES. Same as R-1 District. See also sec. 17.20 of this chapter.
- (3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

Lot frontage. Minimum 150 ft.

Lot area.	Minimum 3 acres
Principal building:	
Front yard.	Minimum 40 ft.
Side yards.	Minimum 30 ft.
Rear yard.	Minimum 50 ft.
Building height.	Maximum 35 ft.
Accessory buildings:	
Front yard.	Minimum 40 ft.
Side yards	Minimum 30 ft.
Rear yard.	Minimum 50 ft.
Garage.	See sec. 17.08(1)(b) of this chapter
Garden shed.	See sec. 17.08(1)(c) of this chapter
Off-street parking.	Minimum 2 spaces per unit See also sec. 17.23 of this chapter.

17.11 R-4 MOBILE HOME PARK DISTRICT.

- (1) PERMITTED USES.
 - (a) Mobile home parks.
 - (b) Accessory uses clearly incidental to mobile home parks.
- (2) CONDITIONAL USES. None.
- (3) MOBILE HOME PARK REQUIREMENTS.
 - (a) Park Requirements.
 1. A minimum of 3 acres.
 2. 20 foot minimum setbacks on all sides.
 3. All park and space setbacks to be seeded and landscaped, and not used for parking.
 - (b) Space Requirements.

Space frontage.	Minimum 50 ft.
Space area.	Minimum 5,000 sq. ft.
Front yard.	Minimum 10 ft.
Side yards.	Minimum 10 ft.
Rear yard.	Minimum 10 ft.
Off-street parking.	2 spaces per mobile home
 - (c) See also ch. 12 of this Code.

17.12 B-1 BUSINESS DISTRICT. The B-1 District is intended to provide an area for the business and commercial needs of the Village.

- (1) PERMITTED USES.
 - (a) Customary retail and specialty stores.
 - (b) Personal and general service establishments, including banks, barbers, restaurants, beauty shops, insurance offices, photography studios, repair shops and other uses of a similar nature.
 - (c) Offices, public buildings and clinics.
 - (d) Public and private institutional uses, including libraries, community centers, exhibits, clubs and organizations.
 - (e) Hotels.

- (f) Printing and publishing establishments.
- (g) Funeral homes.
- (h) Public and private parking facilities.
- (i) Taverns.
- (2) ACCESSORY USES.
 - (a) Uses and structures customarily incidental to permissible principal uses and structures.
 - (b) Garbage and trash kept in enclosed containers and not visible from any residential lot line or that portion of the premises normally open to general pedestrian and automobile circulation.
- (3) CONDITIONAL USES.
 - (a) Any other uses similar in character with the permitted uses.
 - (b) Dwellings, provided such dwellings shall be located above the ground floor.
 - (c) Public utility installations.
 - (d) Automobile dealers, automobile repair shops and filling stations.
- (4) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

Lot frontage.	Minimum 60 ft.
Lot area.	Minimum 6,000 sq. ft.
Principal building:	
Front yard.	No minimum
Side yards.	No minimum (10 ft. if abutting a residential district)
Rear yard.	No minimum (10 ft. if abutting a residential district)
Building height.	Maximum 35 ft.
Accessory buildings:	
Front yard.	No minimum
Side yards.	No minimum (10 ft. if abutting a residential district)
Rear yards.	No minimum (10 ft. if abutting a residential district)

17.13 B-2 BUSINESS DISTRICT. The B-2 Business District is intended to provide for retail and customer services, and providing for off-street parking.

- (1) PERMITTED USES.
 - (a) Same as in B-1 District.
 - (b) Construction materials and sales and service.
 - (c) Vehicle sales and service, equipment service.
 - (d) Farm implement sales and service.
 - (e) Manufactured home sales.
 - (f) Outdoor amusement facilities.
 - (g) Drive-in banks.
 - (h) Drive-in establishments serving food.
 - (j) Shopping centers.
 - (k) Hotels and motels.
 - (l) Offices.
 - (m) Restaurants.
- (2) ACCESSORY USES. Same as in the B-1 District.
- (3) CONDITIONAL USES.

- (a) Same as B-1 District.
- (b) Retail and service businesses not enumerated in sub. (1) above.
- (4) LOT, YARD AND BUILDING REQUIREMENTS.
 - Lot frontage. Minimum 100 ft.
 - Lot area. Minimum 14,000 sq. ft.
 - Front yard. Minimum 20 ft.
 - Rear yard. Minimum 25 ft .
 - Building height. Maximum 50%
- (5) SIGNS. See sec. 17.25 of this chapter.

17.14 M-1 MANUFACTURING DISTRICT. The M-1 District is intended to provide for manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of noise, dirt, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably insure compatibility in this respect. Outdoor storage of raw materials or finished products is not allowed.

- (1) PERMITTED USES.
 - (a) Manufacturing, processing, repairing or warehouse use not specifically prohibited.
 - (b) Manufacture of paper and pulp.
 - (c) Manufacture of chlorine and caustics.
 - (d) Light woodworking manufacturing and processing.
 - (e) Laboratories.
 - (f) Assembly of previously prepared material.
 - (g) Wholesale establishment for ready-mix concrete plant and manufacture of prestressed concrete beams, and retail sales of building materials.
- (2) ACCESSORY USES AND STRUCTURES. Uses and structures customarily and clearly incidental to permissible principal uses and structures, provided that no residential dwellings shall be permitted except for watchpersons or caretakers whose work requires residence on the premises.
- (3) CONDITIONAL USES.
 - (a) Animal hospitals and kennels.
 - (b) Hotels and motels.
 - (c) Offices.
 - (d) Restaurants.
- (4) PROHIBITED USES. The following uses are specifically prohibited.
 - (a) Ammunition and explosives manufacture or storage.
 - (b) Automobile or other vehicle wrecking yards and junkyards.
 - (c) Asphalt, coal and coal tar or coke manufacture.
 - (d) Slaughterhouses and stockyards.
 - (e) Smelting of tin, copper, zinc or iron ores.
 - (f) Other noxious operations.
- (5) LOT, YARD AND BUILDING REQUIREMENTS.
 - Lot frontage. Minimum 100 ft.
 - Lot area. Minimum 15,000 sq. ft.
 - Front yard. Minimum 50 ft.

Parking lot setback.	Minimum 15 ft.
*Side yards.	Minimum 20 ft.
*Rear yard.	Minimum 25 ft.
Building height.	Maximum 45 ft.

*Side and rear lots abutting a residential district shall be landscaped for the entire area.

- (6) OFF-STREET PARKING AND LOADING REQUIREMENTS. See sec. 17.23 of this chapter.
- (7) PERFORMANCE STANDARDS. See sec. 17.24 of this chapter.
- (8) SIGNS. See sec. 17.25 of this chapter.

17.15 M-2 MANUFACTURING DISTRICT. The M-2 District is intended to provide for the same type of manufacturing and fabricating operations and uses as in the M-1 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) Uses permitted in M-1 District.
 - (b) Enclosed as well as open storage of materials other than explosive or flammable materials or substances used in the manufacturing or fabrication process.
- (3) CONDITIONAL USES. See also sec. 17.20 of this chapter.
 - (a) Same as M-1 District.
 - (b) All manufacturing, fabricating and storage uses not permitted in the M-1 District, except the manufacture or fabrication of explosives, flammable liquids, chemicals and gaseous or vaporous substances, as long as such permitted uses are carried on within a structure or within the yard area.

(4) LOT, YARD AND BUILDING REQUIREMENTS.

Lot frontage.	Minimum 120 ft.
Lot area.	Minimum 40,000 sq. ft.
Principal building:	
Front yard.	Minimum 40 ft.
Side yards.	Minimum 10 ft.; 40 ft. if abutting a residential district
Building height.	Maximum 40 ft.
Accessory buildings:	
Front yard.	Minimum 40 ft.
Side yards.	Minimum 10 ft .
Rear yard.	Minimum 25 ft

Percentage of lot coverage. Maximum 45 %

- (5) PARKING AND LOADING REQUIREMENTS. See sec. 17.23 of this chapter.
- (6) PERFORMANCE STANDARDS. See sec. 17.24 of this chapter.
- (7) SIGNS. See sec. 17.25 of this chapter.

17.16 A-1 AGRICULTURAL DISTRICT. The A-1 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.
 - (a) General farming.

- (b) Parks and municipal buildings.
 - (c) Nurseries, greenhouses and other agricultural uses.
 - (d) In-season roadside stands for the sale of farm products produced on the premises.
 - (e) Water storage; sewage disposal plants and power stations, when surrounded by an 8-foot or more woven fence; municipal buildings; and parks.
 - (f) Uses customarily incident to any of the above uses.
- (2) **CONDITIONAL USES.** See also sec. 17.20 of this chapter.
- (a) Fur farms.
 - (b) Kennels.
 - (c) Butchering.
 - (d) Hatcheries.
 - (e) Golf courses and driving ranges.
 - (f) Shooting ranges.
- (3) **LOT, YARD AND BUILDING REQUIREMENTS.**
- | | |
|--|-----------------|
| Lot frontage. | Minimum 150 ft. |
| Lot area. | Minimum 5 acre |
| Front yard | Minimum 25 ft. |
| Side yards. | Minimum 20 ft. |
| Rear yard. | Minimum 25 ft. |
| Building height | Maximum 35 ft. |
| Buildings housing livestock. Minimum 150 ft. from residential district | |
- (4) **OFF-STREET PARKING AND LOADING.** No on-street parking and loading permitted.

17.17 A-2 AGRICULTURAL DISTRICT. The A-2 District provides exclusively for forestry agricultural uses. The intent is to help conserve forests 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.**
 - (a) Forestry.
 - (b) Weed crop harvesting.
 - (c) Private camps.
 - (d) Uses permitted in A-1 District.
- (2) **CONDITIONAL USES.** Same as A-1 District.
- (3) **LOT, YARD AND BUILDING REQUIREMENTS.** Same as A-1 District.

17.18 CON CONSERVANCY DISTRICT. The CON 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.
 - (a) Public or private campgrounds.
 - (b) Park and recreation structures or buildings.
 - (c) Hunting or fishing clubs.
 - (d) Resource extraction.
 - (e) Sewage disposal plants and water pumping or storage facilities, amusement parks, golf courses and driving ranges, and public camping grounds.
- (3) LOT, YARD AND BUILDING REQUIREMENTS. None.

17.19 FLOODPLAIN AND SHORELAND-WETLAND DISTRICTS. See ch. 18 of this Code.

17.20 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 and commercial districts.
 - (b) Utilities in all districts, provided all principal structures and uses are not less than 50 feet from any residential lot line.
 - (c) Churches and synagogues in all residential 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 driving ranges, miniature golf, amusement parks, gymnasiums and physical culture facilities may be permitted in any district. **(See Ordinance 1 dated 2-10-04.)**
 - (h) State licensed day care facilities may be permitted in any district.
- (2) APPLICATION. Applications for conditional use permits shall be made in duplicate to the Village Clerk on forms furnished by the Clerk and shall include the following:
 - (a) Names and address 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. **(See Ordinance 1 dated 2-10-04.)**
 - (d) Additional information, as may be required by the Plan Commission, the Building Inspector.
- (3) NOTICE. Notice of such application and the subsequent hearing thereon before the Plan Commission shall be published as a Class 1 notice.

- (4) **APPEARANCES AT HEARINGS.** 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 Plan 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 Plan Commission shall hold a hearing and thereafter shall recommend approval, denial or condition of approval to the Village Board. The Village Board shall accept, reject or modify the Plan 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. **(See Ordinance 1 dated 2-10-04.)**
- (7) **USES ADJACENT TO CONTROLLED ACCESS HIGHWAYS.** Any development within 500 feet of the existing or proposed right of way of any freeway, expressway or other controlled access trafficway, and within 1,500 feet of their existing or proposed interchange or turning lane right of way, shall be deemed to be a conditional use which shall require the issuance of a permit.

17.21 WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS.

- (1) **DEFINITIONS.**
 - (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 seven 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 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.

CHAPTER 17 - ZONING CODE

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 structural 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 receivers 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 nonvegetative 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. 17.20 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 two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

17.22 CONSTRUCTION SITE EROSION CONTROL. The intent of this section is to require erosion control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbance activities. This section applies to all land disturbing construction activities.

- (1) **AUTHORITY.** This section is adopted under the authority granted in §61.354, Wis. Stats.
- (2) **FINDINGS AND PURPOSE.**
 - (a) Findings. The Village Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and the Village.
 - (b) Purpose. It is the purpose of this section to preserve the natural resources; to protect the quality of the waters of the State and the Village; and to protect and promote the health, safety and welfare of the people to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharges from construction sites to lakes, streams and wetlands.
- (3) **APPLICABILITY.** This section applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village and, optionally, the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All State-funded or conducted construction is exempt from this section.
- (4) **DEFINITIONS.**
 - (a) Agricultural Land Use. Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
 - (b) Commercial Land Use. Use of land for the retail or wholesale sale of goods or services.
 - (c) Construction Site Control Measure. A control measure used to meet the requirements of sec. (7)(b) below.
 - (d) Control Measure. A practice or combination of practices to control erosion and attendant pollution.
 - (e) Control Plan. A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this section submitted by the applicant for review and approval by the Building Inspector.

- (f) Erosion. The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
 - (g) Land Developing Activity. The construction of buildings, roads, parking lots, paved storage areas and similar facilities.
 - (h) Land Disturbing Construction Activity. Any manmade change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
 - (i) Landowner. Any person holding title to or having an interest in land.
 - (j) Land User. Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his land.
 - (k) Runoff. The rainfall, snowmelt or irrigation water flowing over the ground surface.
 - (l) Site. The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.
- (5) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES. All control measures required to comply with this section shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector and in accordance with, but not limited to, the Wisconsin Construction Site Best Management Practice Handbook.
- (6) MAINTENANCE OF CONTROL MEASURES. All sedimentation basins and other control measures necessary to meet the requirements of this section shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.
- (7) CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.
- (a) Applicability. This subsection applies to the following sites of land development or land disturbing activities.
 - 1. Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats.
 - 2. Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.
 - 3. Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.
 - 4. Those involving excavation or filling or a combination of excavation and filling affecting 350 cubic yards or more of dirt, sand or other excavation or fill material. Excavation and filling of less than 350 cubic yards, at the discretion of the Building Inspector, may require control of erosion and pollutants if judged necessary.
 - 5. Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
 - 6. Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.
 - (b) Erosion and Other Pollutant Control Requirements. The following requirements shall be met on all sites described in par. (a) above.
 - 1. Discharged Water. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
 - 2. Waste and Material Disposal. All waste and unused building materials, including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials, shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm sewer system.
 - 3. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment

reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

4. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier meeting accepted design criteria, standards and specifications.
5. Site Erosion Control. The following criteria apply only to land development or land disturbing activities that result in runoff leaving the site.
 - a. Channelized runoff and sheet flow runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, channelized runoff and sheet flow runoff shall be protected as described in subpar. c.ii. below.
 - b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at anyone time. This shall include the planting of vegetative cover as soon as practical.
 - c. Runoff from the entire disturbed area on the site shall be controlled by meeting the following:
 - i. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, sedimentation basins/traps shall be constructed.
 - ii. For all sites, filter fences, straw bales or equivalent control measures shall be placed along all critical/necessary sides of the site as determined by the Building Inspector. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
 - d. Soil or dirt storage piles containing more than 350 cubic yards of material shall be controlled by placing straw bales or filter fence barriers around the down slope side of the pile. Any soil or dirt storage pile under 350 cubic yards may be required, at the discretion of the Building Inspector, to be controlled by placing straw bales or filter fence barriers around the down slope side of the piles if conditions warrant. New in-street utility construction soil or dirt storage piles located closer than 25 feet to a roadway or drainage channel, if exposed for more than 7 days, must be protected with straw bales or other appropriate filtering barriers.

(8) PERMIT APPLICATION, CONTROL PLAN AND PERMIT ISSUANCE. No landowner or land user may commence a land disturbance or land development activity, subject to this section, without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this section shall submit an application for a permit and a control plan and pay an application fee to the Inspector. By submitting an application, the applicant is authorizing the Inspector to enter the site to obtain information required for the review of the control plan.

(a) Content of the Control Plan For Land Disturbing Activities Covering More than 2 Acres.

1. Existing Site Map. A map of existing site conditions on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas:
 - a. Site boundaries and adjacent lands which accurately identify site location.
 - b. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.
 - c. 100 year floodplains, flood fringes and floodways.
 - d. Vegetative cover.
 - e. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site.
 - f. Locations and dimensions of utilities, structures, roads, highways and paving.
 - g. Site topography at a contour interval not to exceed 2 feet.
2. Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.

3. Site Construction Plan. A site construction plan, including the following:
 - a. Locations and dimensions of all proposed land disturbing activities.
 - b. Locations and dimensions of all temporary soil or dirt stockpiles.
 - c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this section.
 - d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity, planting of vegetative cover and installation of construction site control measures needed to meet the requirements of this section.
 - e. Provisions for maintenance of the construction site control measures during construction.
- (b) Content of Control Plan Statement For Land Disturbing Activities Covering Less Than 2 Acres, But Meeting the Applicability Requirements Stated in Sub. (7)(a) Above. An erosion control plan statement, with simple map, shall be submitted to briefly describe the site and erosion controls, including the site development schedule, that will be used to meet the requirements of this section.
- (c) Review of Control Plan. Within 30 days of receipt of the application, control plan, or control plan statement and fee, the Building Inspector shall review the application and control plan to determine if the requirements of this section are met. The Inspector may request comments from other departments or agencies. If the requirements of this section are met, the Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Inspector shall inform the applicant, in writing, and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the Inspector shall again determine if the plan meets the requirements of this section. If the plan is disapproved, the Inspector shall inform the applicant, in writing, of the reasons for the disapproval.
- (d) Permits.
 1. Duration. Permits shall be valid for a period of 180 days or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional 180 days. The Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this section.
 2. Permit Conditions. All permits shall require the permittee to:
 - a. Notify the Building Inspector within 48 hours of commencing any land disturbing activity.
 - b. Notify the Building Inspector of the completion of any control measures within 48 hours after their installation.
 - c. Obtain permission, in writing, from the Building Inspector prior to modifying the control plan.
 - d. Install all control measures as identified in the approved control plan.
 - e. Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the control plan.
 - f. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities.
 - g. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs.
 - h. Permit the Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.
 - i. Keep a copy of the control plan on the site.
- (9) INSPECTION. The Building Inspector shall inspect construction sites at times appropriate to stages of construction. If land disturbing or land development activities are being carried out without a permit, the Inspector shall enter the land pursuant to the provisions of §66.0119, Wis. Stats.
- (10) ENFORCEMENT.

- (a) The Building Inspector may post a stop-work order if:
 - 1. Any land disturbing or land developing activity regulated under this section is being undertaken without a permit; or
 - 2. The control plan is not being implemented in a good faith manner; or
 - 3. The conditions of the permit are not being met.
 - (b) If the permittee does not cease the activity or comply with the control plan or permit conditions within 48 hours, the Building Inspector has the power to revoke the permit.
 - (c) If the landowner or land user, where no permit has been issued does not cease the activity within 48 hours, the Building Inspector may request the Village Attorney to obtain a cease and desist order.
 - (d) The Building Inspector or the Village Board may retract the stop-work order or the revocation.
 - (e) Forty eight hours after posting a stop-work order, the Building Inspector may issue a notice of intent to the permittee or landowner or land user of the Village's intent to perform the work necessary to comply with this section. The Village or agents of the Village may go on the land and commence the work after 48 hours from issuing the notice of intent. The costs of the work performed by the Village plus interest at the rate authorized by the Village Board shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Village Clerk shall enter the amount due on the tax roll and shall collect as a special assessment against the property, pursuant to §66.0627, Wis. Stats.
 - (f) Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than \$10 nor more than \$1,000 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
 - (g) Compliance with the provisions of this section may also be enforced by injunction.
- (11) APPEALS.
- (a) Board of Zoning Appeals. The Board of Zoning Appeals, created pursuant to sec. 17.29 of this chapter, pursuant to §62.23(7)(e), Wis. Stats.
 - (b) Who May Appeal. Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Inspector in administering this section.

17.23 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 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. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one- and 2-family dwellings and a minimum of 24 feet for all other uses.
 - (b) Size. The size of each parking space shall be not less than 10 feet by 20 feet, exclusive of the space required for ingress and egress.
 - (c) Location. 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 line opposite a residential district.
 - (d) Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. 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) Number of Parking Stalls Required.
 - 1. Single- and 2-family dwellings and mobile homes 2 stalls/dwelling unit

2.	Multi-family dwellings	2 stalls/dwelling unit
3.	Hotels and motels	1 stall/guest room plus 1 stall/3 employees
4.	Hospitals, clubs, lodges, sororities, dormitories, lodging and boarding	1 stall/2 beds plus 1 stall/3 employees houses
5.	Sanitariums, institutions, rest and nursing homes	1 stall/5 beds plus 1 stall/3 employees
6.	Medical and dental clinics	3 stalls/doctor plus 1 stall/employee
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 stall/2 employees plus 1 stall/student auto permitted
9.	Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall/150 square feet of floor area
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 the 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 number of stalls or location as specified above.

- (3) DRIVEWAYS. All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements:
 - (a) Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway. This requirement shall not apply in the following zoning districts:
 - 1. B-1 and B-2 Business Districts.
 - 2. M-1 and M-2 Manufacturing Districts.
 - (b) Vehicular entrances and exits to drive-in banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 100 feet from any pedestrian entrance or exit to a school, church, hospital, park, playground, library or public emergency shelter.
- (4) HIGHWAY ACCESS. No direct private access shall be permitted to the existing or proposed rights of way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

17.24 PERFORMANCE STANDARDS, COMPLIANCE. This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

- (1) **AIR POLLUTION.** No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718 in the industrial districts.
- (2) **FIRE AND EXPLOSIVE HAZARDS.** All of the activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.
- (3) **GLARE AND HEAT.** No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial districts which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- (4) **LIQUID OR SOLID WASTES.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.
- (5) **NOISE AND VIBRATION.** There shall be no noise or vibration over 70 decibels emanating from any unsanctioned activities beyond the boundaries of the immediate site determined to be a nuisance by the Building Inspector. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this section.
- (6) **ODORS.** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises.
- (7) **RADIOACTIVITY AND ELECTRICAL DISTURBANCES.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

17.25 SIGNS.

- (1) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a permit, except those signs excepted below, and without being in conformity with the provisions of this section. The sign shall also meet all the structural requirements of the Building Code.
- (2) All signs are prohibited in the R-1, R-2, R-3, R-4 and CON Conservancy Districts, except the following:
 - (a) Signs over show windows or doors of a nonconforming business establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed 2 feet in height and 10 feet in length.
 - (b) Real estate signs not to exceed 8 square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (c) Name, occupation and warning signs not to exceed 2 square feet located on the premises.
 - (d) Bulletin boards for public, charitable or religious institutions not to exceed 8 square feet in area, located on the premises.
 - (e) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - (f) Official signs such as traffic control, parking restrictions, information and notices.
 - (f) Temporary signs or banners when authorized by the Plan Commission.
- (3) Signs are permitted in the B-1, B-2, M-1 and M-2 Districts, subject to the following restrictions:
 - (a) Wall signs placed against the exterior walls of buildings shall not extend more than 15 inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height above the mean center line street grade.

- (b) Projecting signs fastened to, suspended from or supported by structures shall not:
 - 1. Exceed 100 square feet in area for any one premises.
 - 2. Extend more than 6 feet into any required yard.
 - 3. Extend into any public right of way.
 - 4. Be less than 10 feet from all side lot lines.
 - 5. Exceed a height of 20 feet above the mean center line street grade.
 - 6. Be less than 9 feet above the sidewalk nor 15 feet above a driveway or an alley.
- (c) Ground signs shall not exceed 40 feet in height above the mean center line street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.
- (d) Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 square feet on all sides for any one premises.
- (e) Window signs shall be placed only on the inside of business buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.
- (f) Combinations of any of the above signs shall meet all the requirements for the individual sign.
- (4) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.
- (5) Signs lawfully existing at the time of the adoption or amendment of this section may be continued although the use, size or location does not conform with the provisions of this section. However, it shall be deemed a nonconforming use or structure and the provisions of sec. 17.05 of this chapter shall apply.

17.26 ZONING PERMIT REQUIRED. No building or structure, or any part thereof, shall hereafter be built within the Village unless a permit therefor shall first be obtained by the owner or his agent from the Building Inspector. 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 ch. 14 of this Code.

17.27 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. Such certificate shall be issued only when the building or land and the proposed use thereof conform with all the requirements 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 Board of Zoning Appeals is hereby authorized to hear and rule on appeals from the denial of such certificates by the Building Inspector and, upon such terms and with such conditions as it deems proper, may authorize the Building Inspector to issue a temporary certificate for a limited period of time.

17.28 PLAN COMMISSION.

- (1) MEMBERSHIP. See sec. 1.06(2) of this Code.
- (2) POWERS AND DUTIES. The Plan Commission shall have the powers and duties prescribed in §62.23, Wis. Stats., and such other powers and duties as shall be vested in the Commission from time to time by the Village Board.

17.29 BOARD OF ZONING APPEALS.

- (1) MEMBERSHIP.
 - (a) See sec. 1.06(3) of this Code.
 - (b) Officers. The Village President shall designate the Chairperson of the Board. The Village Clerk or Deputy Clerk shall serve as Secretary to the Board.
- (2) APPEALS TO BOARD.
 - (a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officers. Such appeal shall be taken within 30 days from either the date of actual notice of said decision to the person aggrieved or from the date of the mailing of a copy of said decision to him, whichever is earlier, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. Filing with the Board shall be accomplished by filing with the Village Clerk.
 - (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 5 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.
- (3) POWERS OF 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.
- (4) 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.
 - (e) The Board shall have the power to call on any other Village department for assistance in the performance of its duties and it shall be the duty of such other department to render such assistance as may be reasonably required.
- (5) **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.

17.30 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 or lessees of property within the area proposed to be changed.
- (3) **PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Clerk-Treasurer 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 owners' 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 as provided for 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 therefrom, or by the owners of 20% of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the members of the Village Board voting on the proposed change.

17.31 FEES. Fees for the following are on the Village Fee Schedule on file in the office of the Clerk-Treasurer.

- (1) ZONING PERMIT.
- (2) OCCUPANCY PERMIT.
- (3) REZONING.
- (4) ZONING CODE AMENDMENT.
- (5) CONDITIONAL USE PERMIT.

- (6) VARIANCE.
- (7) APPEALS.

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

17.33 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 \$10 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.