CHAPTER 22: ZONING

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(Reserved for future use: There are no landscaping or bufferyard regulations at this time, except for those regulations found in other subchapters)

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CHAPTER 22: ZONING

SUBCHAPTER 1: INTRODUCTION AND DEFINITIONS

22.100 TITLE
This Chapter shall be known, cited and referred to as the CAMP DOUGLAS ZONING ORDINANCE except as referred to herein, where it shall be known as “this Chapter”.

22.101 AUTHORITY
This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes (see generally, §61.35, 62.23, 87.30 and 289.22, Wis. Stats.). Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed to limit the application or interpretation of this Chapter.

22.102 PURPOSE
(1) The overall purpose of this Chapter is to implement the Village’s Master Plan to the extent possible under zoning, as authorized by law. By implementing the goals and objectives of the Master Plan, this Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare of Village residents and visitors. Additional purposes of this Chapter may be specified throughout this Chapter.

(2) Specifically, this Chapter is designed, among other things, (i) to enhance safety and convenience on Village roads; (ii) to secure safety from fire, panic, and other dangers; (iii) to promote health and general welfare by the adoption of standards for such things as noise, odors, vibration, air pollution, glare and heat, and hazardous or dangerous materials; (iv) to encourage the protection of groundwater resources by regulating and promoting such things as storm water drainage, natural resource areas and landscaping; (v) to avoid undue concentration of population and to prevent the overcrowding of land by controlling the density of residential development and the intensity of non-residential development; (vi) to preserve, protect and promote property values; and (vii) to preserve burial sites as defined in s.157.70(1).

22.103 GENERAL APPLICATION OF THIS ORDINANCE
All development, redevelopment, construction, maintenance, and use of real estate, and all buildings, structures, fixtures, and appurtenances located thereon or affixed thereto, shall comply with all the regulations and requirements of this Chapter, the Village Master Plan, the Subdivision Ordinance, and all other ordinances of the Village which are applicable.

22.104 LEGISLATIVE INTENT
In enacting this Chapter, special attention has been given to ensuring a direct relationship between these regulations and the Village’s Master Plan. The general intent of this Chapter is to implement those goals and objectives of the Master Plan which are best addressed through zoning, as enabled by the Wisconsin Statutes.

22.105 RESERVED FOR FUTURE USE
22.106 COMPLIANCE

1.1.1. The use, or change of use to a different use, of any lands or structures; the size, shape and placement of lots; the use, occupancy, size, location or alteration of structures; and all other matters dealt with in this ordinance, shall be in full compliance with the terms of this ordinance and other applicable regulations, including the securing of necessary permits. It shall be unlawful for a use, structure, or occupancy to change to a new or different use, structure, or occupancy in non-compliance with the terms of this ordinance and other applicable regulations. Any change to a different use or any enlargement of an existing use requires compliance with this ordinance.

(1) Exemptions: No application or permit is required for:

(a) changes in cultivation or husbandry in an AG district;
(b) remodeling, repair, or alteration of single family or ag buildings that do not increase or change the exterior dimensions or increase the square footage of the building;
(c) storage in pre-existing accessory buildings, provided such storage does not involve an improvement to or a change in the exterior dimensions of the building.

22.110 RE-ENACTMENT AND REPEAL

This Chapter, in part, carries forward by re-enactment some of the prior provisions of the regulations governing zoning and related matters, being previously known collectively as the “Village of Camp Douglas Zoning Ordinance,” adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal zoning in the Village, but rather to revise, amend, and continue in force zoning in the Village so that all rights and liabilities that have accrued under the previous zoning ordinance are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map. The adoption of this Chapter shall not waive or adversely affect the Village’s right to prosecute any violation of the predecessor Zoning Ordinance, provided the violation occurred while that Ordinance was in effect.

22.111 PREVIOUSLY APPROVED PLANS

All permits and plans approved under previous zoning regulations shall be valid for a period of not more than 6 months after the effective date of this Chapter.

22.113 ADDITIONAL RULES OF INTERPRETATION

(1) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.

(2) No structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, and without full compliance with the provisions of this chapter and all other applicable local, county and State regulations.

(3) Nothing herein shall require any changes in plans, construction, size, or designated use of any building or part thereof, for which a zoning or building permit has been issued before the effective date of this chapter and the construction of which shall have been started within 6 months from the date of such permit.
(4) Except as provided in this Chapter, under provisions for Nonconforming Uses (Section 22.402), Nonconforming Developments, Substandard Lots (Section 22.538), and Nonconforming Structures and Buildings (Section 22.539), no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted, that does not conform to the requirements of this Chapter.

(5) In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used.

22.116 ABBREVIATIONS

The following abbreviations in this Chapter are intended to have the following meanings:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Meaning</th>
</tr>
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<tbody>
<tr>
<td>ABC</td>
<td>Accessory Building Coverage</td>
</tr>
<tr>
<td>Ac</td>
<td>acre</td>
</tr>
<tr>
<td>Acc.</td>
<td>Accessory</td>
</tr>
<tr>
<td>AG</td>
<td>Agriculture (zoning district)</td>
</tr>
<tr>
<td>Bldg</td>
<td>Building</td>
</tr>
<tr>
<td>CLA</td>
<td>Community Living Arrangement</td>
</tr>
<tr>
<td>db</td>
<td>decibel</td>
</tr>
<tr>
<td>DNR</td>
<td>Wisconsin Department of Natural Resources</td>
</tr>
<tr>
<td>du</td>
<td>dwelling unit</td>
</tr>
<tr>
<td>F</td>
<td>Floor</td>
</tr>
<tr>
<td>FAR</td>
<td>Floor Area Ratio</td>
</tr>
<tr>
<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
</tr>
<tr>
<td>ft</td>
<td>foot/feet</td>
</tr>
<tr>
<td>GB</td>
<td>General Business (zoning district)</td>
</tr>
<tr>
<td>GDP</td>
<td>General Development Plan (Section 22.914)</td>
</tr>
<tr>
<td>GFA</td>
<td>Gross Floor Area</td>
</tr>
<tr>
<td>GSA</td>
<td>Gross Site Area</td>
</tr>
<tr>
<td>GSR</td>
<td>Green Space Ratio</td>
</tr>
<tr>
<td>HI</td>
<td>Heavy Industrial (zoning district)</td>
</tr>
<tr>
<td>ISR</td>
<td>Impervious Surface Ratio</td>
</tr>
<tr>
<td>J</td>
<td>Lot Width (when shown on drawing)</td>
</tr>
<tr>
<td>K</td>
<td>Street frontage (when shown on drawing)</td>
</tr>
<tr>
<td>L</td>
<td>Front setback to principal building (when shown on drawing)</td>
</tr>
<tr>
<td>Li</td>
<td>Light Industrial Zoning District</td>
</tr>
<tr>
<td>LA</td>
<td>Landscaped Area</td>
</tr>
<tr>
<td>LSR</td>
<td>Landscape Surface Ratio</td>
</tr>
<tr>
<td>M</td>
<td>Front setback to accessory building (when shown on drawing)</td>
</tr>
<tr>
<td>max</td>
<td>maximum</td>
</tr>
<tr>
<td>MBC</td>
<td>Maximum Building Coverage</td>
</tr>
<tr>
<td>MBS</td>
<td>Maximum Building Size</td>
</tr>
<tr>
<td>MF</td>
<td>Multi-family Zoning District</td>
</tr>
<tr>
<td>MGD</td>
<td>Maximum Gross Density</td>
</tr>
<tr>
<td>min</td>
<td>minimum</td>
</tr>
<tr>
<td>MH</td>
<td>Maximum Height</td>
</tr>
<tr>
<td>MLA</td>
<td>Minimum Lot Area</td>
</tr>
<tr>
<td>MSA</td>
<td>Minimum Site Area</td>
</tr>
<tr>
<td>MZA</td>
<td>Minimum Zoning District Area</td>
</tr>
<tr>
<td>N</td>
<td>Side setback to principal building (when shown on drawing)</td>
</tr>
<tr>
<td>na</td>
<td>not applicable</td>
</tr>
<tr>
<td>NDA</td>
<td>Net Developable Area</td>
</tr>
<tr>
<td>nonres</td>
<td>nonresidential</td>
</tr>
<tr>
<td>O</td>
<td>Side setback to accessory building (when shown on drawing)</td>
</tr>
</tbody>
</table>


22.125 DEFINITIONS

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Some of the following definitions may not, at this time, be used in this Chapter.

**Abutting:** Having a common border with, or being separated from such common border only by an alley or easement.

**Access:** A means of vehicular or non-vehicular approach, i.e. entry to or exit from a property, street or highway.

**Access, direct:** A condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.

**Accessory use or structure:** A use or structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto. Land uses permitted as an accessory use are permitted subject to all the requirements of the specific standard zoning district (Subchapter 2) and overlay zoning district (Subchapter 3) in which the use is located, plus any additional requirements applicable to that particular land use (Subchapter 4). Accessory uses or structures cannot exist until a principal use or structure has been established on the property.

**Active Outdoor Public Recreation:** All recreational land uses located on public property, such as play courts for tennis or basketball, play fields for baseball, football or soccer, swimming areas, public golf courses and similar land uses.

**Agriculture:** Bee keeping; commercial feed lot; dairying; egg production; floriculture; forest and game management; grazing; livestock raising; orchards, greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; sod farming; placing land in federal programs in return for payments in kind; land in the conservation reserve program; participation in the milk production termination program; and vegetable raising.
Subchapter 1: Introduction & Definitions

**Altetion, structural:** Any change in the supporting members of a building such as bearings, wall columns, beams or girders, or any substantial change in the roof or exterior wall.

**Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices, external to or attached to the exterior of any building, and used for the transmission or reception of electromagnetic waves (e.g. television, radio, microwave, telephone, internet access or shortwave signals).

**Basement:** A portion of a building located partly underground, but having one-half (½) or less of its floor to ceiling height below the average grade of the adjoining ground.

**Building:** Any structure which has a supported roof built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is exclusive of portions of the structure not intended for shelter such as decks, balconies, pools, carports, etc. Where independent units with separate entrances are divided by shared walls, each unit is a building.

**Building, accessory:** A building which:

(a) Is subordinate to and serves a principal structure or a principal use;
(b) Is subordinate in area, extent, and purpose to the principal structure or use served;
(c) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and
(d) Is customarily incidental to the principal structure or use.

Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

**Building line:** An imaginary line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this Chapter. The building lines on a lot determine the area in which buildings may be placed, subject to all other applicable provisions of this Chapter. This is also referred to as a "setback" line.

**Building, principal:** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**Cellar:** That portion of the building having more than one-half (½) of the floor-to-ceiling height below the average grade of the adjoining ground.

**Chimney:** Any structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel heating device, including that part of said structure extending above a roof.

**Commission:** The Village of Camp Douglas Commission.

**Comprehensive Plan:** The Comprehensive Plan of the Village of Camp Douglas, Wisconsin, Ordinance 21 herein, and as subsequently amended.

**Condominium:** Property subject to Condominium Declaration including but not limited to land, buildings or a part of the building, or group of buildings including all the land, co-owned and operated within the law of the State of Wisconsin for the mutual protection and benefit of an association of all the members of the ownership agreement pursuant to state statute 703 and its successors.

**Crawl space:** An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.
Day Care: See family day care home, intermediate day care home, or group day care center.

Deck: A structure that has no roof or walls. Can be attached or detached to the principal structure. If attached, it must comply with the principal setback requirements. If detached, shall be an accessory structure.

Density: A term used to describe the maximum number of dwelling units and the minimum amount of landscaping (if applicable) required for residential projects. Each zoning district contains density standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) under which the site is developed; and 5) the use(s) considered for development. (Cf. “Intensity” which is the term used to describe the same standards for nonresidential sites.)

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

Development: The division of a parcel of land into two or more parcels, or any man made change to real estate including the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building; or any use or change in use of any buildings or land; or any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Development option(s): The type of residential or nonresidential land uses which may develop on a lot as determined by the requirements of this Chapter.

Development pad: The area of a lot where site disruption will occur, including building areas, paved areas, yards and other areas of non-native vegetation, and areas devoted to septic systems.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainageway: Drainageways are non-navigable, aboveground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following: (a) All areas within 75 feet of the ordinary high water mark of a “perennial stream” as shown on USGS 7.5 minute topographic maps for the Village of Camp Douglas and its environs; (b) All areas within 50 feet of the ordinary high water mark of an “intermittent stream” or “open channel drainageway” as shown on USGS 7.5 minute topographic maps for the Village of Camp Douglas and its environs.

Dryland access: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

Dwelling: A residential building or one or more portions thereof occupied or intended to be occupied exclusively for residence purpose, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

Dwelling, attached: A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.

Dwelling, detached: A dwelling which is entirely surrounded by open space on the same lot.

Dwelling unit: A room or group of rooms, providing or intended to provide permanent living quarters for not more than one (1) family.
Dwelling unit separation: The narrowest distance between two dwelling units. See Minimum dwelling unit separation.

Easement: Written authorization by a property owner for another party to use for a specified purpose any designated part of his property which has been recorded in the Register of Deeds' office.

Elevated Building: A non-basement building built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.

Encroachment: Any unauthorized and/or unpermitted fill, structure, building, use, or development in or on a floodway, easement, right-of-way or property.

Environmental Control Facility: Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control or monitoring of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Family: An individual or two (2) or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household.

Fence: An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials, erected to enclose, screen or separate areas.

Floor area: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the outside of the exterior walls.

Foundation: The structural system supporting a structure serving the function of transferring building load to the ground; anchoring it against the winds; isolating it from frost heaving; isolating it from expansive soil; and holding it above ground moisture. The foundation designs are basement, crawlspace or slab of poured concrete, masonry or wood.

Freeboard: Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors may include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.

Garage (residential): A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers, or trucks.

General floor plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

Green space: (A/k/a Permanently Protected Green Space) The area of a site upon which site disruption and site development are strictly limited. Green space consists of the following: (i) Resource Protection Areas (RPA), and (ii) areas devoted to land uses which incorporate natural resources, such as Passive Outdoor Public Recreational Land Use, and (iii) portions of a site which are prevented from development by deed restrictions or agreement.
**Gross density:** The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

**Gross floor area (GFA):** The total habitable floor area on all levels of a building.

**Gross site area (GSA):** The total area of a site or parcel, minus all of the following:

1. Existing and proposed rights-of-way of roads and public facilities;
2. Land which, although part of the same site, parcel or lot, is not contiguous to, or is not accessible from, the existing or proposed road network serving the site;
3. Land which is proposed for a different development option or a different zoning district; and
4. Areas of navigable waters (lakes and streams).

GSA is calculated whenever a person wishes to develop a parcel or site, e.g. campgrounds or mobile home parks. The determination of GSA is designed to help the developer calculate how much land is available for development after subtracting the undevelopable land from the proposed site.

**Hearing Notice:** Publication or posting which meets the requirements of Chapter 985, Stats. Class 1 notice is the minimum required for appeals: published once at least one week (7 days) before hearing. Class 2 notice is the minimum required for enactment of all new zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing.

**High flood damage potential:** Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

**Intensity:** A term used to describe the maximum amount of gross floor area and the minimum amount of landscaping (if applicable) required for nonresidential projects. Each zoning district contains intensity standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) (1) the area of the site; (2) the proportion of the site not containing sensitive natural resources; (3) the zoning district(s) in which the site is located; (4) the development option(s) under which the site is developed; and (5) the use(s) considered for development. (Cf. "Density" which is the term used to describe the same standards for residential sites.)

**Intensive agricultural (land use):** See § 406(3).

**Junkyard (land use):** See § 409(4).

**Land use:** The type of development and/or activity occurring on a piece of property.

**Legal non-conforming use:** See “Use, legal non-conforming.”

**Livable Space (Residential):** The sum of the gross horizontal areas of the several floors of a dwelling. Measurements shall be made from the outside of the exterior walls. This does not include attached garages, unenclosed porches, etc.

**Local residential street:** A road which primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.

**Lot:** A parcel of land that: (a) is undivided by any street or private road; (b) is occupied by, or designated to be developed for, one principal building or principal use; and (c) is designated as a lot on a Plat or Certified Survey map.

**Lot area:** The area contained within the property boundaries of a recorded lot. Lot area has the affect of limiting the density and intensity of development on a lot.

**Lot, corner:** A lot abutting 2 or more streets at their intersection.
Lot depth: The average distance between the front lot line and the rear lot line of a lot, as measured at each side lot line.

Lot frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Chapter shall be provided at each such line.

Lot, interior: A lot other than a corner lot.

Lot line: The property line bounding a lot, except that where any portion of a lot extends into an existing or proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

Lot line, front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be the lot line opposite the front lot line as defined above.

Lot line, side: Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

Lot line, street side: Any lot line which abuts a public or private street right-of-way which is not the front lot line.

Lot of record: A platted lot; or lot described in a certified survey map which has been approved by the Village or by Juneau County and has been recorded in the office of the Register of Deeds; or a lot described by a metes and bounds description which has been approved by the Village or by Juneau County and has been recorded in the office of the Register of Deeds.

Lot, through: A lot which has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac). Except for through lots which abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this Chapter.

Lot width: The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot line and at the rear of the required front yard. See Minimum lot width.

Lowest floor: The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Maximum accessory building coverage: The largest permitted area of all accessory buildings on a lot.

Maximum gross density (MGD): The maximum number of dwelling units permitted on one acre (or 43,560 sq. ft.) of lot area in a specific zoning district and land use.

Minimum lot area (MLA): The minimum size lot permitted within the specified zoning district and land use. MLA has the effect of limiting the “density” of a residential site, and the “intensity” of a nonresidential site.

Minimum lot width: The smallest permissible lot width for the applicable dwelling unit type or nonresidential development option.
Minimum setback: The narrowest distance permitted from a street, side, or rear property line to a structure.

Minimum site area (MSA): The minimum gross site area in which the specified development option may occur. See gross site area (GSA).

Minimum Zoning District Area (MZA): The minimum area of a zoning district. This is intended to prevent “spot zoning” of small areas.

Navigable water: All rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor & Co., Inc. v. DNR, 70 Wis.2d 936 (1975)] For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the US Geological Survey quadrangle maps until such time that the DNR has made a determination that the waterway is not, in fact, navigable.

Net Developable Area (NDA): The area of a parcel or site which may be disturbed by development activity. Net Developable Area is the result of subtracting Resource Protection Areas (RPA) from the Gross Site Area (GSA). The purpose for calculating NDA is to assist a developer in determining what percentage of a site is available for development (See, Site Evaluation Worksheet, Appendix 4 for calculation of NDA)

Nonconforming building or structure: Any building or other structure which does not conform to the provisions of this Code. An “illegal nonconforming building or structure” did not conform to the requirements of previous zoning ordinances. A “legal non-conforming building or structure” was either lawfully existing prior to the adoption of an zoning ordinance by the Village or was lawfully erected under the prior zoning ordinance but does not conform to this Code. (See § 541 for regulations).

Nonconforming development: A lawful development approved under provisions preceding the effective date of this Chapter, which would not conform to the applicable regulations if the development were to be created under the current provisions of this Chapter. See § 403.

Nonconforming use: An active and actual use of land, buildings or structures lawfully existing prior to this Chapter which has continued as the same use to the present and which does not comply with all the applicable regulations of this Chapter. (See § 403 for regulations).

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Official map: The map adopted by the Village Board which indicates the existing and proposed location of streets, highways, parks, playgrounds, roads, rights-of-way, waterways, public transit facilities and other public facilities as authorized by State Statutes.

Onsite: Located on the lot in question, except in the context of onsite detention, when the term means within the boundaries of the development site as a whole.

Opacity: The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard’s vertical plane which obstructs views into an adjoining property.

Open sales lot: An unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

Open space, useable: That part of the ground level of a lot which is unoccupied by driveways, off street parking spaces, principal buildings and accessory buildings. This space of minimum described dimension shall be available for greenery, recreational space, gardening and other leisure activities normally carried on outdoors. Ground level for this
purpose may include open terraces above the average level of the adjoining ground, but may not include a permanently roofed-over terrace or porch.

**Ordinary high water mark**: The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**Outdoor Institutional Uses**: These land uses include cemeteries, privately held permanently protected green space areas, country clubs, non-public golf courses, and similar land uses.

**Overlay zoning district**: A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in Subchapter 2, as well as the general restrictions of this Chapter. See Subchapter 3, if any.

**Owner**: The person or entity which holds legal title to a lot or parcel of land.

**Pad, Development**: See Development pad.

**Parcel**: (a/k/a Site) A tract of land designated for development or redevelopment. Typically, a parcel is either (i) a tract of land under single ownership, has not been designated for a principal use, and has not been divided into recorded lots, or (ii) in the case of redevelopment, a tract of multiple lots with multiple principal uses which the developer intends to acquire or has acquired for combination into a single redevelopment. A parcel is to be differentiated from a lot, which is ready for development without combination with other property or without subdivision into smaller lots.

**Passive Outdoor Public Recreation**: All recreational land uses located on public property involving passive activities such as arboretums, natural areas, wildlife areas, hiking trails, nonmotorized bike trails, cross-country ski trails, horse trails, open grass areas, picnic areas, gardens and fishing areas.

**Performance guarantee**: A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter, regulations and the approved plans and specifications of a development.

**Performance standard**: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See Subchapter 5.

**Peripheral setback**: The distance between a structure and the boundary of a zoning district or development option. Peripheral setbacks are used to provide a setback in addition to (not overlapping with) regularly required building setbacks. Bufferyards are distinct from peripheral setbacks, but may be located within the peripheral setback.

**Principal use**: Any and all of the primary uses of a property, as determined by the Zoning Administrator, which uses are allowable as uses permitted by right or by conditional use, and not allowable as an accessory use or a temporary use per Subchapters 2, 3 and 4.

**Private Residential Recreational Facility**: All active outdoor recreational facilities such as children's playhouses, basketball courts, tennis courts, swimming pools and recreation-type equipment.

**Private Sewage System a/k/a Individual Septic Disposal System**: Any sewage treatment and disposal system within the Village which is not owned and operated by the Village. This term includes alternative sewage systems approved by the Department of Industry, Labor, and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
Protected natural resources: Resources such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this Chapter.

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, intended to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Recorded lot: See, Lot of record.

Recreational vehicle: A vehicle designed and used principally for the transport of persons.

Residentially zoned: A property located in a residential district per Subchapter 2.

Resource Protection Area: The area of a site which contains floodways, floodplain areas, floodfringes, wetlands, drainageways, lakeshores, woodlands and steep slopes, and in which development activity is limited to protect these natural resources.

Restrictive, more (less): A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Restaurant: See indoor commercial entertainment.

Restaurant, fast food: See in vehicle sales and service.

Scale (of development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Setback: The shortest distance between a building’s or structure’s exterior and the nearest point on the referenced lot line or right-of-way line, whichever is closer. Various setback requirements are established in each zoning district (Subchapters 2 and 3). (See also, “minimum setback”). (NOTE: Front lot lines and right-of-way lines do not necessarily coincide with the edge of the road. Therefore, in measuring front yard setbacks, care should be taken to measure from the correct point).

Site: See, Parcel.

Site area: See Gross site area.

Site Evaluation Worksheet: This worksheet is designed to assist persons interested in developing a site, parcel or lot in the Village (e.g., development of a parcel into a residential subdivision, or a multifamily development, or a commercial development). This worksheet helps calculate the amount of land which is actually available for development, after things like wetlands and rights-of-way have been subtracted from the total area of the parcel. For example, if a developer needs 1 acre of developable property, this worksheet will help the developer determine whether a proposed site will accommodate a 1-acre development after subtracting rights-of-way, lakes, streams, floodplains, drainageways, and other areas protected under this Chapter.

Solid fuel heating device: An outdoor device or structure, separate from primary or accessory structures, designed for solid fuel combustion for the purpose of providing heat to another primary or accessory structure, including, but not limited to, combustion fuel furnaces or boilers which burn solid fuel including wood burning units.

Standard pavement width: Required pavement width per the Village of Camp Douglas Subdivision Ordinance in residential subdivisions on a street that allows parking or as otherwise determined by the Village Board.

Standard zoning districts: Zoning districts which primarily regulate the use of land and intensity or density of such use. See Subchapter 2.
Start of Construction: The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns, or setting the poles for pole buildings. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include, in the case of a principal building, the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Steep Slope: Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5 minute topographic maps for the Village of Camp Douglas and its environs.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Basements, cellars, crawl spaces and attics shall not be counted as a story.

Street: Unless specifically designated otherwise by the Village Board, any public or private way that is dedicated or permanently open to pedestrian and vehicular use, which is twenty-two (22) feet or more in width if it exists at the time of enactment of this Chapter; and any such public right-of-way sixty (66) feet or more in width when established after the effective date of this Chapter.

Street Line: See Lot line, front.

Strip development: A pattern of land uses typified by nonresidential and/or multifamily development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping.

Structure: Anything constructed, placed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, for use, occupancy or ornamentation whether installed on, above or below the surface. The following shall be construed as a structure, but the definition is not limited to these: billboards or other advertising medium detached or projecting, buildings, docks, dwellings, garages, mobile homes, sheds, tool houses and walls.

Substandard lot: A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See § 205.

Substantial improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

(a) Any project to improve a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to assure safe living conditions; and

(b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the
building commences, whether or not that alteration affects the external dimensions of the structure.)

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Unnecessary hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Chapter.

Use: The purpose or activity for which land or any building or structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Conditional: A land use which requires a conditional use permit in order to develop. In general, conditional uses are those land uses, which are of such a special nature or which are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this Chapter of specific standards, regulations or conditions which would permit such determination in each and every individual situation. Conditional uses, when granted, are subject to all the requirements of the specific standard zoning district (Subchapter 2) and overlay zoning district (Subchapter 3) in which the use is located, plus any requirements applicable to that particular land use as contained in Subchapters 4 and 5, plus any additional requirements imposed as part of the conditional use process contained in Subchapter 9. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as creating a precedent for similar requests. Conditional uses are granted pursuant to the procedures of § 905.

Use, Illegal Non-conforming: A building or structure which does not conform to this Code, which does not conform to any prior zoning ordinance of the Village, and which was not lawfully existing prior to the adoption of a zoning ordinance by the Village.

Use, Legal Non-conforming: A building or structure which does not conform to this Code, but was either (i) lawfully existing prior to the adoption of any zoning ordinance by the Village, or (ii) was lawfully erected under a prior zoning ordinance of the Village. (See § 541 for regulations).

Use, Limited Conditional: Limited conditional uses are the same as regular conditional uses except that limited conditional uses are not permanent, but instead, they are limited in time or duration because of

(a) their particularly specialized nature, or
(b) their particular locations within a district, or
(c) the peculiar relationship or needed compatibility of uses to involved individuals, or
(d) any other reason(s) the Plan Commission deems relevant to limit the scope thereof.

Use, Permitted: A land use which is allowed to develop without special oversight by the Plan Commission through the conditional use process (§ 905), but instead, is allowed to develop subject to the zoning permit process (§ 904) administered by the Zoning Administrator. However, permitted uses (like conditional uses) are subject to all the requirements of the specific standard zoning district (Subchapter 2) and overlay zoning district, if any, in which the use is located, plus the general land use requirements of Subchapter 4, the general standards and regulations of Subchapter 5, and the other applicable provisions of this Chapter. Before any permitted use is commenced, changed, or altered, a zoning permit must be obtained. (See, § 904).
Use, Temporary: A land use, identified in § 413, which is present on a property for a limited and specified period of time, and which is subject to all the requirements of the specific standard zoning district (Subchapter 2) and overlay zoning district, if any, in which the temporary use is located, plus any requirements applicable to that particular temporary land use as contained in Subchapter 4. Temporary uses are granted pursuant to the procedures of § 906.

Utility Shed: A utility shed does not include a structure originally built to be licensed as a vehicle or trailer, such as semi-trailers or cube vans.

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to § 910.

Vision Clearance Triangle: An occupied triangular space at the corner of intersecting roads, designed for the purpose of maintaining an unobstructed area at each intersection to assist motorists and pedestrians using such intersections.

Woodland: Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Village of Camp Douglas and its environs.

Yard: A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

Yard, rear: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

Yard, side: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

Yard, street: Any yard which abuts a street right-of-way. The depth of the street yard along the entire distance of the street shall be the distance between the closest edge of the principle structure and the right-of-way. Street yards may include front yards, rear yards, and side yards.

Zoning Board: The Village of Camp Douglas Board of Zoning Appeals.

Zoning district: A geographic area of the Village, which is identified on the Official Zoning Map and which is subject to the rules and regulations set forth in this Chapter. Subchapter 2 identifies the standard zoning districts into which the entire Village is divided, and Subchapter 3, if any, identifies the overlay zoning districts which cover part of the Village.

Zoning district categories: Zoning Districts are divided into categories of similar districts. For example, zoning districts which establish different types of residential land uses are all contained in the “residential category.”
SUBCHAPTER 2: STANDARD ZONING DISTRICTS

22.200 PURPOSE
The purpose of this Subchapter is to identify and describe the standard zoning districts into which the entire Village is divided, and to list various regulations and requirements which are specific for each standard zoning district.

22.201 STANDARD ZONING DISTRICT CATEGORIES AND STANDARD ZONING DISTRICTS

For the purpose of this Subchapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts, and standard zoning district categories, which shall be designated as follows:

**Agricultural Category:**
Agricultural (AG) District

**Residential Category:**
Estate Residential (ER) District
Single-family-3 (SF-3) Residential District
Single-family-5 (SF-5) Residential District
Multi-family (MF) Residential District

**Non-Residential Category:**
Central Business (CB) District
Highway Commercial (HC) District
Light Industrial (LI) District
Heavy Industrial (HI) District

**Planned Development Category:**
Planned Development District (PD-year) e.g.: (PD-2008)

The establishment of these zoning districts herein does not require the Village to employ each and every district on the Official Zoning Map. Some districts may be created for future use.

22.202 MAP OF STANDARD ZONING DISTRICTS

(1) **MAP ESTABLISHED:** There is hereby established an Official Village of Camp Douglas Zoning Map, which together with all explanatory materials thereon, is hereby made part of this Subchapter, and which shall be maintained in the Office of the Clerk. The standard zoning districts established by this Subchapter are shown on this Official Map.

(2) **ELECTRONICALLY STORED:** The Official Map may be maintained and stored electronically (i.e. on computer) and/or on paper.

(3) **UNSPECIFIED AREAS:** Any area in the Village which is not specifically assigned a Standard Zoning District on the Official Map shall be deemed to be in the Agriculture (AG) District, until such time as the area is otherwise classified.
22.203 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Map:

(1) Zoning district boundaries shown as following or approximately following the limits of any Village, Town or County boundary shall be construed as following such limits.

(2) Zoning district boundaries shown as following or approximately following roads, highways, or railroad lines shall be construed as following the centerline of such roads, highways, or railroad lines.

(3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Village or County Maps shall be construed as following such lines.

(4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as changing with the channel centerline.

(5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.

(6) Zoning district boundaries shown as separated from any of the features listed in paragraphs (1) through (5) above, shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.

(7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator, who shall then take appropriate action to officially clarify the location of the line. (See, § 22.902).

22.204 RELATIONSHIP TO OVERLAY ZONING DISTRICTS

Overlay zoning districts (if any) are a set of zoning requirements imposed in addition to the requirements of the standard zoning districts found in this Subchapter. Development within the overlay zones must conform to the requirements of both the standard zoning district and the overlay zoning districts, and if the two zones are inconsistent, then the development shall comply with the requirements of the more restrictive of the two zones. Overlay districts are used for the protection of natural resource features and the preservation and enhancement of significant community character features. For specific overlay zoning districts and regulations, see Subchapter 3.
22.206 AGRICULTURAL ZONING CATEGORY

(1) AGRICULTURE (AG) DISTRICT:

(a) Description and Purpose: This district provides for the continuation and preservation of agriculture. The specific regulations of this district are intended to comply with the Wisconsin Farmland Preservation Act 1977 as amended, so that owners of lands in this district may be eligible for the farmland preservation credit permitted pursuant to Chapter 91, Wis. Stats. as amended. In addition, this district is intended to protect farming from the intrusion of incompatible uses, including urban and suburban development, and to sustain the economic base of agriculture and to preserve its rural lifestyle. The possibility of agribusiness uses, which are not part of a typical farm, but which are necessary at limited suitable locations to support the farm industry, are provided for in this district as conditional uses.

Rationale: This district is used to provide for the protection of agricultural activities, and very low density residential areas, to preserve the rural community character of the area.

(b) List of Allowable Principal Land Uses (per Subchapter 4):

1. Principal Land Uses Allowed as Permitted Use:
   - Cultivation (per § 22.406(1))
   - Husbandry (per § 22.406(2))
   - Selective Cutting (per § 22.406(6))
   - Passive Outdoor Public Recreational (per § 22.407(1))
   - Active Outdoor Public Recreational (per § 22.407(2))

2. Principal Land Uses Allowed as Conditional Use:
   - Agricultural Service (per § 22.406(4))
   - On-Site Agricultural Retail (per § 22.406(5))
   - Clear Cutting (per § 22.406(7))
   - Indoor Institutional (Church and School only) (per § 22.407(3))
   - Outdoor Institutional (per § 22.407(4))
   - Public Services and Utilities (per § 22.407(5))
   - Commercial Animal Boarding (per § 22.408(10))
   - Bed and Breakfast Establishment (per § 22.408(12))
   - Waste Disposal Facility (per § 22.409(5))
   - Composting Operation (per § 22.409(6))
   - Airport/Heliport (per § 22.410(2))
   - Indoor Vehicle Storage, existing buildings only (per § 22.410(5))
   - Communication Tower (per § 22.411(3))
   - Extraction Use (per § 22.411(4))

(c) List of Allowable Accessory Uses (per Subchapter 4):

1. Accessory Land Uses Allowed as Permitted Use:
   - Farm Residence (per § 22.412(2))
   - Minor Accessory Structure (per § 22.412(3))
   - Home Occupation (per § 22.412(10))
   - Family Day Care Home (4-8 children) (per § 22.412(11))
   - Private Residential Recreational Facility (per § 22.412(15))
   - Private Residential Stable (per § 22.412(17))
   - Drainage Structure (per § 22.412(18))
   - Filling (per § 22.412(19))
Lawn Care (per § 22.412(20))
Exterior Communication Devices (per § 22.412(22))
Cultivation (per § 22.412(24))
Passive Outdoor Public Recreational Area (per § 22.412(25))
Active Outdoor Public Recreational Area (per § 22.412(26))
Camping Unit (per § 22.412(34))

2. **Accessory Land Uses Allowed as Conditional Use:**
Intermediate Day Care Home (9-15 children) (per § 22.412(12))
Private Residential Kennel (per § 22.412(16))
Private Septic Disposal System (per § 22.412(21))
Outdoor Institutional (per § 22.412(27))
Road, Bridge and/or Appurtenances (per § 22.412(28))
Utility Lines and Related Facilities (per § 22.412(29))
Towers (per § 22.412(33))
Outdoor Solid Fuel Heating Devices (per § 22.412(35))

(d) **List of Allowable Temporary Uses (per Subchapter 4):**
General Temporary Outdoor Sales (per § 22.413(1))
Outdoor Assembly (per § 22.413(2))
Contractor’s Project Office (per § 22.413(3))
Contractor’s On-Site Equipment Storage (per § 22.413(4))
Seasonal Outdoor Sales of Farm Products (per § 22.413(7))

(e) **Regulations:** The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, and the Signage Regulations of Subchapter 7:

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<thead>
<tr>
<th>AGRICULTURE (AG) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Min. Zoning District Area</td>
<td>5 acres</td>
<td>5 acres</td>
</tr>
<tr>
<td>B. Min. Lot Area</td>
<td>5 acres per du¹</td>
<td>5 acres²</td>
</tr>
<tr>
<td>C. Max. Princ. Bldg. Coverage</td>
<td>5%</td>
<td>10%</td>
</tr>
<tr>
<td>D. Max. Acc. Bldg. Coverage</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>E. Max. Coverage of all Bldgs.</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>F. Max. Bldg. Size</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G. Max. Gross Density/Intensity</td>
<td>.20/acre</td>
<td>1 F; 0.10 FAR</td>
</tr>
<tr>
<td>H. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Princ. Bldgs. Per Lot</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>J. Min. Lot Width</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>K. Min. Street Frontage</td>
<td>66</td>
<td>66</td>
</tr>
<tr>
<td>L. Front Setback to Princ. Bldg.</td>
<td>50 ⁵</td>
<td>50 ⁵</td>
</tr>
<tr>
<td>M. Front Setback to Acc. Bldg.</td>
<td>50 ⁵</td>
<td>50 ⁵</td>
</tr>
</tbody>
</table>
AGRICULTURE (AG) Regulations | Residential Uses | Non-Residential Uses
---|---|---
N. Side Setback to Princ. Bldg. | 50 \(^3\) | 50 \(^3\)
O. Side Setback to Acc. Bldg. | 50 \(^3\) | 50 \(^3\)
P. Rear Setback to Princ. Bldg. | 50 \(^3\) | 50 \(^3\)
Q. Rear Setback to Acc. Bldg. | 50 \(^3\) | 50 \(^3\)
R. (Reserved) | | |
S. Min. Paved Surface Setback | 20 | 20
T. Min. Separation of Princ. Bldg. | 100 | 100
U. Min. Separation of Acc. Bldg. | 100 | 100
V. Max. Princ. Bldg. Height | 35 \(^4\) | 35
W. Max. Acc. Bldg. Height | 15 | 35
X. Min. Parking | 4 spaces | See Land Use
Y. Min. Dwelling Core Dimensions | 24 ft x 40 ft | na

1. The acreage may be reduced to a minimum of 5 acres with a Conditional Use Permit, which shall require a total minimum of 35 acres, contiguous to the 5 acre subject parcel, to be Deed restricted to prohibit subsequent development of additional principal structures on the 35 acres unless rezoned for higher density development.

2. 20 acres with a Conditional Use Permit.

3. Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in § 22.504(3).

4. Exceptions to height regulations are found in § 22.504(4).

5. County or state regulations may impose a greater setback.
22.207 RESIDENTIAL ZONING DISTRICTS

(1) ESTATE RESIDENTIAL (ER) DISTRICT:

(a) Description and Purpose: This district is intended to permit development which has a low density, estate community character. The land use standards for this district permit primarily single family detached residential development and a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the Estate Residential-1 District shall serve as a designation which preserves and protects the estate character of its area. Rationale: This district provides for the permanent protection of a low density residential area for those who want to live in an estate environment and retain enough land with their residence, or in their development, to ensure that the estate community character is maintained as long as the ER-1 District designation is retained, regardless of how much development occurs within that area.

(b) List of Allowable Principal Land Uses (per Article 4):

1. Principal Land Uses Allowed as Permitted Use:
   - Single-Family Detached (per § 22.405(1))
   - Selective Cutting (per § 22.406(6))
   - Passive Outdoor Public Recreational (per § 22.407(1))
   - Active Outdoor Public Recreational (per § 22.407(2))
   - Community Living Arrangement (1-8 residents) (per § 22.407(7))

2. Principal Land Uses Allowed as Conditional Use:
   - Cultivation (per § 22.406(1))
   - Clear Cutting (per § 22.406(7))
   - Indoor Institutional (Church and School only) (per § 22.407(3))
   - Outdoor Institutional (per § 22.407(4))
   - Public Services and Utilities (per § 22.407(5))
   - Bed and Breakfast Establishment (per § 22.408(12))

(c) List of Allowable Accessory Uses (per Article 4):

1. Accessory Land Uses Allowed as Permitted Use:
   - Detached Garage, Carport, Utility Shed, Detached Deck, Play Structure,
   - Lawn Ornament or Similar Minor Accessory Structures (per § 22.412(3))
   - Home Occupation (per § 22.412(10))
   - Family Day Care Home (4-8 children) (per § 22.412(11))
   - On-Site Parking Lot (per § 22.412(14))
   - Private Residential Recreational Facility (per § 22.412(15))
   - Drainage Structure (per § 22.412(18))
   - Filling (per § 22.412(19))
   - Lawn Care (per § 22.412(20))
   - Exterior Communication Devices (per § 22.412(22))
   - Cultivation (per § 22.412(24))
   - Passive Outdoor Public Recreational (per § 22.412(25))
   - Active Outdoor Public Recreational (per § 22.412(26))
   - Camping Unit (per § 22.412(34))
2. **Accessory Land Uses Allowed as Conditional Use:**
   - Intermediate Day Care Home (9-15 children) (per § 22.412(12))
   - Private Septic Disposal System (per § 22.412(21))
   - Caretaker’s Residence (per § 22.412(23))
   - Outdoor Institutional (per § 22.412(27))
   - Road, Bridge and/or Appurtenances (per § 22.412(28))
   - Utility Lines and Related Facilities (per § 22.412(29))
   - Outdoor Solid Fuel Heating Devices (per § 22.412(35))

(d) **List of Allowable Temporary Uses (per Article 4):**
   - Outdoor Assembly (per § 22.413(2))
   - Contractor’s Project Office (per § 22.413(3))
   - Contractor’s On-Site Equipment Storage (per § 22.413(4))
   - On-Site Real Estate Sales Office (per § 22.413(6))

(e) **Regulations:** The following regulations apply to this district, in addition to the Performance Standards of Article 5, and the Signage Regulations of Article 7:

<table>
<thead>
<tr>
<th>Estate Residential-1 (ER-1) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Min. Zoning District Area</td>
<td>3 acre</td>
<td>3 acre</td>
</tr>
<tr>
<td>B. Min. Lot Area</td>
<td>1 acre per du</td>
<td>40,000 sq ft</td>
</tr>
<tr>
<td>C. Max. Princ. Bldg. Coverage</td>
<td>30%</td>
<td>20%</td>
</tr>
<tr>
<td>D. Max. Acc. Bldg. Coverage</td>
<td>10%</td>
<td>20%</td>
</tr>
<tr>
<td>E. Max. Coverage of all Bldgs.</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>F. Max. Bldg. Size</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>G. Max. Gross Density/Intensity</td>
<td>1.00 du/acre MGD</td>
<td>1 F; .10 FAR</td>
</tr>
<tr>
<td>H. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Princ. Bldgs. Per Lot</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>J. Min. Lot Width</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>K. Min. Street Frontage</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>L. Front Setback to Princ. Bldg.</td>
<td>25/40 (^{2, 3})</td>
<td>35/40 (^{2, 3})</td>
</tr>
<tr>
<td>M. Front Setback to Acc. Bldg.</td>
<td>25/40 (^{2, 3})</td>
<td>35/40 (^{2, 3})</td>
</tr>
<tr>
<td>N. Side Setback to Princ. Bldg.</td>
<td>20 (^{3})</td>
<td>30 (^{3})</td>
</tr>
<tr>
<td>O. Side Setback to Acc. Bldg.</td>
<td>3 ft from property line; 6 ft from alley (^{3})</td>
<td>3 ft from property line; 6 ft from alley (^{3})</td>
</tr>
<tr>
<td>P. Rear Setback to Princ. Bldg.</td>
<td>40 (^{3})</td>
<td>30 (^{3})</td>
</tr>
<tr>
<td>Q. Rear Setback to Acc. Bldg.</td>
<td>3 ft from property line; 6 ft from alley (^{3})</td>
<td>3 ft from property line; 6 ft from alley (^{3})</td>
</tr>
<tr>
<td>R. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Min. Paved Surface Setback</td>
<td>5 ft from side or rear; 10 ft from street (^{3})</td>
<td>5 ft from side or rear; 10 ft from street (^{3})</td>
</tr>
<tr>
<td>T. Min. Separation of Princ. Bldg.</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>U. Min. Separation of Acc. Bldg.</td>
<td>10 (or less with UDC compliance) (^{6})</td>
<td>10</td>
</tr>
<tr>
<td>V. Max. Princ. Bldg. Height</td>
<td>35 (^{4})</td>
<td>35 (^{4})</td>
</tr>
</tbody>
</table>
### Estate Residential-1 (ER-1)

#### Regulations

<table>
<thead>
<tr>
<th>W. Max. Acc. Bldg. Height</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>15,5</td>
<td>35,5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>X. Min. Parking</th>
<th>3 spaces per du</th>
<th>See Land Use</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Y. Min. Dwelling Core Dimensions</th>
<th>24 ft x 40 ft</th>
<th>na</th>
</tr>
</thead>
</table>

1. 20,000 square feet with a Conditional Use Permit.
2. The first number is for lots adjacent to streets with a right-of-way less than 100 feet, and the second number is for lots adjacent to a street with a right-of-way equal to or exceeding 100 feet.
3. Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in § 22.504(3).
4. Exceptions to height regulations are found in § 22.504(4).
5. Or the height of the principal building, whichever is lower.
6. A minimum separation of 10 ft. shall be maintained unless the owner complies with those regulations of the Uniform Dwelling Code (currently Comm. 21.08 Wis. Admin. Code) which permit a separation of less than 10 ft. if fire-rated construction is employed.
(2) SINGLE-FAMILY-3 RESIDENTIAL (SF-3) DISTRICT:

(a) **Description and Purpose:** This district is intended to permit development which has a moderate density community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential District shall serve as a designation which preserves and protects the residential community character of its area. This district is intended to be used for all new residential developments in the Village.

**Rationale:** This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SF District designation is retained, regardless of how much development occurs within that area.

(b) **List of Allowable Principal Land Uses (per Subchapter 4):**

1. **Principal Land Uses Allowed as Permitted Use:**
   - Single-Family Detached (per § 22.405(1))
   - Selective Cutting (per § 22.406(6))
   - Passive Outdoor Public Recreational (per § 22.407(1))
   - Active Outdoor Public Recreational (per § 22.407(2))
   - Community Living Arrangement (1-8 residents) (per § 22.407(7))

2. **Principal Land Uses Allowed as Conditional Use:**
   - Duplex (per § 22.405(2))
   - Cultivation (per § 22.406(1))
   - Clear Cutting (per § 22.406(7))
   - Indoor Institutional (per § 22.407(3))
   - Outdoor Institutional (per § 22.407(4))
   - Public Services and Utilities (per § 22.407(5))
   - Bed and Breakfast Establishment (per § 22.408(12))

(c) **List of Allowable Accessory Uses (per Subchapter 4):**

1. **Accessory Land Uses Allowed as Permitted Use:**
   - Minor Accessory Structure (per § 22.412(3))
   - Home Occupation (per § 22.412(10))
   - Family Day Care Home (4-8 children) (per § 22.412(11))
   - On-Site Parking Lot (per § 22.412(14))
   - Private Residential Recreational Facility (per § 22.412(15))
   - Drainage Structure (per § 22.412(18))
   - Lawn Care (per § 22.412(20))
   - Exterior Communication Devices (per § 22.412(22))
   - Cultivation (per § 22.412(24))
   - Passive Outdoor Public Recreational Area (per § 22.412(25))
   - Active Outdoor Public Recreational Area (per § 22.412(26))
   - Camping Unit (per § 22.412(34))

2. **Accessory Land Uses Allowed as Conditional Use:**
   - Intermediate Day Care Home (9-15 children) (per § 22.412(12))
   - Outdoor Institutional (per § 22.412(27))
   - Road, Bridge and/or Appurtenances (per § 22.412(28))
   - Utility Lines and Related Facilities (per § 22.412(29))
   - Outdoor Solid Fuel Heating Devices (per § 22.412(35))
(d) **List of Allowable Temporary Uses (per Subchapter 4):**
- Outdoor Assembly (per § 22.413(2))
- Contractor’s Project Office (per § 22.413(3))
- Contractor’s On-Site Equipment Storage (per § 22.413(4))
- On-Site Real Estate Sales Office (per § 22.413(6))

(e) **Regulations:** The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, and the Signage Regulations of Subchapter 7:

<table>
<thead>
<tr>
<th>Single-Family Residential (SF) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Min. Zoning District Area</td>
<td>1 acres</td>
<td>1 acres</td>
</tr>
<tr>
<td>B. Min. Lot Area</td>
<td>12,000 sq ft pr DU</td>
<td>40,000 sq.ft (1)</td>
</tr>
<tr>
<td>C. Max. Princ. Bldg. Coverage</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>D. Max. Acc. Bldg. Coverage</td>
<td>10%.</td>
<td>10%</td>
</tr>
<tr>
<td>E. Max. Coverage of all Bldgs.</td>
<td>50%.</td>
<td>50%</td>
</tr>
<tr>
<td>F. Max. Bldg. Size</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>G. Max. Gross Density/Intensity</td>
<td>3 du/3 acres MGA</td>
<td>1 F; .05 FAR</td>
</tr>
<tr>
<td>H. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Princ. Bldgs. Per Lot</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>J. Min. Lot Width</td>
<td>80</td>
<td>100</td>
</tr>
<tr>
<td>K. Min. Street Frontage</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>L. Front Setback to Princ. Bldg.</td>
<td>25/40 1</td>
<td>25/40 1</td>
</tr>
<tr>
<td>M. Front Setback to Acc. Bldg.</td>
<td>25/40 1, 2</td>
<td>25/40 1, 2</td>
</tr>
<tr>
<td>N. Side Setback to Princ. Bldg.</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>O. Side Setback to Acc. Bldg.</td>
<td>3 2</td>
<td>3 2</td>
</tr>
<tr>
<td>P. Rear Setback to Princ. Bldg.</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Q. Rear Setback to Acc. Bldg.</td>
<td>25 2</td>
<td>25 2</td>
</tr>
<tr>
<td>R. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Min. Paved Surface Setback</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>T. Min. Separation of Princ. Bldg.</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>U. Min. Separation of Acc. Bldg.</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>V. Max. Princ. Bldg. Height</td>
<td>35 3</td>
<td>35 3</td>
</tr>
<tr>
<td>W. Max. Acc. Bldg. Height</td>
<td>25 3, 4</td>
<td>25 3, 4</td>
</tr>
<tr>
<td>X. Min. Parking</td>
<td>4 spaces</td>
<td>See Land Use</td>
</tr>
</tbody>
</table>
ZONING ORDINANCE

SUBCHAPTER 2: STANDARD ZONING DISTRICTS

<table>
<thead>
<tr>
<th>Single-Family Residential (SF) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y. Min. Dwelling Core Dimensions</td>
<td>24 ft x 40 ft</td>
<td>na</td>
</tr>
</tbody>
</table>

1 The first number is for lots adjacent to streets with a right-of-way less than 100 feet, and the second number is for lots adjacent to a street with a right-of-way equal to or exceeding 100 feet.

2 Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in § 22.504(3).

3 Exceptions to height regulations are found in § 22.504(4).

4 Or the height of the principal building, whichever is lower.
CHAPTER 22

SUBCHAPTER 2: STANDARD ZONING DISTRICTS

ZONING ORDINANCE

(3) SINGLE-FAMILY-5 RESIDENTIAL (SF-5) DISTRICT:

(a) Description and Purpose: This district is intended to permit development which has a moderate density community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential District shall serve as a designation which preserves and protects the residential community character of its area.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SF District designation is retained, regardless of how much development occurs within that area.

(b) List of Allowable Principal Land Uses (per Subchapter 4):

1. Principal Land Uses Allowed as Permitted Use:
   - Single-Family Detached (per § 22.405(1))
   - Selective Cutting (per § 22.406(6))
   - Passive Outdoor Public Recreational (per § 22.407(1))
   - Active Outdoor Public Recreational (per § 22.407(2))
   - Community Living Arrangement (1-8 residents) (per § 22.407(7))

2. Principal Land Uses Allowed as Conditional Use:
   - Duplex (per § 22.405(2))
   - Cultivation (per § 22.406(1))
   - Clear Cutting (per § 22.406(7))
   - Indoor Institutional (per § 22.407(3))
   - Outdoor Institutional (per § 22.407(4))
   - Public Services and Utilities (per § 22.407(5))
   - Bed and Breakfast Establishment (per § 22.408(12))

(c) List of Allowable Accessory Uses (per Subchapter 4):

1. Accessory Land Uses Allowed as Permitted Use:
   - Minor Accessory Structure (per § 22.412(3))
   - Home Occupation (per § 22.412(10))
   - Family Day Care Home (4-8 children) (per § 22.412(11))
   - On-Site Parking Lot (per § 22.412(14))
   - Private Residential Recreational Facility (per § 22.412(15))
   - Drainage Structure (per § 22.412(18))
   - Lawn Care (per § 22.412(20))
   - Exterior Communication Devices (per § 22.412(22))
   - Cultivation (per § 22.412(24))
   - Passive Outdoor Public Recreational Area (per § 22.412(25))
   - Active Outdoor Public Recreational Area (per § 22.412(26))
   - Camping Unit (per § 22.412(34))

2. Accessory Land Uses Allowed as Conditional Use:
   - Intermediate Day Care Home (9-15 children) (per § 22.412(12))
   - Outdoor Institutional (per § 22.412(27))
   - Road, Bridge and/or Appurtenances (per § 22.412(28))
   - Utility Lines and Related Facilities (per § 22.412(29))
   - Outdoor Solid Fuel Heating Devices (per § 22.412(35))
(d) **List of Allowable Temporary Uses (per Subchapter 4):**
Outdoor Assembly (per § 22.413(2))
Contractor’s Project Office (per § 22.413(3))
Contractor’s On-Site Equipment Storage (per § 22.413(4))
On-Site Real Estate Sales Office (per § 22.413(6))

(e) **Regulations:** The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, and the Signage Regulations of Subchapter 7:

<table>
<thead>
<tr>
<th>Single-Family Residential (SF) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Min. Zoning District Area</td>
<td>24,000 sq ft</td>
<td>1 acres</td>
</tr>
<tr>
<td>B. Min. Lot Area</td>
<td>8,000 sq ft</td>
<td>40,000 sq ft</td>
</tr>
<tr>
<td>C. Max. Princ. Bldg. Coverage</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>D. Max. Acc. Bldg. Coverage</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>E. Max. Coverage of all Bldgs.</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>F. Max. Bldg. Size</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>G. Max. Gross Density/Intensity</td>
<td>4 du/ acre MGA</td>
<td>1 F; .05 FAR</td>
</tr>
<tr>
<td>H. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Princ. Bldgs. Per Lot</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>J. Min. Lot Width</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>K. Min. Street Frontage</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>L. Front Setback to Princ. Bldg.</td>
<td>25/40</td>
<td>25/40</td>
</tr>
<tr>
<td>M. Front Setback to Acc. Bldg.</td>
<td>25/40; 1, 2</td>
<td>25/40; 1, 2</td>
</tr>
<tr>
<td>N. Side Setback to Princ. Bldg.</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>O. Side Setback to Acc. Bldg.</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>P. Rear Setback to Princ. Bldg.</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Q. Rear Setback to Acc. Bldg.</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>R. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Min. Paved Surface Setback</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>T. Min. Separation of Princ. Bldg.</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>U. Min. Separation of Acc. Bldg.</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>V. Max. Princ. Bldg. Height</td>
<td>35; 3</td>
<td>35; 3</td>
</tr>
<tr>
<td>W. Max. Acc. Bldg. Height</td>
<td>15; 3, 4</td>
<td>15; 3, 4</td>
</tr>
<tr>
<td>X. Min. Parking</td>
<td>4 spaces</td>
<td>See Land Use</td>
</tr>
</tbody>
</table>
Single-Family Residential (SF) Regulations | Residential Uses | Non-Residential Uses
---|---|---
Y. Min. Dwelling Core Dimensions | 24 ft x 40 ft | na

1 The first number is for lots adjacent to streets with a right-of-way less than 100 feet, and the second number is for lots adjacent to a street with a right-of-way equal to or exceeding 100 feet.

2 Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in § 22.504(3).

3 Exceptions to height regulations are found in § 22.504(4).

4 Or the height of the principal building, whichever is lower.
(4) MULTI-FAMILY RESIDENTIAL (MF) DISTRICT:

(a) Description and Purpose: This district is intended to permit development which has a moderate density community character. The land use standards for this district permit single-family homes, duplexes, townhouses, multiplexes and apartments up to 4 units permitted by right and related institutional land uses. Density and intensity standards for this district are designed to ensure that the Multi-family Residential (MF) District shall serve as a designation which preserves and protects the community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre. Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a higher density residential environment and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the MR-8 District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide a principal location for mixed residential development.

(b) List of Allowable Principal Land Uses (per Subchapter 4):

1. Principal Land Uses Allowed as Permitted Use:
   - Single-Family Detached (per § 22.405(1))
   - Duplex (per § 22.405(2))
   - Multiplex (3 or 4 unit building)(per § 22.405(4))
   - Selective Cutting (per § 22.406(6))
   - Passive Outdoor Public Recreational (per § 22.407(1))
   - Active Outdoor Public Recreational (per § 22.407(2))
   - Community Living Arrangement (1-8 residents) (per § 22.407(7))
   - Community Living Arrangement (9-15 residents) (per § 22.407(7))

2. Principal Land Uses Allowed as Conditional Use:
   - Townhouse (per § 22.405(3))
   - Multiplex (5 to 16 unit building)(per § 22.405(4))
   - Apartment (3 to 16 unit building)(per § 22.405(5))
   - Mobile Home / Manufactured Home Park (per § 22.405(8))
   - Cultivation (per § 22.406(1))
   - Clear Cutting (per § 22.406(7))
   - Indoor Institutional (per § 22.407(3))
   - Outdoor Institutional (per § 22.407(4))
   - Public Services and Utilities (per § 22.407(5))
   - Institutional Residential (per § 22.407(6))
   - Bed and Breakfast Establishment (per § 22.408(12))
   - Group Day Care Center (9+ children) (per § 22.408(13))

(c) List of Allowable Accessory Uses (per Subchapter 4):

1. Accessory Land Uses Allowed as Permitted Use:
   - Minor Accessory Structure (per § 22.412(3))
   - Home Occupation (per § 22.412(10))
   - Family Day Care Home (4-8 children) (per § 22.412(11))
   - On-Site Parking Lot (per § 22.412(14))
   - Private Residential Recreational Facility (per § 22.412(15))
   - Drainage Structure (per § 22.412(18))
   - Filling (per § 22.412(19))
Lawn Care (per § 22.412(20))
Exterior Communication Devices (per § 22.412(22))
Cultivation (per § 22.412(24))
Passive Outdoor Public Recreational Area (per § 22.412(25))
Active Outdoor Public Recreational Area (per § 22.412(26))

2. **Accessory Land Uses Allowed as Conditional Use:**
   Intermediate Day Care Home (9-15 children) (per § 22.412(12))
   Outdoor Institutional (per § 22.412(27))
   Road, Bridge and/or Appurtenances (per § 22.412(28))
   Utility Lines and Related Facilities (per § 22.412(29))
   Outdoor Solid Fuel Heating Devices (per § 22.412(35))

(d) **List of Allowable Temporary Uses (per Subchapter 4):**
   Outdoor Assembly (per § 22.413(2))
   Contractor's Project Office (per § 22.413(3))
   Contractor's On-Site Equipment Storage (per § 22.413(4))
   On-Site Real Estate Sales Office (per § 22.413(6))

(e) **Regulations:** The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, and the Signage Regulations of Subchapter 7:

<table>
<thead>
<tr>
<th>Multi-Family Residential (MF) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Min. Zoning District Area</td>
<td>4 acres</td>
<td>4 acres</td>
</tr>
<tr>
<td>B. Min. Lot Area</td>
<td>4500/du</td>
<td>40,000sq ft</td>
</tr>
<tr>
<td>C. Max. Princ. Bldg. Coverage</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>D. Max. Acc. Bldg. Coverage</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>E. Max. Coverage of all Bldgs.</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>F. Max. Bldg. Size</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>G. Max. Gross Density/Intensity</td>
<td>8.0 du/acre MGD</td>
<td>2 F; .25 FAR</td>
</tr>
<tr>
<td>H. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Princ. Bldgs. Per Lot</td>
<td>1 ¹</td>
<td>1 ¹</td>
</tr>
<tr>
<td>J. Min. Lot Width</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>K. Min. Street Frontage</td>
<td>66</td>
<td>66</td>
</tr>
<tr>
<td>L. Front Setback to Princ. Bldg.</td>
<td>40</td>
<td>40 ²</td>
</tr>
<tr>
<td>M. Front Setback to Acc. Bldg.</td>
<td>40 ²</td>
<td>40 ²</td>
</tr>
<tr>
<td>N. Side Setback to Princ. Bldg.</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>O. Side Setback to Acc. Bldg.</td>
<td>10 ²</td>
<td>10 ²</td>
</tr>
<tr>
<td>P. Rear Setback to Princ. Bldg.</td>
<td>40</td>
<td>40</td>
</tr>
</tbody>
</table>

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22-2-16
## Multi-Family Residential (MF) Regulations

<table>
<thead>
<tr>
<th>Q. Rear Setback to Acc. Bldg.</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50 (^2)</td>
<td>50 (^2)</td>
</tr>
</tbody>
</table>

R. (Reserved)

S. Min. Paved Surface Setback

<table>
<thead>
<tr>
<th>S. Min. Paved Surface Setback</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 ft from side or rear; 10 ft from street(^2)</td>
<td>5 ft from side or rear; 10 ft from street(^2)</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

V. Max. Princ. Bldg. Height

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>35 (^3)</td>
<td>35 (^3)</td>
<td></td>
</tr>
</tbody>
</table>

W. Max. Acc. Bldg. Height

<table>
<thead>
<tr>
<th>W. Max. Acc. Bldg. Height</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 (^{3,4})</td>
<td>25 (^{3,4})</td>
<td></td>
</tr>
</tbody>
</table>

X. Min. Parking

<table>
<thead>
<tr>
<th>X. Min. Parking</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 spaces per 3 bdrm</td>
<td>See Land Use</td>
<td></td>
</tr>
<tr>
<td>2 spaces per 2 bdrm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 space per 1 bdrm or efficiency</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Y. Min. Dwelling Core Dimensions

<table>
<thead>
<tr>
<th>Y. Min. Dwelling Core Dimensions</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 ft x 40 ft (^5)</td>
<td>na</td>
<td></td>
</tr>
</tbody>
</table>

---

1. More than one principal building shall be permitted on any one lot upon the granting of a Conditional Use Permit for a Group Development in compliance with § 22.414.
2. Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in § 22.504(3).
3. Exceptions to height regulations are found in § 22.504(4).
4. Or the height of the principal building, whichever is lower.
5. In manufactured home parts, 14’x70’
22.208 NONRESIDENTIAL ZONING CATEGORY

(1) CENTRAL BUSINESS (CB) DISTRICT:

(a) **Description and Purpose:** This district is intended to permit both large and small scale "downtown" commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. A wide range of office, retail, and lodging land uses are permitted within this district. No requirements for onsite parking is required in this district. This district is strictly limited to the central Village locations.

**Rationale:** This district is intended to cover the old historical downtown area and to assist in maintaining the long term viability of the Village center.

(b) **List of Allowable Principal Land Uses (per Article 4):**

1. **Principal Land Uses Allowed as Permitted Use:**
   - Selective Cutting (per § 22.406(6))
   - Passive Outdoor Public Recreational (per § 22.407(1))
   - Active Outdoor Public Recreational (per § 22.407(2))
   - Office (per § 22.408(1))
   - Personal or Professional Service (per § 22.408(2))
   - Indoor Sales or Service (per § 22.408(3))
   - Indoor Maintenance Service (per § 22.408(5))
   - Indoor Vehicle Storage (per § 22.410(5))

2. **Principal Land Uses Allowed as Conditional Use:**
   - Multiplex (5-16 unit building) (per § 22.405(4))
   - Apartment (5-16 unit building) (per § 22.405(5))
   - Cultivation (per § 22.406(1))
   - Clear Cutting (per § 22.406(7))
   - Indoor Institutional (per § 22.407(3))
   - Outdoor Institutional (per § 22.407(4))
   - Public Services and Utilities (per § 22.407(5))
   - Institutional Residential (per § 22.407(6))
   - In-Vehicle Sales or Service (per § 22.408(7))
   - Indoor Commercial Entertainment (per § 22.408(8))
   - Outdoor Commercial Entertainment (per § 22.408(9))
   - Commercial Indoor Lodging (per § 22.408(11))
   - Bed and Breakfast Establishment (per § 22.408(12))
   - Group Day Care Center (9+ children) (per § 22.408(13))
   - Boarding House (per § 22.408(15))
   - Vehicle Repair and Maintenance (per § 22.408(17))
   - Off-Site Parking Lot (per § 22.410(1))

(c) **List of Allowable Accessory Uses (per Article 4):**

1. **Accessory Land Uses Allowed as Permitted Use:**
   - Commercial Apartment (per § 22.412(1))
   - Company Cafeteria (per § 22.412(4))
   - Home Occupation (per § 22.412(10))
   - On-Site Parking Lot (per § 22.412(14))
   - Drainage Structure (per § 22.412(18))
2. **Accessory Land Uses Allowed as Conditional Use:**
- Minor Accessory Structure (per § 22.412(3))
- Company Provided On-Site Recreation (per § 22.412(5))
- Outdoor Display Incidental to Indoor Sales & Service (12+days) (per § 22.412(6))
- In-Vehicle Sales and Service (per § 22.412(7))
- Light Ind. Incidental to Indoor Sales or Service Activities (per § 22.412(9))
- Outdoor Institutional (per § 22.412(27))
- Road, Bridge and/or Appurtenances (per § 22.412(28))
- Utility Lines and Related Facilities (per § 22.412(29))
- Piers and Wharfs (per § 22.412(30))
- Outdoor Commercial Entertainment (per § 22.412(31))
- Outdoor Solid Fuel Heating Devices (per § 22.412(35))

(d) **List of Allowable Temporary Uses (per Article 4):**
- General Temporary Outdoor Sales (per § 22.413(1))
- Outdoor Assembly (per § 22.413(2))
- Contractor's Project Office (per § 22.413(3))
- Contractor's On-Site Equipment Storage (per § 22.413(4))
- Relocatable Building (per § 22.413(5))
- On-Site Real Estate Sales Office (per § 22.413(6))
- Seasonal Outdoor Sales of Farm Products (per § 22.413(7))

(e) **Regulations:** The following regulations apply to this district, in addition to the Performance Standards of Article 5, and the Signage Regulations of Article 7:

<table>
<thead>
<tr>
<th>Central Business (CB) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Min. Zoning District Area</td>
<td>1 acre</td>
<td>1 acre</td>
</tr>
<tr>
<td>B. Min. Lot Area</td>
<td>9,000 sq ft</td>
<td>1,750 sq ft</td>
</tr>
<tr>
<td>C. Max. Princ. Bldg. Coverage</td>
<td>40%</td>
<td>100%</td>
</tr>
<tr>
<td>D. Max. Acc. Bldg. Coverage</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>E. Max. Coverage of all Bldgs.</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>F. Max. Bldg. Size</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>G. Max. Gross Density/Intensity</td>
<td>Up to 50 du/acre per limits of the Conditional Use Permit</td>
<td>4 F 3.00 FAR</td>
</tr>
<tr>
<td>H. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Princ. Bldgs. Per Lot</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>J. Min. Lot Width</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Central Business (CB) Regulations</td>
<td>Residential Uses</td>
<td>Non-Residential Uses</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-----------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>K. Min. Street Frontage</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>L. Front Setback to Princ. Bldg.</td>
<td>0&lt;sup&gt;2&lt;/sup&gt;</td>
<td>0&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>M. Front Setback to Acc. Bldg.</td>
<td>25/40&lt;sup&gt;1, 4&lt;/sup&gt;</td>
<td>25/40&lt;sup&gt;1, 4&lt;/sup&gt;</td>
</tr>
<tr>
<td>N. Side Setback to Princ. Bldg.</td>
<td>0</td>
<td>0&lt;sup&gt;2, 4&lt;/sup&gt;</td>
</tr>
<tr>
<td>O. Side Setback to Acc. Bldg.</td>
<td>3 ft from property line; 6 ft from alley&lt;sup&gt;4&lt;/sup&gt;</td>
<td>3 ft from property line; 6 ft from alley&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>P. Rear Setback to Princ. Bldg.</td>
<td>25&lt;sup&gt;4&lt;/sup&gt;</td>
<td>8&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Q. Rear Setback to Acc. Bldg.</td>
<td>3 ft from property line; 6 ft from alley&lt;sup&gt;4&lt;/sup&gt;</td>
<td>3 ft from property line; 6 ft from alley&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>R. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Min. Paved Surface Setback</td>
<td>0</td>
<td>0&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>T. Min. Separation of Princ. Bldg.</td>
<td>0&lt;sup&gt;2&lt;/sup&gt;</td>
<td>0&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>U. Min. Separation of Acc. Bldg.</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>V. Max. Princ. Bldg. Height</td>
<td>45&lt;sup&gt;5&lt;/sup&gt;</td>
<td>45&lt;sup&gt;5&lt;/sup&gt;</td>
</tr>
<tr>
<td>W. Max. Acc. Bldg. Height</td>
<td>15&lt;sup&gt;5, 6&lt;/sup&gt;</td>
<td>15&lt;sup&gt;5, 6&lt;/sup&gt;</td>
</tr>
<tr>
<td>X. Min. Parking</td>
<td>1 space per 1 bdrm or efficiency du; 2 spaces per 2+ bdrm. du.</td>
<td>7&lt;sup&gt;7&lt;/sup&gt;</td>
</tr>
<tr>
<td>Y. Min. Dwelling Core Dimensions</td>
<td>24 ft x 40 ft</td>
<td>na</td>
</tr>
</tbody>
</table>

1 The first number is for lots adjacent to streets with a right-of-way less than 100 feet, and the second number is for lots adjacent to a street with a right-of-way equal to or exceeding 100 feet.
2 Maximum permitted setback of 0 feet, except where permitted by Conditional Use if determined by the Plan Commission as an essential component of site design.
3 More than one principal building shall be permitted on any one lot upon the granting of a Conditional Use Permit for a Group Development in compliance with § 22.414.
4 Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in § 22.504(3).
5 For architectural consistency, buildings shall be a minimum of 2 stories in height, except when otherwise permitted by conditional use. Other exceptions to height regulations are found in § 22.504(4).
6 Or the height of the principal building, whichever is lower.
7 Existing parking/loading spaces shall not be reduced on existing structures, except by conditional use. Parking requirements for all new buildings and additions to existing buildings shall be established by conditional use.
HIGHWAY COMMERCIAL (HC) DISTRICT:

(a) Description and Purpose: This district is intended to permit large scale commercial development which is compatible with the desired overall community character of the area in general. Small scale development is encouraged to locate in the Central Business District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

   Rationale: This district is intended to provide the principal zoning district for commercial development which occurs after the adoption of this Chapter. The standards of this district are designed to provide a clear distinction from the Central Business District in terms of permitted intensity of development, treatment of outdoor sales, and required green space areas.

(b) List of Allowable Principal Land Uses (per Article 4):

   1. Principal Land Uses Allowed as Permitted Use:
      Selective Cutting (per § 22.406(6))
      Passive Outdoor Public Recreational (per § 22.407(1))
      Active Outdoor Public Recreational (per § 22.407(2))
      Office (per § 22.408(1))
      Personal or Professional Service (per § 22.408(2))
      Indoor Sales or Service (per § 22.408(3))
      Indoor Maintenance Service (per § 22.408(5))

   2. Principal Land Uses Allowed as Conditional Use:
      Multiplex (5-16 unit building) (per § 22.405(4))
      Apartment (5-16 unit building) (per § 22.405(5))
      Cultivation (per § 22.406(1))
      Clear Cutting (per § 22.406(7))
      Indoor Institutional (per § 22.407(3))
      Outdoor Institutional (per § 22.407(4))
      Public Services and Utilities (per § 22.407(5))
      Institutional Residential (per § 22.407(6))
      Outdoor Display (per § 22.408(4))
      In-Vehicle Sales or Service (per § 22.408(7))
      Indoor Commercial Entertainment (per § 22.408(8))
      Commercial Animal Boarding (per § 22.408(10))
      Commercial Indoor Lodging (per § 22.408(11))
      Bed and Breakfast Establishment (per § 22.408(12))
      Group Day Care Center (9+ children) (per § 22.408(13))
      Vehicle Repair and Maintenance (per § 22.408(17))
      Personal Storage Facility (per § 22.409(3))
      Indoor Vehicle Storage (per § 22.410(5))
(c) **List of Allowable Accessory Uses (per Article 4):**

1. **Accessory Land Uses Allowed as Permitted Use:**
   - Company Cafeteria (per § 22.412(4))
   - Home Occupation (per § 22.412(10))
   - On-Site Parking Lot (per § 22.412(14))
   - Drainage Structure (per § 22.412(18))
   - Filling (per § 22.412(19))
   - Lawn Care (per § 22.412(20))
   - Exterior Communication Devices (per § 22.412(22))
   - Passive Outdoor Public Recreational (per § 22.412(25))
   - Active Outdoor Public Recreational (per § 22.412(26))

2. **Accessory Land Uses Allowed as Conditional Use:**
   - Commercial Apartment (per § 22.412(1))
   - Minor Accessory Structure (per § 22.412(3))
   - Company Provided On-Site Recreation (per § 22.412(5))
   - Outdoor Display Incd. to Indoor Sales & Ser. (12+ days)(per §22.412(6))
   - In-Vehicle Sales and Service (per § 22.412(7))
   - Light Ind. Incidental to Indoor Sales or Serv. Activities (per § 22.412(9))
   - Outdoor Institutional (per § 22.412(27))
   - Road, Bridge and/or Appurtenances (per § 22.412(28))
   - Utility Lines and Related Facilities (per § 22.412(29))
   - Piers and Wharfs (per § 22.412(30))
   - Outdoor Commercial Entertainment (per § 22.412(31))
   - Outdoor Solid Fuel Heating Devices (per § 22.412(35))

(d) **List of Allowable Temporary Uses (per Article 4):**

- General Temporary Outdoor Sales (per § 22.413(1))
- Outdoor Assembly (per § 22.413(2))
- Contractor's Project Office (per § 22.413(3))
- Contractor's On-Site Equipment Storage (per § 22.413(4))
- Relocatable Building (per § 22.413(5))
- On-Site Real Estate Sales Office (per § 22.413(6))
- Seasonal Outdoor Sales of Farm Products (per § 22.413(7))

(e) **Regulations:** The following regulations apply to this district, in addition to the Performance Standards of Article 5, and the Signage Regulations of Article 7:

<table>
<thead>
<tr>
<th>Highway Commercial (HC) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Min. Zoning District Area</td>
<td>3 acres</td>
<td>3 acres</td>
</tr>
<tr>
<td>B. Min. Lot Area</td>
<td>10,000 sq ft</td>
<td>10,000 sq ft</td>
</tr>
<tr>
<td>C. Max. Princ. Bldg. Coverage</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>D. Max. Acc. Bldg. Coverage</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>E. Max. Coverage of all Bldgs.</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>F. Max. Bldg. Size</td>
<td>na</td>
<td>na</td>
</tr>
</tbody>
</table>
## Highway Commercial (HC) Regulations

<table>
<thead>
<tr>
<th>Highway Commercial (HC) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>G. Max. Gross Density/Intensity</td>
<td>Up to 50 du/acre per limits of the Conditional Use Permit</td>
<td>4 F .50 FAR</td>
</tr>
<tr>
<td>H. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Princ. Bldgs. Per Lot</td>
<td>1 2</td>
<td>1 2</td>
</tr>
<tr>
<td>J. Min. Lot Width</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>K. Min. Street Frontage</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>L. Front Setback to Princ. Bldg.</td>
<td>25/40 1, 3</td>
<td>25/40 1, 3</td>
</tr>
<tr>
<td>M. Front Setback to Acc. Bldg.</td>
<td>25/40 1, 3</td>
<td>25/40 1, 3</td>
</tr>
<tr>
<td>N. Side Setback to Princ. Bldg.</td>
<td>10 3</td>
<td>10 3</td>
</tr>
<tr>
<td>O. Side Setback to Acc. Bldg.</td>
<td>5 ft from property line; 8 ft from alley 3</td>
<td>5 ft from property line; 8 ft from alley 3</td>
</tr>
<tr>
<td>P. Rear Setback to Princ. Bldg.</td>
<td>30 3</td>
<td>30 3</td>
</tr>
<tr>
<td>Q. Rear Setback to Acc. Bldg.</td>
<td>5 ft from property line; 8 ft from alley 3</td>
<td>5 ft from property line; 8 ft from alley 3</td>
</tr>
<tr>
<td>R. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Min. Paved Surface Setback</td>
<td>5 ft from side or rear; 10 ft from street 3</td>
<td>5 ft from side or rear; 10 ft from street 3</td>
</tr>
<tr>
<td>T. Min. Separation of Princ. Bldg.</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>U. Min. Separation of Acc. Bldg.</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>V. Max. Princ. Bldg. Height</td>
<td>35 4</td>
<td>45 4</td>
</tr>
<tr>
<td>W. Max. Acc. Bldg. Height</td>
<td>15 4, 5</td>
<td>15 4, 5</td>
</tr>
<tr>
<td>X. Min. Parking</td>
<td>3 spaces</td>
<td>See Land Use</td>
</tr>
<tr>
<td>Y. Min. Dwelling Core Dimensions</td>
<td>24 ft x 40 ft</td>
<td>na</td>
</tr>
</tbody>
</table>

1 The first number is for lots adjacent to streets with a right-of-way less than 100 feet, and the second number is for lots adjacent to a street with a right-of-way equal to or exceeding 100 feet.

2 More than one principal building shall be permitted on any one lot upon the granting of a Conditional Use Permit for a Group Development in compliance with § 22.414.

3 Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in § 22.504(3).

4 Exceptions to height regulations are found in § 22.504(4).

5 Or the height of the principal building, whichever is lower.

---

22-2-23
22.208 (3) LIGHT INDUSTRIAL (LI) DISTRICT:

(a) **Description and Purpose**: This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties.

**Rationale**: This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the HI District. In addition, land uses shall comply with the minimum performance standards presented in Subchapter 5.

(b) **List of Allowable Principal Land Uses (per Subchapter 4):**

1. **Principal Land Uses Allowed as Permitted Use:**
   - Selective Cutting (per § 22.406(6))
   - Passive Outdoor Public Recreational (per § 22.407(1))
   - Active Outdoor Public Recreational (per § 22.407(2))
   - Indoor Storage or Wholesaling (per § 22.409(1))
   - Indoor Vehicle Storage (per § 22.410(5))
   - Light Industrial (per § 22.411(1))

2. **Principal Land Uses Allowed as Conditional Use:**
   - Cultivation (per § 22.406(1))
   - Clear Cutting (per § 22.406(7))
   - Indoor Institutional (per § 22.407(3))
   - Outdoor Institutional (per § 22.407(4))
   - Public Services and Utilities (per § 22.407(5))
   - Office (per § 22.408(1))
   - Personal or Professional Service (per § 22.408(2))
   - Indoor Sales or Service (per § 22.408(3))
   - Indoor Maintenance Service (per § 22.408(5))
   - Indoor Commercial Entertainment (per § 22.408(8))
   - Commercial Animal Boarding (per § 22.408(10))
   - Group Day Care Center (9+ children) (per § 22.408(13))
   - Personal Storage Facility (per § 22.409(3))
   - Airport/Heliport (per § 22.410(2))
   - Distribution Center (per § 22.410(4))
   - Communication Tower (per § 22.411(3))
   - Vehicle Repair and Maintenance Service (per § 22.418(17))

(c) **List of Allowable Accessory Uses (per Subchapter 4):**

1. **Accessory Land Uses Allowed as Permitted Use:**
   - Company Cafeteria (per § 22.412(4))
   - On-Site Parking Lot (per § 22.412(14))
   - Drainage Structure (per § 22.412(18))
   - Filling (per § 22.412(19))
   - Lawn Care (per § 22.412(20))
   - Exterior Communication Devices (per § 22.412(22))
   - Caretaker=s Residence (per § 22.412(23))
   - Cultivation (per § 22.412(24))
   - Passive Outdoor Public Recreational Area (per § 22.412(25))
   - Active Outdoor Public Recreational Area (per § 22.412(26))

22-2-24
2. **Accessory Land Uses Allowed as Conditional Use:**
   - Minor Accessory Structure (per § 22.412(3))
   - Company Provided On-Site Recreation (per § 22.412(5))
   - In-Vehicle Sales and Service (per § 22.412(7))
   - Indoor Sales Incidental to Storage or Light Ind. Land Use (per § 22.412(8))
   - Outdoor Institutional (per § 22.412(27))
   - Road, Bridge and/or Appurtenances (per § 22.412(28))
   - Utility Lines and Related Facilities (per § 22.412(29))
   - Piers and Wharfs (per § 22.412(30))
   - Towers (per § 22.412(33))
   - Outdoor Solid Fuel Heating Devices (per § 22.412(35))

(d) **List of Allowable Temporary Uses (per Subchapter 4):**
   - Outdoor Assembly (per § 22.413(2))
   - Contractor's Project Office (per § 22.413(3))
   - Contractor's On-Site Equipment Storage (per § 22.413(4))
   - Relocatable Building (per § 22.413(5))
   - On-Site Real Estate Sales Office (per § 22.413(6))
   - Seasonal Outdoor Sales of Farm Products (per § 22.413(7))

(e) **Regulations:** The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, and the Signage Regulations of Subchapter 7:

<table>
<thead>
<tr>
<th>Light Industrial (LI) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Min. Zoning District Area</td>
<td>na</td>
<td>6 acres</td>
</tr>
<tr>
<td>B. Min. Lot Area</td>
<td>na</td>
<td>3 acres</td>
</tr>
<tr>
<td>C. Max. Princ. Bldg. Coverage</td>
<td>na</td>
<td>30%</td>
</tr>
<tr>
<td>D. Max. Acc. Bldg. Coverage</td>
<td>na</td>
<td>10%</td>
</tr>
<tr>
<td>E. Max. Coverage of all Bldgs.</td>
<td>na</td>
<td>40%</td>
</tr>
<tr>
<td>F. Max. Bldg. Size</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>G. Max. Gross Density/Intensity</td>
<td>na</td>
<td>4 F .60 FAR</td>
</tr>
<tr>
<td>H. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Princ. Bldgs. Per Lot</td>
<td>na</td>
<td>1 ¹</td>
</tr>
<tr>
<td>J. Min. Lot Width</td>
<td>na</td>
<td>200 ft</td>
</tr>
<tr>
<td>K. Min. Street Frontage</td>
<td>na</td>
<td>100</td>
</tr>
<tr>
<td>L. Front Setback to Princ. Bldg.</td>
<td>40</td>
<td>40 ²</td>
</tr>
<tr>
<td>M. Front Setback to Acc. Bldg.</td>
<td>40</td>
<td>40 ²</td>
</tr>
<tr>
<td>N. Side Setback to Princ. Bldg.</td>
<td>10</td>
<td>10 ²</td>
</tr>
<tr>
<td>O. Side Setback to Acc. Bldg.</td>
<td>10</td>
<td>10 ²</td>
</tr>
<tr>
<td>P. Rear Setback to Princ. Bldg.</td>
<td>10</td>
<td>10 ²</td>
</tr>
<tr>
<td>Q. Rear Setback to Acc. Bldg.</td>
<td>10</td>
<td>10 ²</td>
</tr>
</tbody>
</table>
## Light Industrial (LI) Regulations

<table>
<thead>
<tr>
<th></th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>R.</td>
<td>(Reserved)</td>
<td></td>
</tr>
<tr>
<td>S.</td>
<td>Min. Paved Surface Setback</td>
<td>na</td>
</tr>
<tr>
<td>T.</td>
<td>Min. Separation of Princ. Bldg.</td>
<td>na</td>
</tr>
<tr>
<td>U.</td>
<td>Min. Separation of Acc. Bldg.</td>
<td>10</td>
</tr>
<tr>
<td>V.</td>
<td>Max. Princ. Bldg. Height</td>
<td>na</td>
</tr>
<tr>
<td>W.</td>
<td>Max. Acc. Bldg. Height</td>
<td>25&lt;sup&gt;3, 4&lt;/sup&gt;</td>
</tr>
<tr>
<td>X.</td>
<td>Min. Parking</td>
<td>2</td>
</tr>
<tr>
<td>Y.</td>
<td>Min. Dwelling Core Dimensions</td>
<td>24 x 40</td>
</tr>
</tbody>
</table>

---

1. More than one principal building shall be permitted on any one lot upon the granting of a Conditional Use Permit for a Group Development in compliance with § 22.414.
2. Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in § 22.504(3).
3. Exceptions to height regulations are found in § 22.504(4).
4. Or the height of the principal building, whichever is lower.
22.208 (4) **HEAVY INDUSTRIAL (HI) DISTRICT:**

(a) **Description and Purpose:** This district is intended to permit both large and small scale industrial and office development. This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties.

*Rationale:* This district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Subchapter 5. In addition, certain land uses such as extraction, junkyards and salvage operations, and freight terminals are permitted within this district only upon the granting of a conditional use permit.

(b) **List of Allowable Principal Land Uses (per Subchapter 4):**

1. **Principal Land Uses Allowed as Permitted Use:**
   - Selective Cutting (per § 22.406(6))
   - Passive Outdoor Public Recreational (per § 22.407(1))
   - Active Outdoor Public Recreational (per § 22.407(2))
   - Indoor Storage or Wholesaling (per § 22.409(1))
   - Outdoor Storage or Wholesaling (per § 22.409(2))
   - Indoor Vehicle Storage (per § 22.410(5))
   - Light Industrial (per § 22.411(1))

2. **Principal Land Uses Allowed as Conditional Use:**
   - Cultivation (per § 22.406(1))
   - Intensive Agricultural (per § 22.406(3))
   - Agricultural Services (per § 22.406(4))
   - Clear Cutting (per § 22.406(7))
   - Indoor Institutional (per § 22.407(3))
   - Outdoor Institutional (per § 22.407(4))
   - Public Services and Utilities (per § 22.407(5))
   - Office (per § 22.408(1))
   - Indoor Maintenance Service (per § 22.408(5))
   - Outdoor Maintenance Service (per § 22.408(6))
   - Commercial Animal Boarding (per § 22.408(10))
   - Vehicle Repair and Maintenance (per § 22.408(17))
   - Personal Storage Facility (per § 22.409(3))
   - Waste Disposal Facility (per § 22.409(5))
   - Composting Operation (per § 22.409(6))
   - Off-Site Parking Lot (per § 22.410(1))
   - Airport/Heliport (per § 22.410(2))
   - Freight Terminal (per § 22.410(3))
   - Distribution Center (per § 22.410(4))
   - Heavy Industrial (per § 22.411(2))
   - Communication Tower (per § 22.411(3))
   - Extraction Use (per § 22.411(4))
(c) **List of Allowable Accessory Uses (per Subchapter 4):**

1. **Accessory Land Uses Allowed as Permitted Use:**
   - Company Cafeteria (per § 22.412(4))
   - Home Occupation (per § 22.412(10))
   - On-Site Parking Lot (per § 22.412(14))
   - Drainage Structure (per § 22.412(18))
   - Filling (per § 22.412(19))
   - Lawn Care (per § 22.412(20))
   - Exterior Communication Devices (per § 22.412(22))
   - Cultivation (per § 22.412(24))
   - Passive Outdoor Public Recreational Area (per § 22.412(25))
   - Active Outdoor Public Recreational Area (per § 22.412(26))

2. **Accessory Land Uses Allowed as Conditional Use:**
   - Minor Accessory Structure (per § 22.412(3))
   - Company Provided On-Site Recreation (per § 22.412(5))
   - In-Vehicle Sales and Service (per § 22.411(7))
   - Migrant Labor Camp (per § 22.412(13))
   - Caretaker’s Residence (per § 22.412(23))
   - Outdoor Institutional (per § 22.412(27))
   - Road, Bridge and/or Appurtenances (per § 22.412(28))
   - Utility Lines and Related Facilities (per § 22.412(29))
   - Piers and Wharfs (per § 22.412(30))
   - Outdoor Solid Fuel Heating Devices (per § 22.412(35))

(d) **List of Allowable Temporary Uses (per Subchapter 4):**
   - Outdoor Assembly (per § 22.413(2))
   - Contractor’s Project Office (per § 22.413(3))
   - Contractor’s On-Site Equipment Storage (per § 22.413(4))
   - Relocatable Building (per § 22.413(5))
   - On-Site Real Estate Sales Office (per § 22.413(6))

(e) **Regulations:** The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, and the Signage Regulations of Subchapter 7:

<table>
<thead>
<tr>
<th>Heavy Industrial (HI) Regulations</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Min. Zoning District Area</td>
<td>na</td>
<td>3 acres 7</td>
</tr>
<tr>
<td>B. Min. Lot Area</td>
<td>na</td>
<td>3 acres</td>
</tr>
<tr>
<td>C. Max. Princ. Bldg. Coverage</td>
<td>na</td>
<td>75%</td>
</tr>
<tr>
<td>D. Max. Acc. Bldg. Coverage</td>
<td>na</td>
<td>10%</td>
</tr>
<tr>
<td>E. Max. Coverage of all Bldgs.</td>
<td>na</td>
<td>85%</td>
</tr>
<tr>
<td>F. Max. Bldg. Size</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>G. Max. Gross Density/Intensity</td>
<td>na</td>
<td>2 F 1; 1.0 FAR</td>
</tr>
<tr>
<td>H. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Princ. Bldgs. Per Lot</td>
<td>na</td>
<td>1 3</td>
</tr>
<tr>
<td>J. Min. Lot Width</td>
<td>na</td>
<td>200</td>
</tr>
</tbody>
</table>
### Heavy Industrial (HI) Regulations

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>K. Min. Street Frontage</td>
<td>na</td>
<td>100</td>
</tr>
<tr>
<td>L. Front Setback to Princ. Bldg.</td>
<td>na</td>
<td>50&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>M. Front Setback to Acc. Bldg.</td>
<td>na</td>
<td>50</td>
</tr>
<tr>
<td>N. Side Setback to Princ. Bldg.</td>
<td>na</td>
<td>50</td>
</tr>
<tr>
<td>O. Side Setback to Acc. Bldg.</td>
<td>na</td>
<td>50&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>P. Rear Setback to Princ. Bldg.</td>
<td>na</td>
<td>50</td>
</tr>
<tr>
<td>Q. Rear Setback to Acc. Bldg.</td>
<td>na</td>
<td>50&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>R. (Reserved)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Min. Paved Surface Setback</td>
<td>na</td>
<td>10</td>
</tr>
<tr>
<td>T. Min. Separation of Princ. Bldg.</td>
<td>na</td>
<td>100</td>
</tr>
<tr>
<td>U. Min. Separation of Acc. Bldg.</td>
<td>na</td>
<td>100</td>
</tr>
<tr>
<td>V. Max. Princ. Bldg. Height</td>
<td>na</td>
<td>45&lt;sup&gt;5&lt;/sup&gt;</td>
</tr>
<tr>
<td>W. Max. Acc. Bldg. Height</td>
<td>na</td>
<td>25&lt;sup&gt;5, 6&lt;/sup&gt;</td>
</tr>
<tr>
<td>X. Min. Parking</td>
<td>na</td>
<td>See Land Use</td>
</tr>
<tr>
<td>Y. Min. Dwelling Core Dimensions</td>
<td>24 x 40</td>
<td>Na</td>
</tr>
</tbody>
</table>

1. Additional floors may be allowed as a Conditional Use.
2. The first number is for lots adjacent to streets with a right-of-way less than 100 feet, and the second number is for lots adjacent to a street with a right-of-way equal to or exceeding 100 feet.
3. More than one principal building shall be permitted on any one lot upon the granting of a Conditional Use Permit for a Group Development in compliance with § 22.414.
4. Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in § 22.504(3).
5. Exceptions to height regulations are found in § 22.504(4).
6. Or the height of the principal building, whichever is lower.
7. Lots as small as 3 acres may be approved by conditional use.
22.209 PLANNED DEVELOPMENT CATEGORY

(1) PLANNED DEVELOPMENT (PD-___) DISTRICT:

(a) Description and Purpose: This district is intended to provide more incentives for redevelopment in areas of the community which are experiencing a lack of reinvestment, or which require flexible zoning treatment because of factors which are specific to the site. The intent of this district is to require higher levels of development quality in both design and materials in exchange for carefully controlled flexibility on matters of land use, density, intensity, setbacks and/or bulk. This district is designed to forward both aesthetic and economic objectives of the Village by controlling the site design and the land use, appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to § 22.914 for the procedures applicable to proposal review in this standard zoning district.

(b) Development Standards: Development standards are flexible within this zoning district. Refer to § 22.914(2) for the range of development standards potentially available in this zoning district.
22.300 **PURPOSE**

Overlay zoning districts are a set of zoning requirements imposed in addition to those of the underlying standard zoning district. Development within the overlay zone must conform to the requirements of both zones. These districts are used for the protection of natural resource features and the preservation and enhancement of significant community character features.

22.301 **OVERLAY ZONING CATEGORIES AND DISTRICTS**

For purposes of this Subchapter, certain specified areas within the Village may be divided into the following overlay zoning categories and overlay zoning districts:

**Natural Resource Protection Overlay Category**
- Floodplain Overlay District (FP)
- Shoreland-Wetland Overlay District (SW)
- Woodland Overlay District (WL)
- Steep Slope Overlay District (SS)
- Municipal Well Recharge Area District (MW)

**Community Character Overlay Category**
- Downtown Design District (DD)
- Historic Preservation District (HP)
- Community Gateway District (CG)
- Entry Corridor District (EC)
- Park Overlay Zoning District (POZ)

22.302 **MAP OF OVERLAY ZONING DISTRICTS**

The overlay zoning districts established by this Subchapter are shown on the Official Zoning Maps, which together with all explanatory materials thereon, are hereby made a part of this Subchapter.

22.303 **INTERPRETATION OF OVERLAY ZONING DISTRICT BOUNDARIES**

The rules applicable to standard zoning district boundaries shall also apply to overlay zoning district boundaries (see, § 22.102), subject to the following additional rules:

1. Where an apparent discrepancy exists between the location of the outermost boundary of the Floodfringe District or the Floodplain District shown on the official zoning map and actual field conditions, the location shall be initially determined by the Zoning Administrator using the criteria described in (2) and (3), below. Where the Zoning Administrator finds that there is a significant difference between the map and the actual field conditions, the map shall be amended using the procedures established in § 22.902. Disputes between the Zoning Administrator and the Applicant over the location of the district boundary line shall be settled using the procedures outlined in § 22.911.

2. Where flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the scale appearing on the map and the elevations shown on
the water surface profile of the regional flood. Where a discrepancy exists between the map, and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Zoning Administrator shall be responsible for initiating any map amendments required under this section within a reasonable period of time.

(3) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department of Natural Resources. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Common Council and the Department of Natural Resources, the Zoning Administrator shall have the authority to grant or deny a land use permit.

22.304 NATURAL RESOURCE PROTECTION OVERLAY ZONING CATEGORIES

(1) INTRODUCTION: This Section contains the standards governing the protection, disturbance, and mitigation of disruption of all natural resource areas. These provisions are intended to supplement those of Juneau County, the State of Wisconsin, and the Federal Government pertaining to natural resource protection. Prior to using the provisions of these sections to determine the permitted disruption of such areas, the requirements provided below should be reviewed. These sections recognize the important and diverse benefits which natural resource features provide in terms of protecting the health, safety, and general welfare of the community. Each of these sections is oriented to a different natural resource type, and is designed to accomplish several objectives:

1. A definition of the natural resource is provided.
2. The specific purposes of the protective regulations governing each natural resource type are provided.
3. The required method of identifying and determining the boundaries of the natural resource area is given.
4. A list of land uses which are permitted by right, permitted by conditional use, or prohibited.
5. Mandatory protection requirements are identified.

NOTE: Protection requirements for specific land uses and natural resource types designed to minimize disruption of natural resource functions are presented as part of the regulations for each land use found in Subchapter 4.

(2) PURPOSE: This Section sets forth the requirements for the mandatory protection of natural resources (resource protection area B RPA) within the jurisdiction of this Chapter. The provisions of this section interact closely with the regulations applicable to each zoning district in Subchapter 2, with the regulations applicable to each land use of Subchapter 4, and with the Density and Intensity Standards of § 22.502.

(3) FLOODPLAIN OVERLAY ZONING DISTRICTS (FP): There are no known floodplain areas in the Village and so this District is not presently being used.

(4) SHORELAND WETLAND OVERLAY ZONING DISTRICT (SW): Shoreland-Wetland Overlay Zoning is governed by the Juneau County Shoreland Wetland Zoning Ordinance.

(5) WOODLAND OVERLAY ZONING DISTRICT (WL):
(a) **Definition:** Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on air photos for the Village and its environs.

(b) **Purpose of Woodland Protection Requirements:** Woodlands provide a wide variety of environmental and aesthetic functions. These include atmospheric benefits such as removing air-borne pollutants, carbon dioxide uptake, oxygen production, and evapotranspiration returns. Water quality benefits include substantial nutrient uptake rates (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities. Woodlands provide unique wildlife habitats and food sources. Woodlands are excellent soil stabilizers, greatly reducing runoff-related soil erosion. Woodlands also serve to reduce wind velocities which further reduces soil erosion. Finally, under proper management techniques, woodlands serve as regenerative fuel sources.

(c) **Determination of Woodland Boundaries:** General woodland boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property which contains a woodland depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of § 22.907. This analysis shall depict the location of all woodland areas on the subject property as related to the provisions of Subsection (1), above.

(d) **List of Land Uses Permitted by Right:**
- Selective Cutting (per § 22.406(6))
- Passive Outdoor Recreational (per § 22.412(25))

(e) **List of Land Uses Permitted as a Conditional Use:**
- All residential land uses (per § 22.405)
- Clear Cutting (per § 22.406(7))
- Outdoor Commercial Entertainment (golf facilities only) (per § 22.408(9))
- Drainage Structure (per § 22.412(18))
- Filling (per § 22.412(19))
- Lawn Care (per § 22.412(20))
- Road, Bridge and/or Appurtenances thereto (per § 22.412(28))
- Utility Lines and Related Facilities (per § 22.412(29))
- Piers and Wharfs (per § 22.412(30))

(f) **Mandatory Woodland Protection Requirements:** Woodlands shall remain in an undisturbed state except for the land uses permitted above.

(6) **STEEP SLOPE OVERLAY ZONING DISTRICT (SS):**

(a) **Definition:** Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5 minute topographic maps for the Village and its environs.

(b) **Purpose of Steep Slope Protection Requirements:** Steep slopes are particularly susceptible to damage resulting from site disruption, primarily related to soil erosion. Such damage is likely to spread to areas which were not originally disturbed. Such erosion reduces the productivity of the soil, results in exacerbated erosion downhill, and results in increased sedimentation in drainageways, wetlands, streams, ponds and lakes. Beyond adversely affecting the environmental functions of these resources areas, such sedimentation also increases flood hazards by reducing the flood water storage capacity of hydrological system components, thus elevating the flood level of
the drainage system in effected areas. Beyond these threats to the public safety, disruption of steep slopes also increases the likelihood of slippage and slumping—unstable soil movements which may threaten adjacent properties, buildings, and public facilities such as roads and utilities.

(c) **Determination of Steep Slope Boundaries:** General steep slope boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property which contains a steep slope depicted on the Official Zoning Map, the petitioner shall prepare a detailed map depicting the location of all steep slope areas on the subject property and all existing and proposed structures or improvements therein.

(d) **List of Land Uses Permitted by Right:**
- Selective Cutting (per § 22.406(6))
- Passive Outdoor Recreational (per § 22.412(25))

(e) **List of Land Uses Permitted as a Conditional Use:**
- Outdoor Commercial Entertainment (golf facilities only) (per § 22.408(9))
- Drainage Structure (per § 22.412(18))
- Filling (per § 22.412(19))
- Lawn Care (per § 22.412(20))
- Road, Bridge and/or Appurtenances thereto (per § 22.412(28))
- Utility Lines and Related Facilities (per § 22.412(29))
- Piers and Wharfs (per § 22.412(30))

(f) **Mandatory Steep Slope Protection Requirements:** Steep slopes shall remain in an undisturbed state except for the land uses allowed above.

(7) **MUNICIPAL WELL RECHARGE AREA OVERLAY ZONING DISTRICT (MW):**

(a) **Definition:** Municipal well recharge areas are designated areas surrounding the Village’s public wells. Because the Village relies on these wells to provide the public with fresh, safe drinking water, it is extremely important for these wells to be protected from those land uses which pose a high threat of contamination.

(b) **Purpose:** The Village recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Municipal Well Recharge Area Overlay District (MW) is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the Village’s municipal wells, either existing or planned. The restrictions imposed in this Section are in addition to those of the underlying zoning district or any other provisions of the zoning ordinance. This ordinance is established per NR 811.16 of the Wisconsin Administrative Code.

(c) **Determination of Well Recharge Area Boundaries:** The Municipal Well Recharge Area Overlay District is indicated by Zone MWR on the official Zoning Map. Zone MWR is identified as the primary source of water for the municipal well aquifer and as the most likely to transmit groundwater contaminants to the municipal wells.

(d) **Land Uses Allowed as Permitted or Conditional Uses:** Except for the uses prohibited by (e) below, and subject to the additional regulations in (h) below, all residential uses identified as permitted uses within an applicable zoning district shall be permitted. All non-residential permitted uses and all conditional uses within the applicable zoning district shall be allowed as conditional uses.
(e) **Prohibited Uses:** The following uses have a high potential to contaminate groundwater, or have already caused groundwater contamination in Wisconsin and elsewhere. Therefore, the following principal or accessory uses are prohibited within the MWR District:

- Agricultural use of pesticides, insecticides, or fungicides.
- Animal waste storage areas and facilities.
- Areas for dumping or disposal of garbage, refuse, trash, or demolition material.
- Application of fertilizer to manicured lawns or grasses in excess of the nutrient requirements of the grass.
- Asphalt product manufacturing plants.
- Automobile laundries and car washes.
- Automobile service stations.
- Building materials and products sales.
- Cartage and express facilities.
- Cemeteries.
- Center-pivot or other large scale irrigated agricultural operations.
- Chemical storage, sale, processing, or manufacturing.
- Commercial exterior storage of any objects containing petroleum or other hazardous fluids.
- Dry cleaning establishments.
- Electronic circuit assembly plant.
- Electroplating plants.
- Exterminating shop/business.
- Fertilizer manufacture plants.
- Foundries and forge plants.
- Garages for repair and servicing of motor vehicles, including body repair, painting, or engine rebuilding.
- Highway salt storage areas.
- Industrial liquid waste storage areas.
- Intensive agriculture (i.e., locations of livestock confinement exceeding 3 head per acre).
- Junkyards and auto graveyards.
- Landfills.
- Metal reduction and refinement plants.
- Mining operations.
- Motor and machinery service and assembly shops.
- Motor freight terminals.
- Motorized trails, such as snowmobile or RV trails.
- Paint products manufacturing.
- Pesticide, insecticide, fungicide, or fertilizer storage.
- Petroleum products storage or processing.
- Photography studios, including the development of film and pictures.
- Plastics manufacturing.
- Printing and publishing establishments.
- Pulp and paper manufacturing.
- Recycling facilities.
- Sewage disposal sites.
- Septic waste/Sewage sludge landspreading.
- Sludge disposal sites.
- Storage, manufacture, or disposal of toxic or hazardous materials.
- Underground petroleum products storage tanks.
- Unsewered residential development.
- Woodworking and wood products manufacturing.

(f) **Requirements for Existing Prohibited Facilities:** Where any of the uses listed in (e) above exist within the MWR district on the effective day of this ordinance, the facilities
shall, upon request by the Village, provide copies of all state, federal and local facility
operation approvals or certificates and ongoing environmental monitoring results. The
facilities shall further provide additional environmental or safety structures/monitoring
as deemed necessary by the Village, which may include, but are not limited to, storm
water runoff management and monitoring. When the owners of said facilities
determine, in the exercise of their own discretion, that existing equipment needs to be
replaced, said equipment shall be replaced in a manner that improves the existing
environmental and safety technologies already at the facility. The facilities shall be
responsible for the preparation and filing with the Village of a contingency plan
satisfactory to the Village for the immediate notification of the Village in the event of an
emergency.

(g) **Separation Distances:** The separation distances for particular land uses established
by NR 811.16(c) of the Wisconsin Administrative Code are hereby established.

(h) **Additional Land Use Regulations:**
1. Sewered and unsewered residential uses with a maximum lot area of 20,000
   square feet are allowed to have an area of manicured lawn or grass up to
   15,000 square feet.
2. Use of drywells or other subsurface drains for stormwater is prohibited.
3. Pesticide, insecticide, fungicide or fertilizer storage is permitted for “on site”
   use by the owner or farm operator only.
4. Animal waste, septic, and sewer sludge shall not be applied at rates
   exceeding the nutrient requirements of the crop growing on the application
   site. Application of these materials to frozen or snow covered ground is
   prohibited.
5. Except for existing lots of record on the effective date of this Ordinance or
   developments that will be served by municipal sewer within 5 years of the
   approval of the development, unsewered residential uses shall have a
   minimum lot size of 2 acres. Lots smaller than 2 acres may be approved,
   provided that sufficient land area will be maintained in an undeveloped state
   so that no more than one residence is allowed for each two acres of the
   overall development.

(i) **Enforcement:**
1. In the event of a release of any contamination which endangers, in the opinion
   of the Village, a MWR District, the activity causing the release shall
   immediately cease and a cleanup satisfactory to the Village shall occur.
2. The person or entity causing a release of contamination shall be responsible
   for all costs of cleanup, and all costs and expenses incurred by the Village in
   responding to the release, including (but not limited to) administrative costs,
   employee time associated with the cleanup, equipment expenses, engineering
   fees, attorneys’ fees and legal costs.
3. Any person, firm, or corporation who fails to comply with the provisions of this
   subsection shall remove and abate the prohibited use and shall forfeit not less
   than $100.00 nor more than $500.00 for each violation, plus the costs of
   prosecution. Any person, firm, or corporation in default of payment of such
   forfeiture and costs shall, in addition to all other penalties imposed by the
   Court, have those costs added to their real property as a lien against the
   property. Each day a violation exists or continues shall constitute a separate
   offense. The Village may cause the prohibited use to be removed and
   abated, and the cost thereof may be added to the tax rolls of the property
   and/or collected in any manner authorized by law.
(1) **INTRODUCTION:** This section contains the standards governing the preservation, protection, and enhancement of significant community character features in the community. This section recognizes the important and diverse benefits to the general welfare of the community in preserving and enhancing these key community character features. Each of the following districts is oriented to a particular community character feature.

(2) **PURPOSE:** The purpose of this section is to set forth the requirements for the mandatory protection and enhancement of significant community character features within the jurisdiction of this Chapter. In part, the provisions of this section are designed to ensure the implementation of the Village Comprehensive Master Plan and State of Wisconsin Statutes §62.231 and §87.30.

(3) **RESERVED FOR FUTURE USE**

(4) **DOWNTOWN DESIGN OVERLAY ZONING DISTRICT (DD):** This District is not currently used by the Village.

(5) **HISTORIC PRESERVATION (HP) OVERLAY ZONING DISTRICT:** This District is not currently used by the Village.

(6) **COMMUNITY GATEWAY DESIGN OVERLAY ZONING DISTRICT (CG):** This District is not currently used by the Village.

(7) **ENTRY CORRIDOR DESIGN OVERLAY ZONING DISTRICT (EC):** This District is not currently used by the Village.

(8) **PARK OVERLAY ZONING DISTRICT (POZ):**

(a) **Description and Purpose:** This district is intended to apply to lands owned by the public primarily for the purpose of providing public recreation opportunities or open space conservation. The district is intended to implement the recreation and open space objectives of the Comprehensive Master Plan by permitting recreation or open space land uses.

(b) **List of Land Uses Permitted by Right:**

   Passive Outdoor Public Recreational (per § 22.407(1))
   Lawn Care (per § 22.412(20))

(c) **List of Land Uses Permitted as a Conditional Use:**

   Active Outdoor Public Recreational (per § 22.407(2))
   Indoor Institutional (per § 22.407(3))
   Outdoor Institutional (per § 22.407(4))
   Public Service and Utilities (per § 22.407(5))
   Drainage Structure (per § 22.412(18))
   Filling (per § 22.412(19))
   Road, Bridge and/or Appurtenances Thereto (per § 22.412(28))
   Utility Lines and Related Facilities (per § 22.412(29)), provided all such lines are underground.
   Piers and Wharfs (per § 22.412(30))

(d) **Regulations:** Park Overlay Districts shall remain in an undisturbed state except for the land uses allowed herein.

(e) **Procedures:** Refer to § 22.907, Site Plan Review, for the procedures applicable to
proposal review in this overlay district.
SUBCHAPTER 4: LAND USES

22.400 GENERAL INFORMATION

(1) PURPOSE: The purpose of this Subchapter is to identify, describe and define the different types of land uses which are authorized by this ordinance. This Subchapter also imposes regulations which are specific to the different types of land uses identified herein.

(2) LAND USE CATEGORIES: The land uses discussed herein are divided into ten (10) general categories:
1. Residential land uses
2. Agricultural land uses
3. Institutional land uses
4. Commercial land uses
5. Storage/Disposal land uses
6. Transportation land uses
7. Industrial land uses
8. Accessory land uses
9. Temporary land uses

(3) GROUP DEVELOPMENTS: A group development is any development containing (a) two or more structures containing principal land uses on the same lot; or (b) two or more principal land uses in a single structure. Group developments are allowed as conditional uses in all zoning districts, provided that the proposed uses within the group development are either permitted uses or conditional uses within the zoning district in question. Group developments require special consideration because of the unique issues which arise when several principal structures, and/or several land uses are located on the same lot. Hence, additional regulations are imposed on group developments in § 22.414.

(4) CLASSIFICATION OF USES:

(a) Permitted Uses: Permitted uses of land or buildings shall be restricted to the districts indicated in Subchapter 2, and under the condition specified. No land or structure shall be devoted to any use other than a use permitted in the zoning district in which the land or structure is located, except for (i) approved conditional uses, or (ii) legal non-conforming uses.

(b) Conditional Uses: Conditional uses of land or structures shall be restricted to the districts indicated in Subchapter 2, subject to the issuance of conditional use permits in accordance with § 25.905.

(c) Omitted Uses: Land uses which are not specifically described in this Chapter are not allowed in the Village. However, Subchapter 9 empowers applicants to amend this Chapter to address omitted land uses.

(d) Unused Uses: The establishment of a particular land use herein does not require the Village to employ it in any zoning district. Some land uses have been created for possible future use and to illustrate the differences between various land uses.

(5) ILLUSTRATIONS: The illustrations contained herein demonstrate how to measure the various setback requirements labeled in capital letters.
DISCRIMINATION AGAINST CONDOMINIUM FORMS OF OWNERSHIP: It is not the intent of this Section, nor any other provision of this Chapter, to discriminate against condominium forms of ownership in any manner which conflicts with 703.27 Wis. Stats. As such, the provisions of this Section are designed to ensure that condominium forms of ownership are subject to the same standards and procedures of review and development as other physically similar forms of development.

22.401 REGULATIONS APPLICABLE TO ALL LAND USES

All Uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter. Specifically:

(1) LAND USE REGULATIONS AND REQUIREMENTS: All uses of land shall comply with all the regulations of this Subchapter. Such regulations address both general and specific regulations which land uses shall adhere to and which are directly related to the protection of the health, safety and general welfare of the residents of the Village.

(2) ZONING DISTRICT REGULATIONS: All land uses shall comply with the regulations of Subchapter 2 AStandard Zoning Districts@ and Subchapter 3 AOverlay Zoning Districts.@ Such regulations address requirements for residential and nonresidential developments and requirements relating to the density, intensity, and bulk of developments, which are directly related to the protection of the health, safety and general welfare of the Village.

(3) LANDSCAPING AND BUFFERYARD REGULATIONS AND REQUIREMENTS: (At this time, this Ordinance does not contain landscaping or bufferyard regulations or requirements. However, the failure to have such requirements herein does not prevent or limit the Village from imposing such requirements as “conditions” to a conditional use.

(4) GENERAL STANDARDS: All development of land shall comply with all the regulations and requirements of Subchapter 5 which sets forth the general requirements applicable to all development for all land uses in all zoning districts. Such regulations and requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, and maximum permitted intensity of lighting, as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare and smoke; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Village.

(5) SIGNAGE REGULATIONS AND REQUIREMENTS: All land use and/or development of land shall comply with all the regulations and requirements of Subchapter 8, pertaining to the type and amount of signage permitted on property. Such regulations and restrictions address issues such as the maximum area of permitted signage and the number and types of permitted signage; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Village.

(6) PROCEDURAL REGULATIONS AND REQUIREMENTS: All land uses and/or development of land shall comply with all the regulations and requirements of Subchapter 9, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements; and are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Village.
(7) **NUMBER OF BUILDINGS PER LOT:** In the AG, RR, ER-1, SR-3 and SR-4 Districts, only one principal building shall be permitted on any one lot. In the TR-6, MR-8, MR-10, NO, PO, NB, PB, GB, CB, PI, GI, and HI Districts, more than 1 principal building shall be permitted on any 1 lot upon the granting of a conditional use permit (§ 22.904) for a Group Development (§ 22.414).

(8) **NUMBER OF LAND USES PER BUILDING:**

(a) No more than 1 nonresidential land use shall be permitted in any building unless a conditional use permit (§ 22.904) for a Group Development (22.414) is granted.

(b) With the exceptions of a Commercial Apartment or a Home Occupation, no building containing a nonresidential land use shall contain a residential land use. (See §22.412(1) and 22.412(10)).

(9) **DIVISION OR COMBINING OF A LOT:** No recorded lot shall be divided into 2 or more lots, and no two or more recorded lots shall be combined into one or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located (as set forth in this Chapter). (See also the Land Division Regulations.)

### 22.402 NONCONFORMING USE REGULATIONS

(1) **DEFINITION:** A nonconforming use is an active and actual use of land or structures, or both, legally established prior to the effective date of this Chapter, which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.

(2) **CONTINUANCE OF A NONCONFORMING USE:** Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any legal use under the previous Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit (per § 22.904) to be granted legal conforming status. Any legal use under the previous zoning map which is made nonconforming by a change to the official zoning map may apply for a zoning map amendment (per § 22.902) to an appropriate zoning district to be granted legal conforming use status.

(3) **MODIFICATION OF A NONCONFORMING USE:** A nonconforming use shall not be expanded, or changed to another nonconforming use, unless such modification would make the nonconforming use have a more desirable effect in terms of implementing the purpose of this Chapter (as determined by the Plan Commission). After such a modification occurs, said use shall not be modified back to the original nonconforming use, or to any other nonconforming use which does not better accomplish the purpose of this Chapter.

(4) **DISCONTINUANCE OF A NONCONFORMING USE:** When any nonconforming use of any structure or land is discontinued for a period of 12 months, or is changed into a conforming use, for any period of time, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.

(5) **MAINTENANCE OF A NONCONFORMING USE:** The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter. In no instance shall said repairs or alterations
exceed over the life of the structure, 50% of the present equalized assessed value of said structure or property prior to said repairs.

(6) **DESTRUCTION OF NONCONFORMING USES:** A building or structure, containing a legal non-conforming use, which is accidentally damaged by fire, tornado or other disaster, may be repaired so that the legal nonconforming use may be continued thereafter, provided that the total cost of all the repairs (both structural and non-structural) does not exceed 50% of the assessed value of the building or structure. However, if the cost to repair the building or structure exceeds 50% of the assessed value of the building or structure, then the building or structure shall not be allowed to be repaired and then used for a nonconforming use, except in the following circumstances:

(a) The following legal nonconforming uses may be allowed, by conditional use, to rebuild as a non-conforming use regardless of the cost of repairs:
   1. Single-family detached (§ 22.405(1));
   2. Duplex (§ 22.405(2));
   3. Townhouse (§ 22.405(3))

(b) A legal non-conforming use, which owns and occupies two or more principal buildings or structures in close proximity to one another (e.g. an industry which has 2 or more buildings located next to each other on separate tax parcels), may be allowed, by conditional use, to rebuild as a nonconforming use provided that the total cost of the rebuilding does not exceed 50% of the assessed value of all the adjacent buildings and structures owned and occupied by that nonconforming use. Nothing herein shall be construed to prohibit the repair or rebuilding of a building or structure which will contain a legal conforming use after the repairs are completed, provided the building or structure itself conforms with the other provisions of this Ordinance. (For regulations dealing with ADestruction of Non-conforming Structures, see. 22.541)

(7) **NONCONFORMING LOTS, STRUCTURES, & BUILDINGS:** See § 22.538 and 22.539.
22.405 RESIDENTIAL LAND USES

(1) SINGLE-FAMILY DETACHED:

(a) **Description:** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a single-family residence which is located on an individual lot or within a group development and which is fully detached from another dwelling unit or building.

(b) ** Regulations:**

1. The dwelling unit must be one of the following: (i) a site-built structure, built in compliance with the UDC, or (ii) a manufactured dwelling (modular home) as permitted by the UDC, or (iii) a manufactured home as permitted by the HUD code.
2. For all dwelling units, the use of a permanent, continuous UDC foundation is required.
3. This dwelling unit type may not be split into two or more residences.
4. All below-grade portions of these dwellings (e.g. footings, crawl spaces, basements, etc.) shall be of masonry construction.
5. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters:

Single-Family Detached Dwelling Unit
22.405 (2) DUPLEX:

(a) **Description:** This dwelling unit type consists of a single, two-family dwelling unit, which is in complete compliance with the State of Wisconsin One and Two-Family Dwelling Code (s. 101.60.66), and which has two individual dwelling units located side-by-side, or on multiple levels, upon a single lot. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three months).

(b) **Regulations:**
1. In side-by-side duplexes, a fire-rated wall assembly division, pursuant to the UBC, between the two dwelling units from the lowest level to flush against the underside of the roof.
2. Individual entrances are required for each dwelling unit.
3. Individual sanitary sewer laterals and water laterals are required for each dwelling unit.
4. The two residences must be located on the same lot. (The Townhouse is distinguished from the Duplex merely by having each unit located on an individual lot or within a group development).
5. A Duplex may not be expanded into additional (i.e. more than 2) dwelling units.
6. All below-grade portions of these dwellings (e.g. footings, crawl spaces, basements, etc.) shall be of masonry construction.
7. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters:

![Duplex Diagram](image)

22.405 (3)

(a) **Description:** This residential dwelling unit type consists of attached side-by-side, single-family residences, each having private, individual access, and each located on a separate lot or within a group development. Separate lots permit, but do not require, ownership of each unit by a different person. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three months).
(Compare, duplexes which are located on a single lot and do not accommodate separate ownership of each unit.)

(b) **Regulations:**
1. A fire-rated wall assembly division, pursuant to the UBC, shall be constructed between each dwelling unit from the lowest level through the roof.
2. Individual sanitary sewer and water laterals are required for each dwelling unit.
3. No more than 8 townhouse dwelling units may be attached per group.
4. All townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development.
5. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters:

Townhouse
22.405 (4) MULTIPLEX:

(a) Description: This residential dwelling unit type is owned by a single entity and consists of 3 or more attached dwelling units, each of which has a private, individual exterior entrance. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three months).

(b) Regulations:
1. A fire-rated wall assembly division, pursuant to the UBC, between each dwelling unit from the lowest level through the roof.
2. No more than 16 and no less than 3 dwelling units may be attached in a single building.
3. As part of the conditional use requirements for group developments, any development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking or garage parking, architectural elements, landscaping, and/or onsite recreational facilities.
4. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters:

Multiplex
22.405 (5) APARTMENT:

(a) Description: This dwelling unit type consists of 3 or more attached dwelling units which provide access to the dwelling units from a shared entrance or hallway. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three months).

(b) Regulations: The following regulations apply to all Apartments wherever located in the Extraterritorial Zoning District:

1. A fire-rated wall assembly division, pursuant to the UBC, between each dwelling unit from the lowest level to the underside of the roof.
2. No more than 16 and no less than 3 dwelling units may be located in a single building. (2-unit buildings are either duplexes or Townhouses).
3. As part of the conditional use requirements for group developments, any development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking or garage parking, architectural elements, landscaping, and/or onsite recreational facilities.
4. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters:
22.405 (6) MOBILE HOME:

(a) Description: This dwelling unit type consists of a structure, manufactured or assembled before June 15, 1976, which was designed to be towed as a single unit or in sections upon a highway by a motor vehicle, and which was designed to be used primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. (Statutory reference Sec. 101.91(2k) Wis. Stats.). Mobile homes are distinguishable from Manufactured Homes.

(b) Regulations:
1. No mobile home may be placed, parked, stored or occupied within the Village unless
   a. it is exclusively used as a Contractor=s Project Office (22.413(3)) temporary land use; or
   b. it is exclusively offered for sale at an Outdoor Display (22.408(4)) commercial land use, provided the business conducting the outdoor display is engaged in the business of selling new mobile homes.

(c) Manufactured Home: Manufactured homes are treated like other stick-built homes.

(7) INSTITUTIONAL RESIDENTIAL DEVELOPMENT:

(a) Description: (See, § 22.407(6))

(b) Regulations:
1. See, § 22.407(6)
2. This use is also listed as a Residential use so that both the residential and the non-residential regulations of Subchapter 2 shall apply, because these uses combine features of residential and non-residential uses.

(8) MOBILE HOME/MANUFACTURED HOME PARK:

(a) Description: This land use is a form of residential development which is exclusively reserved for,
1. conventional mobile home/manufactured home parks, in which all of the lots are owned by a single entity and rented (with or without homes) to individuals; and
2. mobile home/manufactured home condo parks, in which all lots are part of the same condominium association and are owned individually by unit owners.

Although mobile homes can not be placed, parked, or stored in the Village (as per § 22.405(6)), this land use includes mobile homes to cover existing parks (if any) with mobile homes that are non-conforming structures and non-conforming uses.

(b) Regulations:
1. Developments shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
2. (reserved for future use)
3. Each of the lots and mobile home units must meet the requirements for mobile homes listed in § 22.405(6).
4. A blanket variance is hereby granted to all existing mobile home/manufactured home parks located in the Village upon the effective date of this ordinance. This blanket variance will permit such parks to continue operation. However, such parks may not be expanded or altered except in compliance with this Ordinance. Nothing herein shall limit or waive the obligation of each park to comply with all other licensing or permitting requirements of the Village.

Rationale: The purpose of this blanket variance is to make sure that the continued operation of existing mobile home/manufactured home parks are not affected by this ordinance, but any expansion or modification of existing parks shall comply with this new ordinance. It is expected that park expansions or modifications shall be pursued either as a conditional use within the MF District (22.207(2)), or as a Planned Development (22.209). This blanket variance ensures that existing parks do not encounter difficulty when transferring ownership, because they would otherwise be considered nonconforming uses, and it ensures that mobile homes within the parks can be removed and replaced with manufactured homes without triggering the need for a zoning permit.

5. Each dwelling shall be occupied by not more than one family.

6. Each park shall be surrounded by an additional set back of 100 feet, which shall contain significant landscaping to help block the view of the park.
22.406 AGRICULTURAL LAND USES

(1) CULTIVATION:

(a) Description: Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants for commercial sale or for livestock feed. This land use includes trees which were raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. It also includes trees which are subject to the Managed forest crop land program.

(b) Regulations:
1. Cultivation areas shall not be located within the required front yard or street yard of any developed lot.
2. In all Natural Resource Protection Overlay Districts, cultivation is allowed only as a conditional use, provided the area proposed for cultivation is designated on the submitted site plan and/or recorded Plat or CSM as an area which may be used for cultivation.

(2) HUSBANDRY:

(a) Description: Husbandry land uses include all operations which are primarily oriented to the on-site raising and/or use of animals, and which are not regulated by § 93.90 Wis. Stats. Apiaries are considered husbandry land uses.

(b) Regulations:
1. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
2. Any outdoor animal containment (e.g. corrals, barn yards, feeding pens, and similar areas) shall be located a minimum of 100 feet from any residentially zoned property. This requirement does not apply to containments of 5 acres or more where animals graze. (e.g. pastures)
3. All structures used to hold, store or shelter animals, equipment, feed or other materials, shall be of stick-built construction, except as may be authorized by conditional use. The use of mobile homes, manufactured homes which are portable on a frame with wheels, or trailers to house animals, equipment, feed or other materials shall be prohibited.
4. Parking Requirements: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of § 22.509(5)).

(3) INTENSIVE AGRICULTURE:

(a) Description: Intensive agricultural land uses include all operations regulated by 93.90 Wis. Stats.

(b) Regulations: The following regulations shall apply to the extent that they are not preempted by the Wisconsin Livestock Facility Siting Law (93.90 Wis. Stats.):

1. Shall not be located in, or within 500 feet of an existing or platted residential subdivision.
2. (Reserved for future use).
3. All livestock structures (excluding waste storage structures) must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that such structure may not be expanded closer to the property line. All other buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.

4. All livestock structures (excluding waste storage structures) must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way. All other buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 150 feet from all public road rights-of-way.

5. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
   a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
   b. No larger than the existing structure;
   c. No further than 50 ft. from the existing structure; and
   d. No closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.

6. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.

7. Parking Requirements: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of § 22.509(5)).

(4) AGRICULTURAL SERVICE:

(a) Description: Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see § 22.409(6)).
(b) **Regulations:**

1. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
2. All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
3. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.
4. Parking Requirements: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of § 22.509(5)).

(5) **ON-SITE AGRICULTURAL RETAIL:**

(a) **Description:** On-site agricultural retail land uses include land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site constitutes retail sales as a commercial land use. Packaging and equipment used to store, display, package or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

(b) **Regulations:**

1. Retail operations shall be located a minimum of 300 feet from any residentially zoned property.
2. Parking Requirements: One space per employee on the largest work shift and four spaces for customers. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of § 22.509(5)).

(6) **SELECTIVE CUTTING:**

(a) **Description:** Selective cutting land uses include any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including by fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30% of the woodlands on a parcel.

(b) **Regulations:** The destruction of trees in an area in excess of this amount of the woodlands on a parcel shall be considered clear cutting, (see (7), below).

(7) **CLEAR CUTTING:**

(a) **Description:** Clear cutting land uses include the onetime, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 30% of the woodlands on a parcel.

(b) **Regulations:** The following regulations apply to all Clear Cutting uses wherever located in the Village:

1. Applicant shall demonstrate that clear cutting will improve the level of environmental protection on the subject property.
2. Applicant shall provide a written statement from the County Forrester containing the Forrester=s opinion of the applicant=s cutting proposal.

3. Areas which have been clear cut as a result of intentional action following the effective date of this Chapter without the granting of a conditional use permit are in violation of this Chapter and the property owner shall be fined for such violation (in accordance with the provisions of § 22.936) and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas which have been clear cut unintentionally as a result of fire or other natural disaster shall not subject the owner of the property to fines associated with the violation of this Chapter. Areas of the subject property which are clear cut beyond the limitations established above, shall be replanted per the requirements of § 22.609.

4. Clear cutting shall not be permitted within an area designated as natural resource protection area.
22.407 INSTITUTIONAL LAND USES

(1) PASSIVE OUTDOOR PUBLIC RECREATIONAL:

(a) Description: Passive outdoor public recreational land uses include all recreational land uses located on public property which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use (see (b), below), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

(b) Regulations:
1. In all Natural Resource Protection Overlay Districts, the area of use shall be limited to an 8-foot wide pathway.
2. Parking Requirements: Four spaces plus one space per four expected patrons at maximum.

(2) ACTIVE OUTDOOR PUBLIC RECREATIONAL:

(a) Description: Active outdoor public recreational land uses include all recreational land uses located on public property which involve active recreational activities. Such land uses include playcourts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.

(b) Regulations:
1. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain down-style light fixtures to minimize light pollution onto adjacent property.
2. All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
3. Facilities which serve a regional or community-wide function shall provide off-street passenger loading area if a significant number of the users will be children or elderly.
4. In all Natural Resource Protection Overlay Districts, non-native vegetation shall not be permitted to spread into native vegetation areas.
5. Parking Requirements: Four spaces plus one space per four expected patrons at maximum.

(3) INDOOR INSTITUTIONAL:

(a) Description: Indoor institutional land uses include all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.

(b) Regulations:
1. Shall provide off-street passenger loading area if a significant number of the users will be children or elderly (as in the case of a school, church, library, or similar land use).
2. All structures shall be located a minimum of 50 feet from any residentially zoned property.
3. Parking Requirements: Generally, one space per three expected patrons at maximum capacity, plus one space per employee on the largest work shift. However, see additional specific requirements below:
   - **Church**: one space per five seats at the maximum capacity.
   - **Community or Recreation Center**: One space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

(4) **OUTDOOR INSTITUTIONAL**:

(a) **Description**: Outdoor institutional land uses include public and private cemeteries, country clubs, golf courses, and similar land uses.

(b) **Regulations**:
1. Shall provide off-street passenger loading area.
2. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
3. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain down-style light fixtures to minimize light pollution onto adjacent property.
4. Parking Requirements: Generally, one space per three expected patrons at maximum capacity, plus one space per employee on the largest work shift. However, see additional specific requirements below:
   - **Cemetery**: one space per employee, plus one space per three patrons to the maximum capacity of all indoor assembly areas.
   - **Golf Course**: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).
   - **Swimming Pool**: one space per 75 square feet of gross water area.
   - **Tennis Court**: three spaces per court.

(5) **PUBLIC SERVICE AND UTILITIES**:

(a) **Description**: Public service and utilities land uses include all Village, County, State and Federal facilities (except those otherwise treated in this Section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

(b) **Regulations**:
1. Outdoor storage areas shall be located a minimum of 200 feet from any residentially zoned property.
2. Outdoor storage areas using night lighting and adjoining a residentially zoned property shall install and continually maintain down-style light fixtures to minimize light pollution onto adjacent property.
3. All structures shall be located a minimum of 200 feet from any residentially zoned property.
4. Existing facilities may be expanded only by conditional use.
5. Parking Requirements: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office area.
INSTITUTIONAL RESIDENTIAL:

(a) **Description:** Institutional residential land uses include group homes, convvents, monasteries, nursing homes, convalescent homes, retirement homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of Wisconsin Statutes 62.23.

(b) **Regulations:**
1. The development shall contain a minimum of 800 square feet of gross site area for each occupant of the development.
2. A minimum of 30% of the development’s Gross Site Area (GSA) shall be held as permanently protected green space.
3. The Development shall provide an off-street passenger loading area.
4. All structures shall be located a minimum of 200 feet from any residentially zoned property which does not contain an institutional residential land use.
5. Parking Requirements: one space per six residents or per six patient beds, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend, plus one space per regularly-scheduled visiting doctor or other health care provider.

COMMUNITY LIVING ARRANGEMENT (CLA):

(a) **Description:** Community Living Arrangement (CLA) land uses include all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, and community based residential facilities. CLA’s do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons, or jails (all indoor institutional land uses). CLA facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23.

(b) **Regulations:** The following regulations apply to all CLA’s:
1. No CLA shall be established within 2,500 feet of any other such facility regardless of its capacity.
2. The applicant shall demonstrate that the total capacity of all CLA’s (of all capacities) in the Village shall not exceed 25 or 1 percent of the Village’s population, whichever is greater, unless specifically authorized by the Village Board following a public hearing.
3. Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to 1., above; and shall not be subject to, or count toward, the total arrived at in 2., above.
4. Parking Requirements: One space per owner and per employee on the largest work shift, plus one space per 3 tenants.
5. Capacity / Location: Pursuant to sec. 62.23(7)(i) Wis. Stats.,
   a. CLA’s with capacity for 8 or fewer persons and which meet the criteria of Sec. 62.23(7)(i)(3) shall be permitted to locate in any residential zoning district.
   b. CLA’s with capacity for 9 to 15 persons and which meet the criteria of Sec. 62.23(7)(i)(4) shall be permitted to locate in any residential zoning district except in single-family zoning districts (e.g. RR & SF districts).
22.408 COMMERCIAL LAND USES

(1) OFFICE:
   
   (a) **Description:** Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on an appointment basis (see (2) below).

   (b) **Regulations:** The following regulations apply to all Commercial Land uses wherever located in the Extraterritorial Zoning District:

   1. Parking Requirements: One space per 300 square feet of gross floor area.

(2) PERSONAL OR PROFESSIONAL SERVICE:

   (a) **Description:** Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to individuals (e.g. customer, client, patients, etc.) on a walk-in or appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses, but do not include sexually-oriented land uses (see 22.408(16)).

   (b) **Regulations:**

   1. Parking Requirements: One space per 300 square feet of gross floor area.

(3) INDOOR SALES OR SERVICE:

   (a) **Description:** Indoor sales and service land uses include all exclusively indoor land uses whose primary function is the sale or rental of merchandise or equipment, or the delivery of non-personal or non-professional services (e.g. coin-operated Laundromats, copying services, etc.).

   (b) **Regulations:**

   1. Depending on the zoning district, such land uses may or may not display products outside of an enclosed building. Such activities are listed as "Outdoor Display Incidental to Indoor Sales" under "Accessory Uses" in the Table of Land Uses, (§ 22.412(6)).

   2. A land use which has an outdoor sales area exceeding 15% of the total sales area of the building(s) on the property shall be considered as an outdoor sales land use, (See (4), below.).

   3. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as "light industrial uses incidental to indoor sales" (see, § 22.412(9)).

   4. Parking Requirements: One space per 300 square feet of gross floor area. Parking spaces in service bays, in loading bays, in drive-thru lanes, at gas pumps, in car washes, or in similar locations, do not count toward this parking requirement.
(4) OUTDOOR DISPLAY:

(a) Description: Outdoor display land uses include all land uses which conduct sales, or display merchandise or equipment for sale or rent outside of an enclosed building. Example of such land uses include vehicle sales, vehicle rental, manufactured and mobile housing sales, and monument sales. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See § (5), below, also.) (Land uses which display only a limited amount of product outside of an enclosed building, are listed separately in §§ 22.412(6) as "Outdoor Display Incidental to Indoor Sales".)

(b) Regulations:
1. The area of outdoor sales shall be calculated as the area which would be enclosed by a fence installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors.
2. (Reserved for future use).
3. The display of items shall not be permitted within required setback areas for the principal structure, except by conditional use.
4. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of § 22.508. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
5. Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
6. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either onsite or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
7. Outdoor display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
8. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed.
9. (Reserved for future use).
10. Parking Requirements for customer and employee parking:
   a. Vehicle sale or vehicle rental land uses: One (1) off-street parking space per 300 square feet or indoor floor space, plus one (1) off-street parking space per 4 display models.
   b. Manufactured or Mobile Housing sale land uses: One (1) of-street parking space per 300 square feet of indoor floor space (excluding the indoor floor space of the display models), plus one (1) off-street parking space per 4 display models.
   c. All other land uses: One (1) off-street parking space per 300 square feet of indoor floor space, plus one (1) off-street parking space per 600 square feet of outdoor display area.
(5) INDOOR MAINTENANCE SERVICE:

(a) Description: Indoor maintenance services include all land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. Examples of such uses include small engine repair. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is a separate land use, (see § 22.408(17)).

(b) Regulations:
1. Parking Requirements: One space per 300 square feet of gross floor area.

(6) OUTDOOR MAINTENANCE SERVICE:

(a) Description: Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.

(b) Regulations:
1. All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property with landscaping.
2. Parking Requirements: One space per 300 square feet of gross floor area.

(7) IN-VEHICLE SALES OR SERVICE:

(a) Description: In-vehicle sales and services include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services, see § 22.408(17)). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use (see § 22.412(7)).

(b) Regulations:
1. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
2. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
3. The setback of any overhead canopy or similar structure shall be a minimum of 50 feet from all street rights-of-way lines, a minimum of 200 feet from all residentially-zoned property lines, and shall be a minimum of 50 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of structure.
4. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.
5. Facility shall provide landscaping along all property borders abutting residentially zoned property.
6. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of 6 inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.

7. Each drive-up lane shall have a minimum stacking length of 100 feet behind the first pass through window and 40 feet beyond the pass through window.

8. Parking Requirements: One space per 50 square feet of gross floor area. If performed as an accessory land use (for example, gas pumps at a convenience store, drive-up window at bank), minimum parking shall be established by the principal land use, subject to any modifications required by the conditional use process.

(8) INDOOR COMMERCIAL ENTERTAINMENT:

(a) Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

(b) Regulations:
1. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
2. Facility shall provide landscaping along all borders of the property abutting residentially zoned property.
3. Parking Requirements: One space per every three patron seats or lockers, or one space per three persons at the maximum capacity of the establishment; whichever is greater.

(9) OUTDOOR COMMERCIAL ENTERTAINMENT:

(a) Description: Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks.

(b) Regulations:
1. Activity areas shall not be located closer than 300 feet to a residentially zoned property.
2. Facility shall provide landscaping along all borders of the property abutting residentially zoned property.
3. Activity areas (including drive-in movie screens) shall not be visible from any residentially-zoned property.
4. Parking Requirements: One space for every three persons at the maximum capacity of the establishment.
(10) COMMERCIAL ANIMAL BOARDING:

(a) Description: Commercial animal boarding facilities are land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

(b) Regulations:
   1. All activities, except vehicle parking, exercise yards, fields, training areas, and trails, shall be completely and continuously contained indoors.
   2. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See § 22.906.)
   3. Animal waste disposal shall be handled in a manner that minimizes odor and potential spread of disease.
   4. Parking Requirements: One space per employee on the largest work shift, plus one space for every 1,000 square feet of gross floor area.

(11) COMMERCIAL INDOOR LODGING:

(a) Description: Commercial indoor lodging facilities are land uses which provide overnight housing in individual rooms, suites of rooms, or apartments, with each room, suite or apartment having a private bathroom. Such facilities may provide kitchens, laundry facilities, multiple bedrooms, living rooms, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use. Commercial indoor lodging facilities include motels, hotels, time-share condos and short-term rental apartments, which typically provide housing for one month or less.

(b) Regulations:
   1. No structure shall be permitted within 200 feet of residentially zoned property.
   2. Facility shall provide landscaping along all property borders abutting residentially zoned property.
   3. Parking Requirements: One space per bedroom, plus one space for each employee on the largest work shift.

(12) BED AND BREAKFAST ESTABLISHMENT:

(a) Description: Bed and breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

(b) Regulations:
   1. All such establishments shall be required to obtain a permit to serve liquor pursuant to Chapter 125 Wis. Stats., if they intend to serve liquor.
   2. They shall be inspected annually at a fee established by a separate fee ordinance, to verify that the land use continues to meet all applicable regulations.
   3. The size, number and location of all signs shall be established by conditional use.
   4. The facility shall provide landscaping along all property borders abutting residentially zoned property.
5. No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room. Each sleeping room used for the bed and breakfast operation shall have a separate operational smoke detector alarm, as required in the Building Code. One lavatory and bathing facility shall be required for every 10 occupants, in addition to the owner=s/operator=s personal facilities.

6. The dwelling unit in which the bed and breakfast is operated shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active.

7. Meals may be served only to overnight guests. (Businesses wishing to serve meals to others must apply for Indoor Commercial Entertainment land use).

8. Each operator shall keep a list, for a period of one year, of the names and addresses of all persons staying at the bed and breakfast. Such list shall be available for inspection by Village officials at reasonable times.

9. The maximum stay for any occupant of a bed and breakfast shall be fourteen (14) days.

10. In addition to the application requirements for all conditional uses, Applicants shall submit an interior floor plan of the dwelling illustrating that the proposed operation will comply with this Ordinance as amended, and other applicable Village codes and ordinances.

11. In addition to the standards of review for all conditional uses, the Commission shall also determine whether a permit shall be issued based upon the public convenience and necessity. In determining the number of bed and breakfast operations required to provide for such public convenience and necessity, the Commission shall consider the effect upon residential neighborhoods, the condition of existing holders of permits (if any), and the necessity of issuance of additional permits for public service.

12. Parking Requirements: One space per each bedroom.

13. Each Conditional Use Permit shall be valid only while said property is owned by the permit holder at time of conditional use approval. Unless specifically stated otherwise in the conditional use, the conditional use permit shall automatically terminate upon conveyance of the property to a new owner.

(13) GROUP DAY CARE CENTER (9 OR MORE CHILDREN):

(a) Description: Group day care centers are land uses in which qualified persons provide child care services for 9 or more children. Examples of such land uses include day care centers and nursery schools.

(b) Regulations:

1. Facility shall provide landscaping along all property borders abutting residentially zoned property (see § 22.610).

2. Such land uses shall not be located within a residential building.

3. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.

4. Parking Requirements: One space per five students, plus one space for each employee on the largest work shift.
(14) **CAMPGROUND:**

(a) **Description:** Campground land uses include any facilities designed for overnight accommodation of persons in tents, travel trailers, recreational vehicles (RVs), motor homes, fifth wheelers, or other mobile or portable shelters or vehicles which are designed and customarily used for temporary, mobile, human dwelling.

(b) **Regulations:**
1. Facility shall provide landscaping along all property borders abutting residentially zoned property.
2. Parking Requirements: One and one-half (1.5) spaces per campsite.
3. Facility must comply with State and County regulations.

(15) **BOARDING HOUSE:**

(a) **Description:** Boarding Houses are land uses which provide overnight housing in renting rooms which do not contain private bathroom facilities (with the exception of approved bed and breakfast facilities).

(b) **Regulations:**
1. Facility shall provide landscaping along all property borders abutting residentially zoned property.
2. Shall provide a minimum of on-site parking space for each room for rent.
3. Parking Requirements: One space per room for rent, plus one space per each employee on the largest work shift.

(16) **SEXUALLY-ORIENTED LAND USES:**

(a) **Description:** Sexually-oriented land uses include any facility which rents, sells or displays sexually-oriented materials, such as X-rated videos, movies, slides, photos, books, or magazines. For the purpose of this Chapter, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented land uses if the store area devoted to the sale or rent of said materials is less than 5% of the sales area devoted to non-sexually-oriented materials, and (ii) if such materials are placed in generic covers or are placed in an area which is separate from and not visible from the areas devoted to non-sexually-oriented materials, and (iii) if such materials are not advertised by any advertising located or visible outside of the store.

**Rationale:** The incorporation of this Subsection into this Chapter is designed to reflect the Village Board=s official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Village is concerned with the potential for such uses to limit the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the Village=s Comprehensive Plan and to protect the character and integrity of its commercial and residential neighborhoods.
(b) Regulations:
1. Shall be located a minimum of 1,000 feet from any agriculturally zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
2. Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.
3. Parking Requirements: One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater), plus 1 space per employee on the largest work shift.

(17) VEHICLE REPAIR AND MAINTENANCE SERVICE:

(a) Description: Vehicle repair and maintenance services include all land uses which perform maintenance services (including repair) to motorized vehicles and perform all operations (except vehicle storage) entirely within an enclosed building.

(b) Regulations:
1. Storage of junk, salvage, or abandoned vehicles is prohibited.
2. Facility shall provide a landscaping along all property borders abutting residentially zoned property.
3. Parking Requirements:
   a. For Customers: One space per 300 square feet of gross floor area for on-site parking for all customer vehicles.
   b. For Employees: One space per employee on the largest work shift.
   c. For Cars being repaired: Adequate space to keep all cars and other motorized vehicles being repaired, off the public streets and out of the areas designated for employee and customer parking.
   d. Overnight Storage: All overnight storage of cars and other motorized vehicles being repaired, shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing, and shall be located in the rear yard of the facility. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored items from view.
22.409 STORAGE OR DISPOSAL LAND USES

(1) INDOOR STORAGE OR WHOLESALING:

(a) Description: Indoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per § 22.412(8), below.

(b) Regulations:
1. Parking Requirements: One space per 2,000 sf of gross floor area.

(2) OUTDOOR STORAGE OR WHOLESALING:

(a) Description: Outdoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors’ storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See, § (4), below.)

(b) Regulations:
1. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, berms, landscaping, and fencing. Such items shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas and rights-of-way. Walls and fencing shall be screened from residentially zoned property with landscaping.
2. The storage of items shall not be permitted in Natural Resource Protection Areas. (see § 22.608).
3. (Reserved for future use).
4. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of § 22.508. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
5. Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
6. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
7. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
8. The facility, exclusive of the outdoor storage areas (see 1 above), shall provide landscaping along all property borders abutting residentially zoned property.

9. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.

10. Parking Requirements: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

(3) PERSONAL STORAGE FACILITY:

(a) Description: Personal storage facilities also known as Amini-warehouses®, are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis.

(b) Regulations:
   1. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.
   2. Facility shall provide landscaping along all property borders abutting residentially zoned property.
   3. No outside storage or outside over-night parking is permitted.
   4. No electrical power shall be run to the storage facilities, except for exterior lighting.
   5. Parking Requirements: One space for each employee on the largest work shift.

(4) JUNKYARD OR SALVAGE YARD:

(a) Description: Junkyard or salvage yard facilities are any land or structure used for a salvaging operation including but not limited to: the aboveground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

(b) Regulations:
   1. Facility shall provide landscaping along all property borders abutting residentially zoned property.
   2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
   3. (Reserved for future use).
   4. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in § 22.531.
   5. Parking Requirements: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.
(5) **WASTE DISPOSAL FACILITY:**

(a) **Description:** Waste disposal facilities are any areas used for the disposal of solid wastes including “Approved Facilities” (defined in §289.01(3) Wis. Stats.), Approved Mining Facilities” (defined in §289.01(4) Wis. Stats.) and “Waste Sites” (defined in §289.01(41) Wis. Stats.), but not including composting operations (see § (6), below).

(b) **Regulations:**
   1. Shall comply with all County, State and Federal regulations.
   2. Facility shall provide landscaping along all borders of the property.
   3. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
   4. Operations shall not involve the on-site holding, storage or disposal of hazardous materials (as defined by § 22.531) in any manner.
   5. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Committee), shall be filed with the Village by the Petitioner, and shall be held by the Village for the purpose of ensuring that the site is restored to the condition required by the approved Site Plan. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)
   6. Parking Requirements: One space for each employee on the largest work shift.

(6) **COMPOSTING OPERATION:**

(a) **Description:** Composting operations are any land uses devoted to the collection, storage, processing and or disposal of vegetation not grown on site.

(b) **Regulations:** The following regulations apply to all composting operation land uses wherever located in the Extraterritorial Zoning District:
   1. Facility shall provide landscaping along all borders of the property occupied by non-agricultural land uses.
   2. All buildings, structures, and activity areas shall be located a minimum of 200 feet from all lot lines.
   3. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.
   4. Operations shall not involve the on-site holding, storage or disposal of hazardous wastes (as defined by § 22.531) in any manner.
   5. Parking Requirements: One space for each employee on the largest work shift.
22.410 TRANSPORTATION LAND USES

(1) OFF-SITE PARKING LOT:

(a) Description: Off-site parking lots are any areas used for the temporary parking of vehicles or trailers which are fully registered, licensed and operative. See also § 22.508 for additional parking regulations.

(b) Regulations:
   1. Access to an off-site parking lot shall only be permitted to a collector or arterial street.
   2. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

(2) AIRPORT/HELIPORT:

(a) Description: Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved airport or heliport.

(b) Regulations:
   1. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 200 feet from all lot lines.
   2. Facility shall provide landscaping along all borders of the property not otherwise completely screened from activity areas by buildings or structures.
   3. Parking Requirements: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership, plus one space per every 4 hangers, or fraction thereof.

(3) FREIGHT TERMINAL:

(a) Description: Freight terminals are defined as land and buildings used at any end of one or more truck carrier line(s) or route(s), which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses and always requiring transshipment.

(b) Regulations:
   1. Facility shall provide a landscaping along all property borders abutting residentially zoned property.
   2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 200 feet from all lot lines abutting residentially zoned property.
   3. (Reserved for future use).
   4. Parking Requirements: One space per each employee on the largest work shift.
22.410 (4) DISTRIBUTION CENTER:

(a) Description: Distribution centers are facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials. Retail outlets associated with this use shall be considered accessory uses per § 22.412(8).

(b) Regulations:
1. Facility shall provide landscaping along all property borders abutting residentially zoned property.
2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. (Reserved for future use).
4. Parking Requirements: One space per each employee on the largest work shift.

(5) INDOOR VEHICLE STORAGE:

(a) Description: Indoor vehicle storage facilities are detached vehicle storage buildings for non-residential purposes and shall be considered as a principal use building.

(b) Regulations:
1. All activities shall be conducted entirely within the confines of the building.
2. This facility will require consideration of a Group Development (§ 22.414) if located on the same lot as another principal use building.
22.411 INDUSTRIAL LAND USES

(1) LIGHT INDUSTRIAL LAND USE:

(a) Description: Light industrial land uses are industrial facilities at which all operations (with the exception of loading operations): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Subchapter 5.

(b) Regulations:
   1. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
   2. Light industrial land uses may conduct retail sales activity as an accessory use provided that the requirements of § 22.412(8), are complied with.
   3. Parking Requirements: One space per each employee on the largest work shift.

(2) HEAVY INDUSTRIAL LAND USE:

(a) Description: Heavy industrial land uses are industrial facilities which do not meet the requirements of Light Industrial Land uses. More specifically, heavy industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involved in the onsite storage of salvage materials.

(b) Regulations:
   1. Facility shall provide landscaping along all borders of the property abutting properties which are not zoned Heavy Industrial.
   2. All outdoor activity areas shall be located a minimum of 200 feet from residentially zoned property.
   3. Heavy industrial land uses shall not exceed the performance standards listed in Subchapter 5.
   4. Parking Requirements: One space per each employee on the largest work shift.

(3) TOWERS:

(a) Description: Towers include all freestanding broadcasting, receiving, or relay structures, wind energy conversion towers, smokestacks, and similar principal land uses; and any office, studio or other land uses directly related to the function of the tower.
(b) Requirements:
1. Tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property.
2. The installation and continued maintenance of landscaping along property borders abutting residentially zoned property.
3. Parking Requirements: One space per employee on the largest work shift.

(4) EXTRACTION USE:

(a) Description: Extraction uses include land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

(b) Regulations:
1. Shall receive approval from the County prior to action by the Committee, and shall comply with all County, State and Federal regulations.
2. (Reserved for future use).
3. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
4. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Committee), shall be filed with the Village by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety may be waived for publically-owned extraction or waste disposal facilities.)
5. Parking Requirements: One space per each employee on the largest work shift.
22.412 ACCESSORY LAND USES

Accessory uses are land uses which are incidental to the principal use conducted on the subject property. As such, accessory uses can not be conducted or built until the principal use is conducted and built, e.g. in a single-family residential zoning district, an accessory use, such as a garage, can not be built and used before the principal use, the single-family dwelling, is built. Moreover, only those accessory uses listed herein shall be permitted within the jurisdiction of this Chapter. With the exception of a commercial apartment (see (1), below), or a farm residence (see (2), below), in no instance shall an accessory use, cellar, basement, tent or recreational trailer be used as a residence.

(1) COMMERCIAL APARTMENT:

(a) Description: Commercial apartments are dwelling units which are located above the ground floor of a building used for a commercial land use (as designated in § 22.408 above) most typically an office or retail establishment. The primary advantage of commercial apartments is that they are able to share required parking spaces with nonresidential uses.

(b) Regulations:
1. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development.
2. A minimum of 1 off-street parking space shall be provided for each bedroom within a commercial apartment.

(2) FARM RESIDENCE:

(a) Description: A farm residence is a single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in § 22.406 above.

(b) Regulations: None at this time.

(3) MINOR ACCESSORY STRUCTURES:

(a) Description: Minor accessory structures include (but are not limited to) detached garages, carports, utility sheds, large play structures, including play houses, elevated play structures and climbing gyms, landscaping pools exceeding 50 sq. ft., and similar structures. Items which are not minor accessory structures include (but are not limited to) small play structures, including swing sets, slides, and sand boxes, lawn ornaments, hot tubs, small landscaping pools under 50 sq. ft., and similar structures. The Zoning Administrator is authorized to determine whether a structure is a minor accessory structure.

(b) Regulations:
1. In Zoning Districts where this accessory use is permitted by right, no more than one attached or detached garage, and no more than two accessory structures, shall be permitted by right, except in the AG District where no limit is imposed. More accessory structures may be allowed by conditional use.
2. In Zoning Districts where this accessory use is permitted by right, all accessory structures shall not exceed a total of 1,600 square feet, except in the AG District where no limit is imposed. Accessory structures exceeding a total of 1,600 square feet may be allowed by conditional use. Under no circumstances shall this accessory use exceed 30% coverage of the rear yard area.
3. Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sundials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line.

4. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.

5. Detached structures may be located on the same lot as the principal land use, or on a separate adjacent lot in conjunction with the principal land use.

6. Except in the AG District, structures shall be constructed of materials and colors which blend with and compliment the primary structures.

7. See § 22.539 for requirements applicable to legal, nonconforming garages.

(4) COMPANY CAFETERIA:

(a) Description: A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets State food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.

(b) Regulations: None at this time.

(5) COMPANY PROVIDED ON-SITE RECREATION:

(a) Description: A company provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests.

(b) Regulations:
1. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
2. Outdoor recreation facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain down-style light fixtures to minimize light pollution onto neighboring property.
3. Facilities using night lighting shall require a conditional use permit.

(6) OUTDOOR DISPLAY INCIDENTAL TO INDOOR SALES AND SERVICE (MORE THAN 12 DAYS):

(a) Description: See Sub§ 22.408(4).

(b) Regulations:
1. Shall comply with all conditions of § 22.408(4).
2. Display area shall not exceed 25% of gross floor area of principal building on the site.

(7) IN-VEHICLE SALES & SERVICES INCIDENTAL TO ON-SITE PRINCIPAL LAND USE:

(a) Description: See § 22.408(7).

(b) Regulations:
1. Shall comply with all conditions of § 22.408(7).

(8) INDOOR SALES INCIDENTAL TO STORAGE OR LIGHT INDUSTRIAL LAND USE:
(a) **Description:** These land uses include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling or any light industrial land use, on the same site.

(b) **Regulations:**
1. Adequate parking, per the requirements of § 22.509, shall be provided for customers. Said parking shall be in addition to that required for the principal land use.
2. The total area devoted to sales activity shall not exceed 25% of the total area of the buildings on the property.
3. Shall provide restroom facilities directly accessible from retail sales area.
4. Retail sales area shall be physically separated by a wall from other activity areas.

(9) **LIGHT INDUSTRIAL ACTIVITIES INCIDENTAL TO INDOOR SALES OR SERVICE LAND USE:**

(a) **Description:** These land uses include any light industrial activity conducted exclusively indoors which is incidental to a principal land use such as indoor sales or service, on the same site.

(b) **Regulations:**
1. The total area devoted to light industrial activity shall not exceed 15% of the total area of the buildings on the property, or 5,000 square feet, whichever is less.
2. Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by § 22.516 for all adjacent properties.

(10) **HOME OCCUPATION:**

(a) **Description:** Home occupations are small home-based family or professional businesses, performed on a parcel having a single-family detached residence, which comply with the following requirements. Examples include personal and professional services, and handicrafts.

(b) **Regulations:**
1. It is the intent of this Section to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a commercial district. Approval of a physical expansion of a home or accessory building to accommodate a growing occupation is beyond the limitations of this Section and is not to be anticipated. Hence, once a home occupation out-grows the existing buildings, relocation of the business to an area that is appropriately zoned may be necessary.
2. The home occupation shall be conducted only within the enclosed area of the dwelling unit or accessory buildings.
3. There shall be no exterior alterations which change the character of the home as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
4. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
5. No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
6. Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed 16 square feet.

7. The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

8. A permitted home occupation is restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises. Examples of service-oriented businesses include, but are not limited to, computer programming, accounting, insurance agency and computer-based consulting and clerical services. Other home occupations which are not service-oriented businesses may be permitted by conditional use.

9. A permitted home occupation shall not occupy more than thirty percent (30%) of the floor area of the dwelling, or 30% of any accessory structure.

10. Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one non-resident employee.

11. Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.

12. The Committee may approve, by conditional use, home occupations in residential districts which do not meet standards 1. through 11. above.

(11) FAMILY DAY CARE HOME (4 TO 8 CHILDREN):

(a) Description: Family day care homes are occupied residences in which a qualified person or persons provide child care for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this Chapter. (See, § 66.1017, Wis. Stats).

(b) Regulations: See State Statutes and regulations.

(12) INTERMEDIATE DAY CARE HOME (9 TO 15 CHILDREN):

(a) Description: Intermediate day care homes are occupied residences in which a qualified person or persons provide child care for 9 to 15 children.

(b) Regulations: See State Statutes and regulations.

(13) MIGRANT LABOR CAMP:

(a) Description: Migrant labor camps include any facility subject to the regulation of Wisconsin Statutes 103.90.

(b) Regulations:
   1. Shall be surrounded by landscaping along all property lines adjacent to all properties in residential, office, or commercial zoning districts.
   2. Migrant labor camp shall be an accessory use to an active principal use, under the same ownership.

(14) ON-SITE PARKING LOT:

(a) Description: On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed, and operable.

(b) Regulations:
1. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

(15) PRIVATE RESIDENTIAL RECREATIONAL FACILITY:

(a) Description: This land use includes all large active outdoor recreational facilities located on a private residential lot which are not otherwise listed. Common examples of these accessory uses include swing sets, tree houses, basketball courts, tennis courts, swimming pools, and large recreation-type equipment.

(b) Regulations:
   1. Swimming pools shall be regulated by the performance standards provided in § 22.537.
   2. Tree houses and similar platforms shall not exceed a platform height of eight feet and shall be setback twice their elevation from any property line.
   3. Lighting shall be controlled so that light levels at said property line are limited to 0.5-foot candles or less (see § 22.513).
   4. All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures. (See Subchapter 2)

(16) PRIVATE RESIDENTIAL KENNEL:

(a) Description: A maximum of 3 dogs (over 6 months of age) are permitted by right for any 1 residential unit. Any residence housing more than 3 dogs shall be considered a private residential kennel, and such a kennel shall require licensing by the Village. (See, 10.207). In addition to those requirements, a private residential kennel shall meet the following requirements.

(b) Regulations:
   1. For any number over 3 animals, one additional animal per 5 acres shall be permitted.
   2. Outdoor containments or enclosures for animals shall be located a minimum of 100 feet from any lot line and shall be screened from adjacent properties.

(17) PRIVATE RESIDENTIAL STABLE:

(a) Description: A private residential stable is a structure facilitating the keeping of horses (or similar animals) on the same site as a residential dwelling.

(b) Regulations:
   1. A minimum lot area of 5 acres is required for a private residential stable.
   2. A maximum of one horse per acre.
   3. Outdoor containments for animals shall be located a minimum of 200 feet from any residentially zoned property, and shall be screened with a buffer yard with a minimum opacity of .60 along the borders abutting residentially zoned property.
   4. The requirements of § 22.408(10) shall also apply to private residential stables.

(18) DRAINAGE STRUCTURE:

(a) Description: These land uses include all improvements to collect, retain, direct and control storm water drainage, including, but not limited to swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to affect the direction, rate and/or volume of
stormwater runoff, snow melt, and/or channelized flows across, within and/or away from a site.

b) Regulations:
1. In all Natural Resource Protection Overlay Districts, non-native vegetation shall not be restored, except where otherwise deemed necessary by the Village.
2. Any drainage improvement shall not increase the rate or volume of discharge from the subject property onto any adjacent properties, except where regional stormwater management facilities such as storm sewers and retention or detention facilities are in place to serve the subject property.

(19) FILLING:

(a) Description: Filling includes any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state.

(b) Regulations:
1. In all Natural Resource Protection Overlay Districts, native vegetation shall be restored to the extent practicable.
2. Shall not alter drainage onto other properties.
3. Shall not impede on-site drainage.
4. Shall comply with provisions of the Subdivision Ordinance.

(20) LAWN CARE:

(a) Description: Lawn care includes any routine lawn maintenance (e.g. mowing, raking, fertilizing, and tending grass, planting and pruning bushes and trees, and all activity involving the preparation of the ground, installation and maintenance of vegetative ground cover, including gardens).

(b) Regulations: (none at this time)

(21) PRIVATE SEPTIC DISPOSAL SYSTEM:

(a) Description: This land use includes any State-enabled, County-approved septic disposal system.

(b) Regulations:
1. See County regulations

(22) EXTERIOR COMMUNICATION DEVICES:

(a) Description: This land use includes any antennas used for communication reception. (e.g. satellite dishes, ham radio towers, t.v. antennas)

(b) Regulations: The following regulations apply to all exterior communication devices accessory land uses wherever located:
1. Except for television antennas and satellite dishes 18" or smaller, exterior communication devices shall not be visible from a public street.
2. Devices must be sited an equal or greater number of feet from any property lines as their maximum height and may not be located in a required street yard.
3. The Applicant must demonstrate that all reasonable mechanisms have been used to mitigate safety hazards and the visual inputs of the device.
(23) CARETAKER'S RESIDENCE:

(a) **Description:** This land use includes any residential unit which provides permanent housing for a caretaker of the subject property in either an attached or detached configuration.

(b) **Regulations:**
1. Shall provide housing only for on-site caretaker and his/her family.

(24) CULTIVATION:

(a) **Description:** See § 22.406(1) above.

(b) **Regulations:** (None at this time)

(25) PASSIVE OUTDOOR PUBLIC RECREATIONAL AREA:

(a) **Description:** See § 22.407(1).

(b) **Regulations:**
1. Parking requirements: One space per four expected patrons at maximum capacity for any use requiring over five spaces.
2. In Natural Resource Protection Areas,
   a. limited to a 20 foot wide area.
   b. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas beyond said 20 foot wide area.

(26) ACTIVE OUTDOOR PUBLIC RECREATIONAL AREA:

(a) **Description:** See § 22.407(2).

(b) **Regulations:**
1. The regulations of § 22.407(2)(b) are incorporated herein by reference.
2. In Natural Resource Protection Areas, non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.

(27) OUTDOOR INSTITUTIONAL:

(a) **Description:** See § 22.407(4).

(b) **Regulations:**
1. The regulations of § 22.407(4)(b) are incorporated herein by reference.
2. In Natural Resource Protection Areas, non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.

(28) ROAD, BRIDGE, and/or APPURTEENANCES THERETO:

(a) **Description:** Public and private roads, streets and bridges, including all appurtenances incidental and customary thereto, such as sidewalks, curb and gutter, utilities, lighting, etc.

(b) **Regulations:** (None at this time).
(29) **UTILITY LINES AND RELATED FACILITIES:**

(a) **Description:** Public and private utilities, such as underground and overhead electric lines, gas pipelines, sanitary sewer lines, water lines, storm water drainage pipes and ponds, etc.

(b) **Regulations:** (None at this time)

(30) **PIERS AND WHARFS:**

(a) **Description:** Public and private piers, docks, boat ramps, and wharfs. This does not include boat houses or storage facilities for piers, boats, etc.

(b) **Regulations:**
   1. See the requirements of the DNR or any State laws or regulations applicable to piers and wharfs.

(31) **OUTDOOR COMMERCIAL ENTERTAINMENT:**

(a) **Description:** This land use is identical to the land use described in § 22.408(9) above, except this land use must be accessory to the principal use on the property. (See Definition of Accessory Use.) If the proposed outdoor commercial entertainment is a free-standing operation which charges a separate fee from the principal land use, then the entertainment is probably not a accessory use, and should be treated as a separate principal use.

(b) **Regulations:** The regulations of 22.408(9) are incorporated herein by reference.

(32) **COMMERCIAL ANIMAL BOARDING:**

(a) **Description:** See § 22.408(10)

(b) **Regulations:**
   1. The regulations of 22.408(10) are incorporated herein.
   2. No more than 1 horse or large animal per acre.
   4. Outdoor containment of animals shall be at least 100 feet from lot line.

(33) **TOWERS:**

(a) **Description:** See 22.411(3)

(b) **Regulations:**
   1. The tower must be setback from all lot lines a distance of 3 times the height of the tower.
   2. Use of the tower must be directly related to the principal use on the subject property.

(34) **CAMPING UNIT:**

(a) **Description:** Travel trailers, recreational vehicles (RVs), motor homes, fifth wheelers, pop-up campers, or other mobile or portable shelters or vehicles which are designed and customarily used for temporary, mobile, human dwelling (but not including tent camping).
(b) Regulations:  
1. No camping unit may be placed, parked, stored, or occupied within the Village unless  
   a. it is located in a Campground (22.407(14)), or  
   b. it is exclusively used as a Contractor=s Project Office (22.413(3)) temporary land use; or  
   c. it is unoccupied and is exclusively offered Afor sale@ at an Outdoor Display (22.408(4)) commercial land use, provided the business conducting the outdoor display is customarily engaged in the business of selling camping units; or  
   d. it is located inside a structure (e.g. it is stored in a barn or garage); or  
   e. it is located outside and meets all the following requirements:  
      (1) it is located on real estate owned by the titleholder of the camping unit (i.e. landowners may not allow friends, guests, relatives, and others to place their camping units on the landowner=s property), and  
      (2) the landowner does not allow anyone to occupy the camping unit for more than 30 days per calendar year, and  
      (3) the landowner does not have more than 1 camping unit per tax parcel.  
2. No camping unit shall be used for storage of anything except customary camping equipment.  

(35) OUTDOOR SOLID FUEL HEATING DEVICES  
(a) Description: See definition in §22.125  

(b) Regulations:  
1. All outdoor solid fuel heating devices shall meet all applicable standards of the Environmental Protection Agency regarding air quality and emissions, including any amendments adopted after the effective date of this ordinance.  
2. All chimneys used in conjunction with outdoor solid fuel heating devices shall have a minimum height of 20 feet measured from ground level, except where an outdoor solid fuel heating device is constructed within 25 feet of an adjacent building, the minimum height shall be 20 feet from ground level or 3 feet above the adjacent building highest roof elevation, whichever is greater. All chimneys must be so constructed to withstand high winds or other related elements.  
3. Outdoor solid fuel heating devices shall not be placed in front yards, or occupy more than 30% of a rear yard.  
4. Outdoor solid fuel heating devices shall not exceed 15 feet in height, except for the chimney.  
5. Outdoor solid fuel heating devices shall not be nearer than 3 feet to any structure, or nearer than 25 feet to any lot line.  
6. Any outdoor solid fuel heating device existing prior to the adoption of this ordinance that does not conform to the standards of this section shall be removed, replaced, or modified to meet the standards of this section within 90 days of notification from the Village of Camp Douglas.
22.413 TEMPORARY LAND USES

(1) GENERAL TEMPORARY OUTDOOR SALES:

(a) Description: Includes the display of any items outside the confines of a building which is not otherwise permitted as a permitted or conditional use, or a special event otherwise regulated by the Village Code. Examples of this land use include but are not limited to: seasonal garden shops, tent sales, bratwurst stands, and garage sale.

(b) Regulations:
1. Display shall be limited to a maximum of 12 days in any calendar year.
2. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
3. Signage shall comply with the requirements for temporary signs in § 22.808(8).
4. Adequate parking shall be provided.
5. If subject property is located in or adjacent to a residential area, sales and display activities shall be limited to daylight hours.

(2) OUTDOOR ASSEMBLY:

(a) Description: Includes any organized outdoor assembly of more than 100 persons.

(b) Regulations:
1. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
2. Signage shall comply with the requirements for temporary signs in § 22.808(8).
3. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.
4. If subject property is located adjacent to a residential area, activities shall be limited to the extent practicable to daylight hours.
5. Adequate provisions for crowd control shall be made, and shall be described within the application.
6. Shall comply with Juneau County ordinance regarding assemblies.

(3) CONTRACTOR’S PROJECT OFFICE:

(a) Description: Includes any structure containing an on-site construction management office for an active construction project.

(b) Regulations: The following regulations apply to all contractor’s project offices which are temporary land uses wherever located in the Extraterritorial Zoning District:
1. Structure shall not exceed 2,000 square feet in gross floor area.
2. Facility shall be removed within 10 days of issuance of occupancy permit.
3. Shall not be used for sleeping or living quarters, or for sales activity. (See § (6) below.)
4. Projects requiring an office to be in place for more than 365 days shall require a Conditional Use Permit.
(4) CONTRACTOR’S ON-SITE EQUIPMENT STORAGE FACILITY:

(a) Description: Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

(b) Regulations:
1. Facility shall be removed within 10 days of issuance of occupancy permit.
2. Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.
3. Shall be limited to a maximum area not exceeding 10% of the property's Gross Site Area.

(5) RELOCATABLE BUILDING:

(a) Description: Includes any manufactured building which serves as a temporary building for less than 6 months. (Facilities serving for more than 6 months shall be considered conditional uses and subject to the general standards and procedures presented in § 22.905.)

(b) Regulations:
1. Shall conform to all setback regulations.
2. Shall conform to all State and local building code regulations.

(6) ON-SITE REAL ESTATE SALES OFFICE:

(a) Description: Includes any building which serves as an on-site sales office for a development project.

(b) Regulations:
1. Office shall not exceed 500 square feet in gross floor area.
2. Facility shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
3. Signage shall comply with the requirements for temporary signs in § 22.808(8).
4. Projects requiring the office to be in place for more than 365 days shall require a conditional use permit.

(7) SEASONAL OUTDOOR SALES OF FARM PRODUCTS:

(a) Description: Includes any outdoor display of farm products not otherwise regulated by this Ordinance.

(b) Regulations:
1. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
2. Signage shall comply with the requirements for temporary signs in § 22.808(8).
3. Adequate parking shall be provided.
4. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
22.414 GROUP DEVELOPMENTS

(1) DEFINITION: A group development is any new development, or any addition to an existing development, which will cause the development to contain:
   (a) Two or more structures containing different principal land uses on the same lot;
   (b) Two or more principal land uses in a single structure.

Common examples of group developments include resorts, strip centers, shopping centers, and office centers.

(2) REGULATION OF GROUP DEVELOPMENTS: Group developments are permitted as conditional uses in the MF, LI and HI zoning districts. Any land use which is allowed either as a permitted use or as a conditional use within the zoning district applicable to the group development, is allowed as a conditional use within a group development. Land uses which are not allowed as permitted uses or conditional uses shall not be allowed in a group development.

(3) SPECIFIC DEVELOPMENT STANDARDS FOR GROUP DEVELOPMENTS:

   (a) Parking: All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development.

   (b) Trash: The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner.

   (c) Setbacks: All development located within a group development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be so situated as to facilitate the subdivision of group developments into separate lots in the future (if such subdivision is desired).

   (d) Exterior Design: Building exterior design shall be unified in design and materials throughout the development, and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. Roofs with particular slopes may be required by the Plan Commission to complement existing buildings or otherwise establish a particular aesthetic objective.

   (e) Trash: Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.

   (f) Entryways: Public entryways shall be prominently indicated from the building=s exterior design, and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street shall have public entrances.

   (g) Loading Areas: Loading areas shall be completely screened from surrounding roads, residential, office, and commercial properties. Said screening may be through internal loading areas, screen wall which will match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, and shall be of high aesthetic quality.
(h) **Vehicle Access:** Vehicle access from public streets shall be designed to accommodate peak hour traffic volumes without disrupting traffic on public streets. The impact of traffic generated by the proposed development shall be demonstrated by a traffic impact analysis performed by the applicant’s traffic engineer to not adversely impact off site public roads during the peak hour. Where the project shall adversely impact off-site traffic, the Village may deny the application, may require a size reduction in the proposed development, or may require off-site improvements.

(i) **Cart Returns:** A minimum of one 200 square foot cart return area shall be provided for every parking area pod. There shall be no exterior cart return nor cart storage areas located within twenty-five feet of the building in areas located between the building and a public street.

(j) **Utilities:** The applicant shall demonstrate full compliance with all applicable rules, regulations and standards for storm water management, sanitary sewerage, public water, erosion control and public safety.

(k) **Signage:** A conceptual plan for exterior signage shall be provided at time of GDP that provides for coordinated and complimentary exterior sign location, configurations, and colors throughout the planned development. All freestanding signage within the development shall compliment the on-building signage. Free standing sign materials and design shall compliment building exterior, and may not exceed the maximum height requirement of the zoning ordinance.
SUBCHAPTER 5: GENERAL STANDARDS AND REGULATIONS

22.500 PURPOSE
The purpose of this Subchapter is to set forth various general requirements applicable to all development for all land uses in all zoning districts within the jurisdiction of this Chapter. These requirements cover a broad array of issues which are important for the promotion and protection of the safety and general welfare of the public, including (but not limited to) requirements for density, intensity, bulk, access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring in the Village.

22.501 RESERVED FOR FUTURE USE

22.502 DENSITY AND INTENSITY STANDARDS

(1) PURPOSE: The purpose of these standards is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this Chapter. The development potential of any site is determined by a variety of factors, including but not limited to: 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district in which the site is located; 4) the development option(s) the site is developed under; and 5) the use(s) considered for development. ADensity@  and AIntensity@ are defined in Section 22.125 Rationale: These standards regulate the development potential of all property within the jurisdiction of this Chapter. They are designed to ensure the implementation of many goals and objectives of the Master Plan. (See also, Section 22.103). Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such conventional approaches often prove to be inflexible and often permit the needless destruction of sensitive natural resources. The approach employed herein, relying on Maximum Gross Densities (MGDs) and minimum Green Space Ratios (GSRs) for residential development, and minimum required Landscape Surface Ratios (LSRs) in combination with maximum permitted Floor Area Rations (FARs) for nonresidential development, (both in conjunction with a variety of development options available in every zoning district), results in a very high degree of site design flexibility and the protection and implementation of desired community character and adopted community goals and objectives.

(2) STANDARDS:

(a) Where Found: The standards which determine the maximum amount of development permitted on any given site are found in Subchapter 2. Each zoning district found in Subchapter 2 contains specific Density and Intensity requirements. Furthermore, for convenience, some of the Density and Intensity Standards are summarized in chart form in Appendix 2 ALot Development Worksheet.@

(b) How To Calculate Requirements: These standards recognize the inherent differences between residential and nonresidential land uses, and thus regulate their development in slightly different manners. In determining the standards applicable to a particular lot, it is recommended that the AGeneral Instructions For Following Zoning Ordinance@ contained in Appendix 1 be consulted, along with the steps described below for each standard.

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(3) **MINIMUM ZONING DISTRICT AREA (MZA):** In Subchapter 2, within each zoning district, there are standards which establish a minimum zoning district area (MZA). This term is defined in Section 22.125. The lot in question must be part of a zoning district area which meets or exceeds this minimum standard, which is intended to prevent spot zoning. Compliance with the MZA standard is determined as follows:
   Step 1: Consult the Official Zoning Map to determine the total contiguous area which is currently zoned and/or proposed to be zoned under the same zoning district as the proposed development.
   Step 2: Review the requirements for MZA found in Subchapter 2 under the particular land use which applies to the lot in question.
   Step 3: Compare the number calculated in Step 1 above with the MZA found in Step 2, to determine if the amount of zoning district area proposed for the lot complies with the standard. Modify, if necessary, the zoning district boundaries to comply with the standard.

(4) **MINIMUM LOT AREA (MLA):** In Subchapter 2, within each zoning district, there are standards which establish a minimum lot area (MLA). This term is defined in Section 22.125. The lot in question must meet or exceed this MLA. Compliance with the MLA standard is determined as follows: (For assistance, use A Lot Development Worksheet, Appendix 2)
   Step 1: Calculate the size of the lot in question.
   Step 2: Review the requirements for Minimum Lot Area found in Subchapter 2 under the particular land use which applies to the lot in question.
   Step 3: Compare the number calculated in Step 1 above with the Minimum Lot Area (Step 2) established for the particular zoning district, to determine if the size of the lot complies with the standard. Modify, if necessary, the size of the lot in question to comply with the standard.

(5) **MAXIMUM BUILDING COVERAGE (MBC):** In Subchapter 2, within each zoning district, there are standards which establish a maximum building coverage (MBC) (i) for principal buildings, (ii) for accessory buildings, and (iii) for all buildings combined. MBC is defined in Section 22.125. These standards limit the total percentage amount of a lot which can be covered by principal buildings and accessory buildings. These percentages are determined as follows: (For assistance, use A Lot Development Worksheet, Appendix 2)
   Step 1: Calculate the size of the lot in question in square feet.
   Step 2: Calculate the size (footprint) of the proposed principal buildings and all existing principal buildings in square feet.
   Step 3: Divide the total size of all the principal buildings (Step 2) by the size of the lot (Step 1) to obtain the percentage.
   Step 4: Review the maximum building coverage requirements found in Subchapter 2 under the particular zoning district which applies to the lot in question. Modify, if necessary, the size of the proposed principal building to comply with the standard.
   Step 5: Repeat the foregoing steps to determine the maximum building coverage for accessory buildings and for all buildings (principal and accessory combined).

(6) **MAXIMUM BUILDING SIZE (MBS):** In Subchapter 2, within each zoning district, there are standards which establish a maximum building size (MBS) for any building on a lot. MBS is defined in Section 22.125. All buildings on a lot must not exceed this standard, which is determined as follows: (For assistance, use A Lot Development Worksheet, Appendix 2)
   Step 1: Calculate the total gross floor area in square feet of all floors (except crawl spaces and attics) of the building.
   Step 2: Review the maximum building size requirements found in Subchapter 2 under the particular zoning district which applies to the lot in question. Modify, if necessary, the size of the proposed building to comply with the standard.
(7) **MAXIMUM GROSS DENSITY (MGD):** In Subchapter 2, within each zoning district, there are standards which establish a maximum gross density (MGD) for residential dwelling units on a lot. MGD is defined in Section 22.125. MGD limits the number of dwelling units permitted on a lot. The number of dwelling units is determined as follows: (For assistance, use ALot Development Worksheet, Appendix 2).

Step 1: Calculate the size of the lot in question in square feet.
Step 2: Determine the total amount of dwelling units proposed for the site.
Step 3: Divide the size of the lot (Step 1) by the total number of proposed dwelling units (Step 2).
Step 4: Review the MGD requirements found in Subchapter 2 under the particular zoning district which applies to the site in question. Reduce, if necessary, the number of proposed dwelling units to comply with the standard.

(8) **MAXIMUM GROSS INTENSITY:** In Subchapter 2, within each zoning district, there are intensity standards which establish a maximum floor area ratio (FAR) for nonresidential uses on a lot. This term is defined in Section 22.125. The total gross floor area of all the non-residential buildings on the lot in question must not exceed this FAR. The FAR is determined as follows: (For assistance, use ALot Development Worksheet, Appendix 2).

Step 1: Determine the total Gross Floor Area (GFA) of all buildings on the site. GFA is defined in Section 22.125.
Step 2: Calculate the size of the lot in question in square feet.
Step 3: Divide the GFA (Step 1) by the lot size (Step 2) to obtain the Floor Area Ratio (FAR).
Step 4: Review the nonresidential intensity requirements found in Subchapter 2 under the particular land use which applies to the site in question.
Step 5: Compare the number calculated in Step 3 above with the FAR standard established for the particular zoning district, to determine if the amount of floor area proposed for the site complies with the standard. Modify, if necessary, the amount of GFA to comply with the standard.

(9) **MINIMUM LANDSCAPE SURFACE RATIO (LSR):** In Subchapter 2, within each zoning district, there are standards which establish a minimum landscape surface ratio (LSR). This term is defined in Section 22.125. This standard requires a minimum amount of landscaped area on a lot. The minimum LSR is calculated as follows: (For assistance, use ALot Development Worksheet, Appendix 2).

Step 1: Determine the total area in square feet of the site that will be preserved as landscaped area. A landscaped area is defined in Section 22.125.
Step 2: Calculate the size of the lot in question in square feet.
Step 3: Divide the total landscaped area (Step 1) by the lot area (Step 2) to obtain the Landscape Surface Ratio (LSR).
Step 4: Review the minimum landscape surface ratio requirements found in Subchapter 2 under the particular zoning district which applies to the site in question. Modify, if necessary, the amount of landscaped area to comply with the standard.

22.503 **RESERVED FOR FUTURE USE**
22.504 **BULK REGULATIONS**

1. **PURPOSE:** The purpose of this section is to indicate the requirements for building height, size and location in both residential and nonresidential developments. The provisions of this section interact closely with the provisions of the previous section regarding Density and Intensity Regulations.

2. **GENERAL STANDARDS:**

   a. **Where Found:** The standards which impose the Bulk Regulations for height, size and location of development on any given site are found in Subchapter 2. Each zoning district in Subchapter 2 contains specific residential and nonresidential bulk requirements.

   b. **Residential Development:** All residential lots created or existing under the provisions of this Chapter shall comply with the Bulk Regulation of this Section and with the Bulk Regulations of the zoning district in which they reside.

   c. **Nonresidential Development:** All nonresidential lots created or existing under the provisions of this Chapter shall comply with the Bulk Regulation of this Section and with the Bulk Regulation of the zoning district in which they reside.

3. **YARD SETBACK ADJUSTMENTS:**

   a. **General Standards:** The minimum setback requirements found in each zoning district shall establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

      1. **Reductions:** No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.

      2. **Lots Separate:** No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.

      3. **Reserved for future use.**

      4. **Front Yards:** With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard.

   b. **Permitted Intrusions Into Required Front or Street Yards:** The following intrusions are permitted into front or street yards:

      1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than five feet into the required yard.

      2. Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 22.514 and provided they do not locate closer than five feet from the front or street property line.

      3. Terraces, steps, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than 20 feet from any street right-of-way.
4. Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way. Permitted fence types shall comply with the provisions of Section 22.532.

5. Landscape areas.

(c) Permitted Intrusions Into Required Side or Rear Yards: The following intrusions are permitted into rear or side yards:

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than five feet into the required yard.

2. Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 22.532.

3. Fire escapes (on residential buildings) which do not extend more than five feet into the required yard.

4. Landscape areas.

5. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one foot above grade; provided they do not locate closer than twenty feet to the rear lot line

6. In neighborhoods that were platted before adoption of this Code, driveways may be located within the side yard setback and/or may extend across side yard property lines (e.g. shared driveways) provided that a written agreement,
   a. executed by the adjacent property owners, and
   b. in a form recordable with the Register of Deeds, and
   c. addressing the issues of storm water run-off, snow removal, parking, outside storage, and driveway maintenance, and
   d. addressing any additional issues which, in the discretion of the Zoning Administrator, are created by the unusual characteristics of the property, is presented to and approved by the Zoning Administrator pursuant to the process for the issuance of zoning permits for permitted uses under 22.904. Upon approval of any such agreement, it shall be recorded with the Register of Deeds.

(4) Exceptions to Maximum Height Regulations:

(a) Permitted Exceptions: The following are permitted to exceed the maximum height regulations by 10 feet, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses.

(b) Conditional Use Exceptions: Any building or structure not otherwise accounted for by (a), above, may exceed the maximum height regulations with the granting of a conditional use permit which specifically states the maximum permitted height of the proposed building or structure.
22.505 ACCESS STANDARDS

(1) PURPOSE: The purpose of this Section is to alleviate and/or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access from private property onto public rights-of-way.

(2) PERMIT REQUIRED: Each access drive onto a Village road or right-of-way shall have a permit issued by the Village. Each access onto a County Highway shall obtain a permit from Juneau County and shall comply with this ordinance and all applicable County ordinances. Each access onto a State Highway shall obtain a permit from the DOT and shall comply with this ordinance and all state regulations.

(3) NUMBER OF ACCESS POINTS:

(a) Each parcel in the RR and SF Districts shall have not more than one access drive onto any adjacent highway(s). Each parcel in the AG, MF, GB, LI and HI Districts may have more than one drive, but not more than two access drives onto any adjacent highways(s).

(b) In no instance shall any lot be permitted more than one access drive onto any one highway if its frontage on said highway is less than 100 linear feet (as measured along the right-of-way line).

(c) In certain areas experiencing, or expected to experience, congestion and/or safety problems, access drives may be required to be located on adjacent property, or another highway, or on a frontage road.

(4) DRIVEWAY REGULATIONS: See section 15.202 for additional regulations regarding the location, design, construction, and maintenance of all driveways in the Village, including driveways onto County and State Highways.

22.506 RESERVED FOR FUTURE USE
22.507 VISIBILITY STANDARDS

(1) **PURPOSE:** The purpose of this Section is to alleviate or prevent accidents and to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.

(2) **VISION CLEARANCE TRIANGLE:** In order to provide a clear view for motorists at all intersections, there shall be a triangular area of clear vision formed by the two intersecting highway rights-of-way and a chord connecting said rights-of-way, as determined by the Zoning Administrator. Generally, the following standards shall apply:

<table>
<thead>
<tr>
<th>Intersection Type</th>
<th>Distance from Right-of Way Intersection</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 State Highways</td>
<td>Est. by State</td>
</tr>
<tr>
<td>State Highway &amp; Co. Trunk Highways</td>
<td>Est. by State and County</td>
</tr>
<tr>
<td>State Highway &amp; Village Road</td>
<td>50 feet</td>
</tr>
<tr>
<td>County Trunk Hwy &amp; Village Road</td>
<td>50 feet</td>
</tr>
<tr>
<td>2 Village Roads</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

(3) **RESTRICTIONS IN TRIANGLE:** Within said vision clearance triangular area:

(a) no signs, parking spaces, or structures shall be permitted,

(b) no earthwork in excess of 30 inches in height shall be permitted,

(c) no vegetation, fencing, nor other such obstructions, which exceed 30 inches in height above either of the centerline elevations of said two streets, shall be permitted.

22.508 OFF-STREET PARKING AND TRAFFIC CIRCULATION STANDARDS

(1) **PURPOSE:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites. (Also see, Section 22.527, Drainage Standards).

(2) **DEPICTION ON REQUIRED SITE PLAN:** Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 22.908.) Except as permitted by a conditional use permit, each and every on-site parking space designed to serve as required parking shall not be located farther than 300 feet from the access point to the primary area(s) it is designated to serve, as measured along the shortest walking distance between the access point and the parking space. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.
(3) **USE OF OFF-STREET PARKING AREAS:** The use of all required off-street parking areas shall be limited to the parking of operable vehicles not for lease, rent, or sale. Within residential districts, required off-street parking spaces shall only be used by operable cars and trucks.

(4) **TRAFFIC CIRCULATION AND TRAFFIC CONTROL:** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and driving on the site. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.

(5) **INSTALLATION AND MAINTENANCE:** All off-street parking and traffic circulation areas shall be completed, including surfacing, prior to building occupancy. Extensions within which to complete surfacing may be granted by the Zoning Administrator or the Plan Commission, when weather or other special circumstances warrant an extension. All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 22.512.

(6) **DESIGN STANDARDS:**

(a) **Signage:** All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Subchapter 8.

(b) **Handicapped Parking Spaces:** Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.

(c) **Snow Storage:** Required off-street parking and traffic circulation areas shall not be used for snow storage.

(7) **CALCULATION OF MINIMUM REQUIRED PARKING SPACES:**

(a) **General Guidelines for Calculating Required Parking Spaces:** The requirements of Subsection (c), below, shall be used to determine the minimum required number of off-site parking spaces which must be provided on the subject property. Requirements are generally tied to the capacity of the use; the gross floor area of the use; or the number of employees which work at the subject property during the largest work shift. The term “capacity” as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by State Building Code regulations, whichever number is greater. References herein to “employee(s) on the largest work shift” means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to those required by Subsection (c), below. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.
(b) Joint and Off-Site Parking Facilities:
   1. Parking facilities which have been approved by the DPW to provide required parking for one or more uses, shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.
   2. Each parking space designed to serve as joint parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, from the access to all of the various areas it is designated to serve. See Section 22.410(1).
   3. The applicant(s) for approval of a joint parking facility shall demonstrate to the DPW's satisfaction that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses for which the joint parking facility is proposed to serve.
   4. A legally binding instrument, approved by the Village Administrator, shall be executed by any and all parties to be served by said joint parking facility. This instrument shall be recorded with the Register of Deeds Office, and filed with the Village Clerk. A fee shall be required to file this instrument (see Section 22.935).

(c) Minimum Off-Street Parking Requirements for Land Uses: The off-street parking requirements for each land use are listed in Subchapter 4.

22.509 RESERVED FOR FUTURE USE

22.510 OFF-STREET LOADING STANDARDS

   (1) PURPOSE: The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.

   (2) APPLICABILITY: All loading facilities shall comply with the regulations of this Section.

   (3) LOCATION: All loading berths shall be located 50 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. Access to the loading berth shall be located in conformance with Section 22.506. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way.

   (4) ACCESS TO LOADING AREA: Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic per Section 22.509, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.

   (5) SURFACING AND MARKING: (No requirements at this time).

   (6) USE OF REQUIRED LOADING AREAS: The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used for parking spaces or storage space.

   (7) LIGHTING: (No requirements at this time).

   (8) SIGNAGE: All signage located within, or related to, loading areas shall comply with the requirements of Subchapter 8.
DEPICTION ON REQUIRED SITE PLAN: Any and all required loading areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 22.908.)

22.511 EXTERIOR PARKING AND STORAGE STANDARDS

(1) PURPOSE: The purpose of this Section is to control the use of property for exterior storage so as to promote the safety, aesthetics, and general welfare of the public. (See also, Storage and Disposal Land Uses, Section 22.409).

(2) DEFINITIONS: For the purposes of this Section, the following definitions shall apply:

All-terrain Vehicle (ATV): The definition of an ATV provided in Section 340.01(2g) Wis. Stats. is adopted by reference, including all amendments thereto.

Boat: Boat shall mean motor boats (whether or not a motor is actually on the boat), house boats, row boats, canoes and kayaks.

Store: To store shall mean to leave an item in one position or location on the property for more than 72 hours. It is not the intent of this ordinance to regulate the temporary parking of vehicles which are used by guests visiting the property, or which are regularly used by the occupants of the property.

Recreational vehicle (RV): Recreational vehicle shall mean motor homes, motor coaches, pickup campers when not positioned on top of a pickup, camping trailers, travel trailers, pop-up campers, folding campers, and cases or boxes used to transport recreational vehicles or their equipment, and similar equipment and vehicles.

Trailer: Trailer shall mean fifth-wheel trailers, utility trailers, boat trailers, snowmobile trailers, race car trailers, and ATV trailers.

(3) RV=s, ATV=s, BOATS, SNOWMOBILES, AND TRAILERS: No person shall park or store, outside of a fully-enclosed building, any RV=s, ATV=s, boats, snowmobiles, or trailers (i) on a parcel in the RR, SF, or MF Districts, or (ii) on a parcel in the GB District unless the parcel is properly permitted to conduct the Outdoor Display of such items, except as provided herein.

(a) Number: The following sets forth the maximum number of RV=s, ATV=s, boats, snowmobiles, and trailers that can be stored outside on a parcel:

1. One RV, or
2. Two boats, with or without motors or trailers, or
3. One snowmobile not on a trailer, or two snowmobiles provided they are on the same trailer, or
4. One ATV not on a trailer, or two ATV=s provided they are on the same trailer, or
5. One empty trailer, or
6. Any two of items 1 thru 5 above.

(b) Location: No item shall be parked or stored in a front yard.

(c) Setback: No item shall be parked or stored closer than 10 feet to a side or rear lot line.

(d) Maintenance: Each item shall be maintained in working condition, reasonably ready for the effective performance of the function for which it was intended. RV=s and trailers shall be roadworthy. Items which need repair before they are operable may not be stored outside.

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(e) **Licenses:** Items that require license and/or registration shall be properly licensed and/or registered if they are stored outside. Unlicensed or unregistered items may be stored inside.

(f) **Ownership:** Each item stored outside shall be owned, titled, and licensed by the occupant of the property in question. Items may not be stored outside on the property of a friend or neighbor.

(g) **Hidden and Neat:** Each item shall be parked or stored as inconspicuously as possible on the property. The area around each item must be kept weed free and free of accumulation of other storage material and debris (e.g. tires, wood, junk, etc. may not be piled next to these items).

(h) **Covers:** If the item is covered, the tarp or other covering material shall be of earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).

(i) **Storage:** No RV or boat shall be used for the storage of items unrelated to the primary function of the item (e.g. a camper can be used to store camping equipment, but it can not be used to store wood, fertilized, lawn mowers, clothing, etc).

(4) **AUTOMOBILES AND TRUCKS:** No person shall park or store, outside of a fully-enclosed building, any automobile or truck (i) on a parcel in the RR, SF, or MF Districts, or (ii) on a parcel in the GB District unless the parcel is properly permitted to conduct the AO Outdoor Display of automobiles or trucks, except as provided herein.

(a) **Number:** *(No restrictions at this time).*

(b) **Location:** *(No restrictions at this time).*

(c) **Setback:** No item shall be located closer than 10 feet to a side or rear lot line.

(d) **Maintenance:** Each item shall be maintained in working condition and shall be roadworthy. Items which need repair before they are operable may not be parked or stored outside.

(e) **Licenses:** Items shall be registered and currently licensed if they are stored outside. Unlicensed or unregistered items may be stored inside.

(f) **Ownership:** No item shall be parked or stored outside unless it is owned, titled and licensed by the occupant of the property in question. Items may not be stored outside on the property of a friend or neighbor.

(g) **Hidden and Neat:** The area around each item shall be kept weed free and free of accumulation of other storage material and debris.

(h) **Covers:** If the item is covered, the tarp or other covering material shall be an earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).

(i) **Storage:** No item shall be used for the storage of items not typically kept in a vehicle (e.g. an automobile can not be used to store clothes, animals, lawn tools, etc).
(5) **FIREWOOD:** No person shall place or store, outside of a fully-enclosed building, any firewood (i) on a parcel in the RR, SF, or MF Districts, or (ii) on a parcel in the GB District unless the parcel is properly permitted to conduct the *Outdoor Display* of firewood, except as provided herein.

(a) **Front Yard Prohibited:** No person shall store firewood in the front yard in the GB District. Firewood may be stored in the front yard in the RR, SF, or MF Districts, only if the firewood can not be reasonably stored in a side yard or rear yard.

(b) **Stacking:** Firewood shall be neatly stacked, and shall not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences, as used in this Section, shall not include hedges and other vegetation.

(c) **Debris Removal:** All brush, debris and refuse from the processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.

(d) **Diseased Wood:** Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and shall be promptly and properly disposed of, and may be abated pursuant to the provisions of this Code.

(e) **Volume Limitation:** *(None at this time).*

(f) **Covers:** If the wood is covered, the tarp or other covering material shall be an earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).

22.512 **RESERVED FOR FUTURE USE**

22.513 **EXTERIOR LIGHTING STANDARDS** *(None at this time).*

22.514 **VIBRATION STANDARDS** *(None at this time).*

22.515 **RESERVED FOR FUTURE USE**

22.516 **NOISE STANDARDS** *(None at this time. See Nuisance Ordinance, Chapter 13).*

22.517 **AIR POLLUTION STANDARDS** *(None at this time).*

22.518 **ODOR STANDARDS** *(None at this time).*

22.519 **RESERVED FOR FUTURE USE**

22.520 **ELECTROMAGNETIC RADIATION STANDARDS** *(None at this time).*

22.521 **GLARE AND HEAT STANDARDS** *(None at this time).*

22.522 **RESERVED FOR FUTURE USE**

22.523 **FIRE AND EXPLOSION STANDARDS** *(None at this time).*

22.524 **TOXIC OR NOXIOUS MATERIAL STANDARDS** *(None at this time).*
22.525 WASTE MATERIAL STANDARDS (None at this time).

22.526 RESERVED FOR FUTURE USE

22.527 DRAINAGE STANDARDS (None at this time).

22.528 EXTERIOR CONSTRUCTION MATERIAL STANDARDS

(1) PURPOSE: The purpose of this Section is to regulate the use of certain exterior construction materials so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and the property value of certain zoning districts.

(2) APPLICABILITY: The requirements of this Section apply to all land uses and activities, except for permitted land uses within the AG District and except as otherwise provided in this Section.

(3) MATCHING BUILDINGS: With the exception of farm buildings, accessory buildings shall be constructed and finished in a complimentary architectural style and with material and colors that are similar to or complimentary to the principal structure. Buildings should look like they belong together, and present a unified design theme.

22.529 ROOF AND EAVE STANDARDS

(1) ROOFS: The roof on all principal residential buildings shall have a minimum roof pitch of 4:12, except the roofs over the following parts of residential structures may have a lesser pitch: porches, decks, dormers, and breezeways.

(2) EAVES: All residential structures shall have a minimum eave width of 12 inches (not including the width of any gutter or other apparatus affixed to the eave or roof edge).

22.530 RESERVED FOR FUTURE USE

22.531 HAZARDOUS MATERIALS STANDARDS (None at this time).

22.532 FENCING STANDARDS

(1) PURPOSE: The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) APPLICABILITY: The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities, except for fences in the AG and RR Districts.

(3) STANDARDS:

(a) Materials:

1. SF & MF Districts: Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, polyethylene and similar materials approved by the Zoning Administrator, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wiring fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall not exceed a maximum of 60% opaque.
2. **GB, LI, & HI Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, wire mesh, polyethylene and similar materials approved by the Zoning Administrator, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wire fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall not exceed a maximum of 60% opaque.

3. **Temporary Fencing:** Temporary fencing (i) for the purposes of limiting snow drifting between November 1 and April 1, (ii) for the protection of excavation and construction sites, and (iii) for the protection of plants during grading and construction, is permitted for up to 180 consecutive days or the period of construction, whichever is longer.

4. **Snow Fences:** Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.

   (b) **Location:** Fences may be located on property lines.

   (c) **Maximum Height:** The maximum height of any fence, landscape wall, or decorative post shall be the following:
      1. 3 feet within a front yard or street yard setback;
      2. 6 feet when located on any residentially zoned property, but not within a front yard or street yard setback; and
      3. 8 feet when located on any nonresidentially zoned property, but not within a front yard or street yard setback, except that security fences may exceed this height by conditional use.

   (d) **Orientation:** Fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property (i.e. the good looking side of the fence must face the neighbor who did not erect the fence).

   (e) **Maintenance:** Fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

22.533 **RESERVED FOR FUTURE USE**

22.534 **SIGNAL RECEIVING ANTENNAS (SATELLITE DISHES) STANDARDS** (None at this time).

22.535 **WIND ENERGY CONVERSION SYSTEMS (WECS) STANDARDS**

   (1) **CONSTRUCTION OF WIND ENERGY SYSTEMS:** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.

   (2) **PERMITS REQUIRED:**

      (a) A zoning permit shall be obtained to allow construction of a WECS.

      (b) A WECS permit shall be obtained from the Zoning Administrator for the construction of all WECS.
(3) **APPLICATION REQUIREMENTS:** An application for a permit to build a wind energy system shall include the following:

(a) The property lines of the proposed site of construction.

(b) Proposed location of the WECS.

(c) Location and description of all structures located on the property where the WECS site is proposed.

(d) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.

(e) Location of all underground utility lines on the property where a WECS site is proposed.

(f) Dimensional representation of the structural components of the tower construction including the base and footings.

(g) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.

(h) Manufacturer’s specifications and installation and operation instructions or specific WECS design information.

(i) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.

(4) **BLADE CLEARANCE:** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

(5) **CLIMBING TOWERS, TOWER ACCESS:** Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No Trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.

(6) **TOWER CONSTRUCTION:** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code including, but not limited to, ILHR Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41, Wisconsin Administrative Code, and any future amendments, additions, and/or revisions to the same.

(7) **UTILITY INTERCONNECTION:** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility’s then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.
(8) **SETBACK REQUIREMENTS:**

(a) No WECS shall be constructed in any setback, dedicated easement, or dedicated roadway.

(b) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.

(9) **NOISE:** *(See Nuisance Ordinance, Chapter 13)*

(10) **INTERFERENCE WITH NAVIGATIONAL SYSTEMS:** No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.

(11) **ELECTRICAL DISTRIBUTION LINES:** All WECS electrical distribution lines shall be located underground.

(12) **REQUIRED SAFETY FEATURES:**

(a) All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.

(b) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.

(c) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.

(d) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal.

(13) **MAINTENANCE:** The Zoning Administrator or his representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his judgment, there exists a deficiency in the structural stability of the system.

(14) **INSPECTIONS:** A yearly inspection, at a fee to be determined from time to time by resolution of the Village Board, shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.

(15) **BOND:** A bond or other security shall be posted with the Village to guarantee demolition and removal of all WECS which are not operational.

22.536 **RESERVED FOR FUTURE USE**
22.537 SWIMMING POOL STANDARDS

(1) DEFINITION: A "swimming pool" is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet, located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land, designed or intended for swimming. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(2) EXEMPT POOLS: Storable children's swimming or wading pools, with a maximum diameter of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity, are exempt from the provisions of this Section.

(3) PERMIT REQUIRED: Pools are a type of land use covered by Article 4 (See, Sections 22.407(2) & (3) and 22.412(5), (15), & (26)) which are allowed as permitted uses or conditional uses under the different standard zoning districts of Article 2, pursuant to the procedures of Article 9.

(4) CONSTRUCTION REQUIREMENTS: A permit for a swimming pool shall not be issued unless the following construction requirements are observed:
   (a) Approved materials: All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all State regulations and codes and with any and all ordinances of the Village now in effect or hereafter enacted.
   (b) Plumbing: All plumbing work shall be in accordance with all applicable ordinances of the Village and all State codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
   (c) Electrical Installations: All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the State laws and Village ordinances regulating electrical installations.

(5) SETBACKS AND OTHER REQUIREMENTS:
   (a) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
   (b) All swimming pools shall be at least ten (10) feet from any lot line or building unless designed and approved as an addition to a building.

(6) ENCLOSURES:
   (a) Fence; In-Ground pools: All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.
(b) **Above-Ground Pools; Pool Wall Barrier:**

1. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

2. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.

(7) **COMPLIANCE:** All swimming pools existing at the time of passage of this Chapter not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Zoning Administrator or designee for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

(8) **DRAINING AND APPROVAL THEREOF:** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the DPW.

(9) **FILTER SYSTEM REQUIRED:** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(10) **DIRT BOTTOMS PROHIBITED:** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
22.538 SUBSTANDARD LOT REGULATIONS

(1) **PROHIBITION:** Upon and after the effective date of this Chapter, no lot shall be created which does not meet (i) the Minimum Zoning District Area (MZA) requirements, the Minimum Lot Area (MLA) requirements, and the lot dimension requirements of this Chapter.

(2) **PRE-EXISTING LOTS:** A lot of record existing upon the effective date of this Chapter in a Residential District, which does not meet the Minimum Zoning District Area or the Minimum Lot Area (MLA) requirements of Subchapter 2, or which does not meet the lot dimension requirements of Subchapter 2 may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 50% of the requirements of this Chapter. Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.

(3) **DIVISION OF A LOT:** No recorded lot shall be divided into 2 or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located. (See also, Subdivision Ordinance, Chapter 20).
22.539 NONCONFORMING STRUCTURE AND BUILDING REGULATIONS

(1) EXISTING STRUCTURES: Any structure or building that complies with all existing regulations upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.

(2) UNSAFE STRUCTURES: Nothing in this Chapter shall preclude the Village from pursuing remedial or enforcement actions when said structure or building is declared unsafe.

(3) MODIFICATIONS: When any lawful nonconforming structure or building in any district is modified, such modification shall conform to the provisions of this Chapter.

(4) DESTRUCTION OF NONCONFORMING STRUCTURES: A legal nonconforming building or structure, which is accidentally damaged by fire, tornado or other disaster, may be repaired so that the structural nonconformity is continued thereafter, provided all of the following conditions are met:

(a) the total cost of all the repairs (both structural and non-structural) shall not exceed 50% of the assessed value of the building or structure (excluding the assessed value of the land); and

(b) the repairs shall be completed within 1 year from the date of disaster which caused the damages, unless extended by conditional use; and

(c) the owner demonstrates, through the conditional use process, that the proposed repairs have been designed to eliminate or diminish the structural nonconformities wherever the structural nonconformities can be reasonably eliminated or diminished without causing unreasonable financial hardship to the owner and without causing unreasonable diminution in the utility of the structure. Nothing herein shall be construed to permit the repair of a building or structure which has contained or which is intended to contain a nonconforming use after the repairs are completed. (For regulations dealing with ADestruction of Non-conforming Uses, see 22.402(6)).

(5) MAINTENANCE AND REPAIRS: Normal maintenance of a nonconforming structure or building is permitted, including necessary nonstructural repairs and incidental alterations which do not extend, enlarge, or intensify the nonconforming structure or building.

(6) ALTERATIONS: Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand, or extend without bringing the enlargement, expansion, or extension into compliance with the provisions of the Subchapter unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 22.909.

(7) GARAGES: A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:

(a) the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure; and

(b) the proposed garage replacement or addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel); and

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(c) precautions (determined on a case-by-case basis by the Zoning Administrator) are taken to reduce the possibility of fire damage to nearby structures.

(8) ISSUED PERMITS: Any structure or building for which a building permit or zoning permit has been lawfully granted prior to the effective date of this Chapter, which will become nonconforming under the provisions of this Chapter or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 365 days of the effective date of this Chapter, and provided that construction is completed within 730 calendar days of the effective date of this Chapter or amendments thereto. Said structure or building shall thereafter be a legal nonconforming structure or building. Extensions to these time limits may be granted by the Plan Commission for good cause.

(9) BLANKET VARIANCE FOR NONCONFORMING RESIDENCES: A variance for any and all requirements of this Subchapter is hereby automatically granted to all legal nonconforming residential dwellings in their configuration existing as of the effective date of this Chapter. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand, or extend without bringing the enlargement, expansion, or extension into compliance with the provisions of the Subchapter unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 22.909.

Rationale: This "blanket variance" is intended to eliminate the continued classification and/or creation of certain nonconforming residential structures within the jurisdiction of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of residential structures were approved which did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain residential lot sizes than did previous regulations for similar sized lots. The adoption of this provision ensures that residential structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming uses. This "blanket variance" is not available for nonresidential structures.
22.540 ADMINISTRATION & ENFORCEMENT OF PERFORMANCE STANDARDS

(1) Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

(a) Where determinations can be made by the Zoning Administrator using equipment normally available to the Village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.

(b) Where technical complexity or extraordinary expense makes it unreasonable for the Village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

1. The Zoning Administrator shall give written notice, by Certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.

2. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Village.

(2) Enforcement of the provisions of this Subchapter shall be per Section 22.936.
SUBCHAPTER 6: LANDSCAPING AND BUFFERYARD REGULATIONS

(Reserved for future use: There are no landscaping or bufferyard regulations at this time, except for those regulations found in other subchapters)
SUBCHAPTER 7: RESERVED FOR FUTURE USE
22.800 PURPOSE

The purpose of this Article is to establish standards for the fabrication, erection, and use of signs and signage for all properties within the Village. This Article regulates the location, type, size, and height of signage in order to protect and promote the public welfare, health, and safety of persons within the community; to aid in the development and promotion of business and industry; and to ensure implementation of the Comprehensive Plan of the Village. The adoption of this Article reflects the formal finding of fact on the part of the Plan Commission and the Board that regulation of signage furthers four compelling governmental interests:

(1) To promote the public welfare, health, and safety of all persons using the public thoroughfares and right-of-ways within the Village as to the signage displayed thereon, or overhanging, or projecting into such public spaces;

(2) To advance the aesthetic goals of the Village throughout the community, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the general public;

(3) To reduce the visual clutter caused by advertising signage which the Village has determined is a significant cause of unsafe traffic and visibility conditions; and

(4) To limit the spread of unattractive strip commercial development, of which signs are a primary contributor, so as to be respectful of the reasonable rights of other advertisers and business entities whose messages are also displayed in such areas.

Furthermore, the Village advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on such advertising signage, namely, print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit any prohibitions on commercial speech on exterior signage.

22.801 RESERVED FOR FUTURE USE
22.802 SIGN PERMITS

(1) PERMIT REQUIRED: Except as otherwise provided in Subsection (2) below, it shall be unlawful for any person to erect, install, construct, enlarge, alter, move, or convert any sign in the Village, or cause the same to be done, without first obtaining a sign permit for each sign from the Zoning Administrator as required under this Article. This Section shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure for which a permit has been previously issued. This Section shall not apply to cleaning, repairing, reprinting, or other normal maintenance of the sign or sign structure. No new permit is required for existing signs which have permits on the date on which this Chapter was adopted and which conform with the requirements of this Article on the date of its adoption unless and until the sign is altered or relocated in any way.

(2) EXCEPTIONS TO PERMIT: The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated herein.

(a) Address numerals and identification signs not exceeding two (2) square feet in area.
(b) Government signs.
(c) Memorial signs and monuments displayed in cemeteries.
(d) On-premise directional signs which bear no advertising, except the business name or logo, and which are under four (4) square feet.
(e) Temporary signs which conform to the requirements of Section 22.808(8).

(3) APPLICATION PROCEDURE: See, Section 22.906.

(4) PERMIT FEES: See, Section 22.906(11).

22.803 RESERVED FOR FUTURE USE
22.804 DEFINITIONS AND RULES OF INTERPRETATION

(1) **SIGN DEFINED:** A sign is any object, device, display, structure, or part thereof, situated outdoors and in view of the general public, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, logos, symbols, fixtures, or projected images. Building colors and building outline lighting (i.e. neon lighting along roof lines, etc.) which convey a logo or message specific to the use may be considered, in the discretion of the Zoning Administrator, to be signs. Definitions of particular functional, locational, and structural types of signs are listed in this Article.

(2) **EXCLUDED ITEMS:** Signs do not include the following:

   (a) Flags or emblems of any nation, organization or nations, state, city, religious fraternal, or civic organization;

   (b) Merchandise and pictures or models of products or services incorporated into a window display.

   (c) Works of art which do not identify a product;

   (d) Scoreboards located on athletic fields, provided the advertising thereon does not exceed 50% of the size of the scoreboard area; and

   (e) Signage located within an outdoor athletic facility walls or fences, provided (i) the sign is mounted upon the walls or fences, (ii) the sign does not extend above or beyond the height or width of the wall or fences to which it is affixed, and (iii) the sign is designed to be viewed by persons sitting in the area designed for spectators (e.g. signs on outfield fences of a baseball field, which face the bleachers, are not controlled by this Code, but signs on the fence which face away from the bleachers or which extend above the fence, are controlled by this Code).

(3) **SIGN PURPOSES DEFINED:** In general, sign purposes refers to how a sign is used or the kind of message contained on the sign. For purposes of this Chapter, all signs are divided into the following categories of sign purposes:

   (a) **Billboards:** See, Off-premises sign, Section 22.804(3)(h)

   (b) **Business signs (a/k/a On-premise signs):** A permanent sign which directs attention to a business, commodity, service, entertainment, or governmental activity conducted, sold, offered, or manufactured upon the premises where the sign is located. (See Section 22.809(1)).

   (c) **Changeable Copy Signs:** Signs which are designed to electronically, mechanically or manually change messages on a regular basis (e.g. time and temperature signs, gasoline price signs, school or church event signs). Changeable copy signs do not include billboards which change faces no more than 3 times per calendar year. (See Section 22.808(2)).
1. **Community information signs**: A type of changeable copy sign which is owned by a governmental, religious, educational or philanthropic entity and which is limited to the display of information of interest to the general community regarding scheduled public events and public activities. Such signs shall only display information regarding events and information of general interest to the general public. Copy which may be considered as advertising a product for sale or private profit, or an activity for private profit, shall be prohibited.

2. **Business Information Signs**: A type of changeable copy sign which is owned by a private entity and which is used to advertise products or services, in addition to the display of information of interest to the general public (e.g. Bank sign which provides time and temperature as well as promoting services of the Bank such as interest rates).

22.804(3) (d) **Directional signs**: (See Section 22.808(3))

1. **Off-premise**: A sign, owned, installed and maintained by government, for the purpose of providing guidance to the traveling public to important points of general public interest (e.g. government buildings, libraries, medical facilities, schools, churches, recreational facilities, parks, etc.).

2. **On-premise**: A sign which indicates only the name, logo (if under one sq. ft.), and or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located.

(e) **Government Signs**: Signs or other legal notices erected by a governmental entity or public utility, for the control of traffic, railroads, or other regulatory purposes, and typically located within the right-of-way of a street or highway. (AGovernment signs do not include non-regulatory signs, such as signs which identify a government building or agency, e.g. signs which identify the Village Hall, the Village Shop, etc. Such signs are business signs.) (See Section 22.808(4)).

(f) **Group signs**: A sign displaying the collective name of a group of uses such as the title of a shopping center, office park, industrial park or apartment complex. A group sign may display the names of individual tenants, but those portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. No sales or price information shall be permitted on a group sign. (See Section 22.808(5)).

(g) **Identification signs**: A sign indicating the street number and/or street name for a particular property, or a sign indicating the name, address and/or telephone number of a project, property owner, tenant and/or manager of the property. (See Section 22.808(6)).

(h) **Off-premise advertising signs (a/k/a Billboards)**: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. (See Section 22.808(7)). Off-premise signs include signs commonly referred to as billboards. Off-premise signs do not include temporary business signs. (See Section 22.804(3)(i)8. below).

(i) **Temporary signs**: A sign intended to be displayed for a limited period of time. A sign with a permanent display area on which changeable messages are displayed, is not a temporary sign, but instead, is a changeable copy sign. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose. (See Section 22.808(8)). The following are the most common types of temporary signs:
1. **Political Signs:** Any sign concerning a candidate, political party, levy, referendum, or other political matter whatsoever, to be voted upon in any general, primary or special election, or any sign advocating any type of political action.

2. **Real Estate Signs:** Any sign which advertizes real estate for sale or for rent/lease, by the owner, the occupant or a realtor.

3. **Construction Signs:** Any sign, located on a construction site, which identifies and/or describes the proposed future development on the site, and/or which identifies the contractors, engineers, architects, products, owners and/or sponsors of the development.

4. **Advertising Displays:** Any sign or device (e.g. festoons, pennants, banners, pinwheels, inflatable devices and similar devices), erected by a commercial or industrial use, intended to advertize a particular business, product, service or event, at a special price, rate, size or quantity, for a limited time.

5. **For Sale Signs:** Signs which advertize garage sales, yard sales, or the sale of vehicles, boats, campers, ATV's or other similar personal property (but not the sale of real estate), by the owner who is not in the business of selling such property from the location where such property and sign is located.

6. **Personal greeting / congratulatory signs:** Any sign which is limited to a non-commercial, personal greeting or message used to announce, congratulate, or greet members of a family or work staff. A temporary sign which is limited to thirty-two (32) square feet.

7. **Event Signs:** Signs which advertise a special public event, e.g. Sidewalk Days, Juneau County Fair, or Grand Opening. Such signs shall not advertize a particular product or business, except as a sponsor of the event.

8. **Temporary Business Signs:** Temporary business signs direct customers around or through construction work which, in the opinion of the Village, impairs the average customer's ability to find a safe and efficient route to said business.

(j) **Warning Signs:** Signs which are intended to warn of regulations, restrictions or safety hazards affecting the property (e.g. No Trespassing signs, Beware of Dog signs, No Parking signs, No Dumping signs, etc.). (See Section 22.808(9)).

(k) **Group Development Signs:** Signs for Group Developments approved as per Section 22.414.

22.804 (4) **SIGN TYPES DEFINED:** In general, sign types refers to how the sign is constructed, erected and/or held in place. For purposes of this Ordinance, all signs are divided into the following categories of sign types:

(a) **On-Building Signs:** This type of sign is affixed to and supported by a building which has some function other than the purpose of holding the sign. There are seven (7) types of on-building signs:

1. **Awning sign:** A type of projecting, on-building sign consisting of a fabric or fabric-like sheathing material.

2. **Canopy Sign:** A type of on-building sign that is a part of or attached to a canopy or similar structure over an outdoor service area (e.g. canopy over gas pumps).

3. **Marquee sign:** A type of projecting, on-building sign sheltering the entrance and/or entrance approaches of a theater, auditorium, fairground, museum or other similar use, which advertises present and scheduled events.

4. **Projecting sign:** A type of on-building sign, other than a wall sign, which is attached to and projects more than one foot from the building, generally perpendicular from the building face. See sections 22.806(2)(d)&(e) regarding the restrictions on projecting signs over public and private property.
5. **Wall sign:** A type of on-building sign mounted parallel to a building facade or other vertical building surface, which projects less than one foot from the building surface and which does not extend beyond the horizontal or vertical edge of any wall or other surface to which it is mounted.

6. **Window Sign:** A type of sign mounted inside a building, either on the face of a window, or within 24 inches of the window, so that the sign can be viewed through a window by persons outside the building. Window signs are to be distinguished from window advertising displays, which are displays of stock-in-trade.

7. **Roof Sign:** A type of on-building sign which is mounted to the roof of a building and which projects above the roof-line of the building. Signs mounted to the roof, but which do not project above the roof, are considered wall signs.

(b) **Free-standing signs:** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground, the sole purpose of which is to support the sign. There are two types of free-standing signs: monument signs and pylon signs.

1. **Monument sign:** A type of freestanding sign whose bottom edge is located within one foot of a ground-mounted pedestal and whose top edge is located no more than six feet high.

2. **Pylon sign:** A type of freestanding sign whose bottom edge is located more than one foot above a ground-mounted pedestal or whose top edge is located more than six feet high.

(c) **Mobile signs:** A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage. It does not include signs on vehicles used for transportation or delivery services, but does include vehicle or trailers primarily used for storage in one location (e.g. a trailer parked in one location for an extended period).

22.804 (5) **SIGN MEASUREMENTS:** The following explains how the dimensions of a sign are determined.

(a) **Sign height defined:**

1. On-building signs: The height of on-building signs is established by Section 22.804(4)(a) above.

2. Free-standing signs: The height of all free-standing signs shall be determined by calculating the height of the sign above a point on the centerline of the street or highway closest to the sign. The point on the centerline shall be located by drawing an imaginary line from the base of the sign to the centerline so that the line intersects the centerline at a 90 degree angle. The intersection of this imaginary line and the centerline of the nearest street or highway shall be the point from which the height of the sign shall be calculated, except when a sign is located on the corner of two intersecting streets or highways, the height of the sign shall be measured from the point where the centerlines of the two streets or highways intersect.

(b) **Sign area defined:** Sign area shall be measured in the following manner:

1. For marquee signs, changeable copy signs, and signs placed within a frame or other structure, sign area shall consist of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign, including the supports of monument signs not used for copy, shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a freestanding on-premise sign (monument or pylon) has two or more display faces, the total area of all of the display faces which can be viewed from any single location shall be considered the sign face area.
2. In the case of a sign whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background. If the sign is framed in lights, the lights shall be included in the sign’s area.

3. In the case of a sign whose message is applied to a background which provides no border or frame (such as individual letters to a building face or awning), sign face area shall be the combined areas of the smallest rectangle(s) which can encompass each word, letter, figure, emblem, and other element of the sign message per a scaled, fully dimensioned drawing approved by the Zoning Administrator. Where such drawing is not provided, said area shall be the smallest area of the entire message enclosed in a single rectangle.

4. When measuring neon signs (e.g. window beer signs), the size shall be determined by measuring the height of the sign at its highest point, by the width of the sign at its widest point.

5. Landscape features such as plant materials, berms, boulders and similar natural landscape features are encouraged, and are not counted as part of the sign for purposes of measuring the size of the sign.

6. Signs which have an unusual shape may be divided into component parts by the Zoning Administrator, who may calculate the total size of the sign by adding together the sizes of the component parts of the sign. Where the sign is an erratic shape, which does not lend itself to an easy calculation of size, the Zoning Administrator need not compute size exactly, and is authorized to determine the size by measuring the outermost dimensions of the component parts of the sign. Nothing herein shall prevent the sign owner from submitting a detailed calculation of the sign’s size to assist the Zoning Administrator in making these calculations.

7. When several signs are mounted on the same structure, only the signs shall be measured and not the structure.

8. Signs less than one square foot in area are not regulated by this Article.

9. For group signs, portions of a sign containing the names of individual tenants shall be considered as part of the area of the group sign.

10. The following illustration demonstrates how sign face area is measured.
22.804(5) **(c)** Sign Setback Measurements: Setback measurements for signs shall be determined in the same fashion as setback measurements for all other structures except that setback measurements for pylon signs shall be determined as follows: The pedestal(s) supporting a pylon sign shall comply with the setback requirements of this Article, but the sign which is placed upon the pedestal(s) may intrude into 50% of the setback area, provided the lowest edge of the sign is at least 8 ft above ground level. (Example: In an area having an 8 ft setback for signs, the pedestal of a pylon sign shall be 8 ft from the edge of the property, but the sign on the pedestal may project 4 ft (50%) into the 8 ft setback area, provided the lowest edge of the sign is at least 8 ft above ground level.)

22.805 **RESERVED FOR FUTURE USE**
(RESERVED FOR FUTURE USE)
22.806 GENERAL SIGNAGE REGULATIONS

(1) PROHIBITED SIGNS:

(a) **Traffic Interference:** No sign shall use any word, phrase, symbol, shape, form, lighting or character in such manner as to interfere with or create confusion for moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors, and signs which are illuminated by lights which shine into drivers’ eyes.

(b) **Traffic Visibility:** No sign shall be erected or placed so that it obstructs, impedes or confuses visibility for safe pedestrian and/or vehicular traffic.

(c) **Moving Signs:** Except for sequin-like eyecatcher devices and temporary signs, no fluttering, undulating, swinging, rotating, animated or otherwise moving signs or other moving decorations shall be permitted.

(d) **Flashing Signs:** No sign shall be illuminated by or contain any flashing, intermittent, or moving light(s). Flashing signs are those which change their appearance more than once every 60 seconds. Electronic message center signs and time/temperature signs are permitted with a conditional use permit. Chasing lights shall not be allowed.

(e) **Illuminated Signs:** No illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting element (except neon signs) is not visible from (i) any property within a residential zoning district and (ii) any public street or highway. No sign may be so illuminated as to obscure or interfere with the effectiveness of an official traffic sign, signal or device. All illuminated signs shall comply with the State Electrical Code.

(f) **Mobile Signs:** No mobile signs shall be permitted, except for political signs and government signs.

(g) **Inflatable Signs:** No inflatable signs shall be permitted, except as temporary signs.

(h) **Vehicle Signs:** No persons shall park any vehicle or trailer on a public right-of-way or on any private property so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device which advertises products or directs people to a business activity. Licensed business vehicles and trailers which contain typical business signage and which are actively driven or towed on a daily basis for business purposes, are exempt from this prohibition.

(i) **Signs on Natural Objects:** No sign shall be attached to or painted on natural objects, such as trees or rocks.

(j) **Wall Painted Signs:** Signs painted directly on a wall or other portion of an exterior surface of a building are not permitted.

(k) **Price/Product Information:** No sales, price or product information shall be permitted on any signs, except on

(1) **Changeable Copy Business Information Signs,**
(2) **Temporary Advertising Display Signs,** and
(3) **Temporary AFor Sale@ Signs.**

(l) **Business Closings:** Closed businesses must remove their signs within 60 days of closing.
(m) **Off-premise advertising signs:** Off-premise advertising signs are not permitted in the Village. (Cf. Off-premises directional signs.) Existing off-premise advertising signs made nonconforming by this Article shall be permitted to continue as legal, nonconforming structures. However, such signs may not be relocated, structurally modified, or replaced if damaged over 50%. (See, Section 22.809 regarding nonconforming signs).

(n) **Roof Signs:** Roof signs are prohibited.

### 22.806 (2) **SIGN LOCATION REGULATIONS:**

(a) **Traffic Interference:** No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device. Freestanding signs and projecting signs may not locate within vision triangles nor otherwise impede traffic or pedestrian visibility. Freestanding sign setbacks from right-of-way lines vary by zoning district.

(b) (Reserved for future use).

(c) **Natural Resource Overlay Districts:** No sign shall be located within a Natural Resource Overlay District.

(d) **Private Property:** No person shall erect, construct, or maintain any sign, temporary or otherwise, upon any private property or building without the express consent of the owner or person entitled to possession of the property or building or their authorized representative. Furthermore, no person shall erect, construct, or maintain any sign, temporary or otherwise, which projects or hangs over any private property or building without the express written consent of the property owner.

(e) **Public Property:** Privately owned signs shall not be placed, grounded, anchored or allowed to project over any public property, easement or road right-of-way.

(f) **Freestanding signs:** Except where another distance is specifically provided in this Ordinance, freestanding signs shall be located a minimum of eight (8) feet from property lines, except that on-premise directional signs less than 36 inches tall may be located a minimum of one foot from a property line.

(g) **Awnings:** Awnings made only of cloth or cloth-like materials are permitted. Such awnings may use backlighting and may contain signs.

### (3) **SIGN APPEARANCE AND MAINTENANCE REGULATIONS:**

(a) **Maintenance:** All signage within the jurisdiction of this Article shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper, wires, braces or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof. All lighted signs shall be maintained so that all intended lighting is fully functional. Any signs which are, or may hereafter become rotted, unsafe, or in a state which is not properly maintained, shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the Zoning Administrator.

(b) **Landscaping:** The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements. The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the lot on which the sign is located.
(4) **SIGN SIZE REGULATIONS:**

(a) **Gross Sign Area:** The total area of all Signage on a lot shall be the lesser of either (i) the combined total of all signs listed under Section 22.809 below, or (ii) the combined total established by conditional use, planned development, deed restriction or other site-specific regulation, restriction or requirement.

(b) **Window Signs:** Window signs shall not exceed more than 25 percent (25%) of all combined window area on the street level of the same facade of the structure. Window signs shall not be placed in upper level windows and the window area on upper level floors shall not be counted in determining the total window area available for signs. Furthermore, the area devoted to all sign purposes (except for temporary signs) within windows shall not count toward the sign area maximum permitted for the use.

(5) **SIGN ALLOCATION AMONG TENANTS:** The owner of property containing more than one tenant shall allocate the number and size of signs to the tenants, up to the allowed maximum for the entire property. This provision will allow the property owner to allocate all of the allowed signage to one tenant and none to another tenant if the owner sees fit to do so.

(6) **SIGNS FOR CONDITIONAL USES:** If the land use for which a particular sign is requested, is a land use that has been permitted by the granting of a conditional use, then the signs for such land use shall also be granted by conditional use, provided that the terms and conditions of the conditional use for the sign may not exceed the signage permitted by right in the zoning district of the subject property.

(7) **SIGNS FOR LEGAL NONCONFORMING USES:** If the land use for which a particular sign is requested, is a land use that is a legal non-conforming use in its present location, then the signs for such legal non-conforming use shall be granted only by conditional use, provided that the terms and conditions of the conditional use for the sign may not exceed the signage permitted by right in the zoning district of the subject property.

(8) **STATE CODES:** All signs shall be constructed and maintained so as to comply with State Building Codes and State Electrical Codes.

(9) **CHANGE OF SIGN OR LAND USER:** Whenever there is a change in the sign user (excluding off-premise signs), sign owner, or owner of the property on which the sign is located, the new sign user, owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure.

22.807 **RESERVED FOR FUTURE USE**
22.808 REGULATIONS FOR DIFFERENT SIGN PURPOSES

(1) BUSINESS SIGNS:

(a) For ER, SF, and MF Zoning Districts: Business signs are not permitted in these districts, however, in the case of (i) legal non-conforming commercial uses or (ii) institutional land uses existing in these districts, business signs shall be allowed by conditional use, provided such signs shall not exceed the requirements for such signs in the CB or HC District.

(b) For AG, HI and LI Zoning Districts:

1. Permitted Sign Type: Wall or Awning Sign:
   a. Max. No. per Lot: One (1) sign per each business fronting on that wall, for each exposed side of the principal use building not directly adjacent to a residentially zoned property, plus one additional sign per customer entrance.
   b. Max. Area: One (1) square foot of signage for every linear foot of exposed exterior wall length on that supporting wall, or 50 square feet per building, whichever is greater.

2. Permitted Sign Type: Monument or Pylon Sign:
   a. Max. No. per Lot: One (1) two-faced pylon or monument sign per lot.
   b. Max. Area per Sign: One (1) square foot of signage for every foot of the adjacent public street frontage selected for the lot. To a maximum sign area of 100 square feet for all combined sign faces seen at one time.
   c. Max. Height of Pylon Sign: Eight (8) feet or height of principal structure, whichever is lower.
   d. Setback: Eight (8) feet, or equal to sign height, whichever is greater.

(c) For CB and HC Zoning District:

1. Permitted Sign Type: Wall, Marquee or Awning Sign:
   a. Max. No.: Multiple signs are permitted on each building, on each wall not directly adjacent to a residentially zoned property, provided that the signs do not collectively exceed the maximum area allowed on the wall upon which they are placed as described below, and provided the signs comply with the following theme requirements. The signage plan, required by section 22.907, shall identify the size, location, illumination, landscaping, and other pertinent factors for each and every exterior sign. If more than one sign is proposed, the signage plan shall also present a signage theme which must provide for coordinated and complimentary exterior sign locations, configurations, sizes, styles and colors throughout the development, so that sign materials and design compliment the building's exterior and so that a unified theme is conveyed among all the signs.
   b. Max. Area: One (1) square foot of signage for every linear foot of exposed exterior wall length on that supporting wall, or 50 square feet per building, whichever is greater.
2. **Permitted Sign Type:** Monument or Pylon Sign:
   a. **Max. No. per Lot:** Only one (1) two-faced pylon or monument sign may be erected on each lot. However, for lots which exceed 6 acres and which adjoin more than one street/highway, such lots may have one (1) two-faced pylon or monument sign for each adjoining street/highway, provided
      1. each sign must be located to serve a separate street/highway, and
      2. all such signs must be a minimum of 300 feet apart.
   b. **Max. Area per Sign:** One (1) square foot of signage for every foot of the adjacent public street frontage selected for the lot to a maximum sign area of 200 square feet for all combined sign faces seen at one time.
   c. **Max. Height of Pylon Sign:** 20 feet.
   d. **Setback:** 8 feet from the right-of-way of the street/highway and 50 feet from all side lot lines, but if 50 feet is not practically feasible, then the location shall be established by conditional use.

3. **Permitted Sign Type:** Canopy:
   a. **Max. No. per Lot:** One (1) on each face of canopy.
   b. **Max. Area per Sign:** Nine (9) square feet per sign face. (Note: Corporate logos, e.g. the McDonald's AM@ or the BP Helios, are considered signs when located on a canopy or any other structure).
   c. **Max. Height:** Shall be mounted on face of canopy and shall not project above or below horizontal lines of canopy.

4. **Permitted Sign Type:** Window:
   a. **Max. No:** Unlimited.
   b. **Max. Area:** 25% of widow area for Awindow signs,@ but unlimited area for window displays.

22.808 (2) **CHANGEABLE COPY SIGNS:**

(a) **Community Information Signs:** Community Information signs are allowed as a conditional use in all zoning districts, subject to the requirements of this Chapter and the following additional restrictions:
   1. **Type:** Marquee, Wall, Monument.
   2. **Size:** The proposed size, configuration, and design of the sign shall be described as part of the conditional use requirements. As a conditional use, the Village may revoke the designation of an approved community information sign if such sign fails to comply with the requirements of this Article. Such action shall proceed per the requirements of Article 9.
   3. **Area:** Such signs may, but need not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area.

(b) **Business Information Signs:** Changeable copy business information signs are allowed as a conditional use only in the following zoning districts, subject to the requirements of this Ordinance and the following additional restrictions:
   1. **For CB and HC Zoning District:**
      a. **Type:** Wall, Marquee, Monument and Pylon.
      b. **Max No:** One (1), which may be 2-sided.
      c. **Max. area:** Calculated as part of the area of other wall, marquee, monument or pylon signs.
      d. **Max height of Pylon Sign:** 12 feet.

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e. Set back: 8 feet.

22.808 (3) DIRECTIONAL SIGNS:

(a) Off-Premise Directional Signs: Off-Premise Directional Signs are not permitted in the Village, except that only the government may erect Off-Premise Directional Signs, provided however that existing Off-Premise Advertising Signs (a/k/a billboards) which are legal, non-conforming uses, may continue to be used as off-premise directional signs.

(b) On-Premise Directional Signs: On-premise directional signs are permitted by right in all zoning districts, subject to the requirements of this Ordinance and the following additional restrictions. On-premise directional signs shall not advertise a product or business, except the business name or business logo may be placed on each sign, provided the name or logo does not exceed 1 square foot.

1. Entrance/Exit Signs: All land uses which provide off-street parking to customers, employees or tenants, or which provide drive-thru service to customers, may have on-premise directional signs which identify the location of each entrance and exit to the parking and/or to the drive-thru, subject to the following:
   a. Type: Wall, Window, Pylon or Monument.
   b. Max. No: 1 one-sided or 1 two-sided sign per entrance and exit.
   c. Max. area: 9 sq. ft. per sign face.
   d. Max. Height of pylon signs: 3 ft.

2. Parking Area Signs: All land uses which provide off-street parking to customers or tenants, may have on-premise directional signs which list the conditions applicable to the parking area.
   a. Type: Wall, Window, Pylon or Monument.
   b. Max. No: 1 one-sided sign per 20 parking spaces.
   c. Max. area: 9 sq. ft. per sign face.
   d. Max. Height of pylon signs: 8 ft.

3. Other Directional Signs: Except for entrance/exit signs and for parking area signs which are regulated above, additional on-premise directional signs are permitted by right for all legal conforming commercial uses, transportation uses and industrial uses, subject to the following regulations.
   a. Type: Wall, Window, Pylon or Monument.
   c. Max. area: 9 sq. ft. per sign face; 50 sq. ft total area per lot (or more by conditional use).
   d. Max. Height of pylon signs: 8 ft. (or more by conditional use).

(4) GOVERNMENT SIGNS: Government signs are permitted by right in all zoning districts in the Village, subject to the following regulations:
   a. Type: Wall, Pylon, Projecting or Monument.
   c. Max. area: Unlimited.
   d. Max. Height of pylon signs: Unlimited.

(5) GROUP SIGNS: Group signs are allowed only by conditional use and only in the zoning districts listed below, subject to the requirements of this Chapter and the following additional restrictions:

(a) For All Residential Districts (ER, SF, MF)
   1. How Permitted: By conditional use.
   2. Type: Monument.
   3. Max. No: One (1) two-sided sign per group.
   4. Max. Area: 50 sq. ft. per side, calculated as part of the area of other monument signs.
(b) For All Non-Residential Districts (AG, CB, HC, LI, HI):

1. **How Permitted:** By conditional use.
2. **Type:** Monument, Pylon or Wall.
3. **Max. No:** One (1) two-sided sign per group.
4. **Max. area:** For institutional land uses, 50 sq. ft. per side, and for commercial, storage/disposal, transportation and industrial land uses, 200 sq. ft. per side, calculated as part of the area of other monument, pylon or wall signs.

### 22.808 (6) IDENTIFICATION SIGNS:

#### (a) Street Names and Address Numbers:
Street numbers are required for each principal residential, commercial and industrial building located on each lot in the Village. Such street numbers shall be in a location and of a minimum size to be clearly visible from the street. Street names are optional.

1. **Zoning Districts:** All.
2. **Type:** Awning, Canopy, Wall, Window, Monument.
3. **Max. No:** 1 per street frontage.
4. **Max. area:** 1 sq. ft. per 50 ft. of setback from street.

#### (b) Owner/manager Identification:
A sign stating the name, address telephone number and/or location of the owner or manager of the property is permitted by right, only for the land uses listed below, subject to the requirements of this Chapter and the following additional restrictions:

1. **For ER, and SF Districts:**
   a. **Type:** Wall, Window.
   b. **Max. No:** One (1) per building.
   c. **Max. Area:** 2 sq. ft.

2. **For MF District:**
   a. **Type:** Wall, Window, Canopy, Monument, or Awning.
   b. **Max. No:** 1 monument, plus 1 wall or canopy.
   c. **Max. Area:** 24 sq. ft. per sign, 48 sq. ft. total.

3. **For AG, CB, HC, LI, and HI Districts:**
   a. **Type:** Wall, Window, Canopy, Monument, or Awning.
   b. **Max. No:** One (1), (more per Plat or Conditional Use).
   c. **Max. Area:** 32 sq. ft. per sign, (more per Plat or Conditional Use).

#### (7) OFF-PREMISE ADVERTISING SIGNS (a/k/a BILLBOARDS):
Off-premise advertising signs are not permitted in any zoning district in the Village.

#### (8) TEMPORARY SIGNS:

#### (a) Political Signs:
Political signs are permitted by right in all zoning districts, subject to the requirements of this Chapter and the following additional restrictions:

1. **Zoning districts:** All.
2. **Permitted Sign Types:** Wall, Window, Monument, Pylon, or Mobile.
3. **Time limitations:** Signs for particular elections, referenda, or other events scheduled for a particular date shall not be erected more than 6 months prior to the date, and shall be removed within 30 days after the date.
4. **Size Limitations:**
   a. **For residential and agriculture districts:** 32 sq. ft.
   b. **For all other districts:** 100 sq. ft.
(b) **Real Estate Signs:** Real estate signs are permitted by right in all zoning districts in the Village, subject to the requirements of this Chapter and the following additional restrictions:

1. **Permitted Sign Types:** Wall, Window, Monument, or Pylon.
2. **In all residential and agricultural zoning districts,** the following restrictions shall apply:
   a. Property having 1-5 dwelling units shall be entitled to have one 2-sided sign, with 10 square feet on each side, except that corner lots may have two (2) such signs.
   b. Property having 6 or more dwelling units may have one 2-sided sign, consisting of 32 square feet on each side, or two 1-sided signs, consisting of 32 square feet on each side.
3. **In all other zoning districts,** the following restrictions shall apply:
   a. Property having less than 50 feet of lineal street frontage shall be entitled to one 2-sided sign or two 1-sided signs, with each side not to exceed 25 square feet.
   b. Property having more than 50 but less than 150 lineal feet of street frontage shall be entitled to one 2-sided sign or two 1-sided signs, with each side not to exceed 50 square feet.
   c. Property having more than 150 feet of lineal street frontage shall be entitled to two 2-sided signs or three 1-sided signs, with each side not to exceed 100 square feet.
   d. Larger signs for property having more than 300 lineal street frontage may be authorized as a conditional use.

(c) **Construction Signs:** Construction signs are permitted by right in all zoning districts subject to the requirements of this Chapter and the following additional restrictions:

1. **Zoning districts:** All.
2. **Permitted Sign Types:** Wall, Monument, Pylon, or Window.
3. **Max. No:** Two 1-sided signs, or one 2-sided sign per construction site.
4. **Size:**
   a. **For residential and agricultural districts:** 50 sq. ft. per sign side.
   b. **For non-residential districts:** 100 sq. ft. per sign side.
5. **Removal:** All construction signs shall be removed within sixty (60) days after completion of construction.

(d) **Advertising Displays:** Advertising displays are permitted by right subject to the requirements of this Chapter and the following additional restrictions:

1. **For CB and HC District:**
   a. **Permitted Sign Types:** Wall, Monument, Pylon, or Canopy:
      (i) **Max. No:** One (1) sign.
      (ii) **Max. Area:** 50 sq. ft.
      (iii) **Max. Time:** No one sign shall remain for more than 30 days, but one temporary advertising display sign may be immediately replaced with another, provided that no two signs shall be the same during any calendar year.
   b. **Permitted Sign Type:** Window:
      (i) **Max. No:** Unlimited.
      (ii) **Max. Area:** 25% of widow area for Awindow signs.@ but unlimited area for window displays.
      (iii) **Max. Time:** Unlimited.

(e) **For Sale@ Signs:** **AFor Sale@ signs are permitted by right in all zoning districts**
subject to the requirements of this Chapter and the following additional restrictions:

1. **Time Limit:** All AFor Sale@ signs shall be removed within 10 days after completion of the sale.
2. **Type:** Wall, Window, or Monument.
3. **Max. No:** One (1) per lot under 1 acres
   Two (2) per lots 1 to 5 acres
   Three (3) per lots over 5 acres
4. **Size:** 32 sq. ft. per side.
5. **Max. Height:** 8 ft.

(f) **Personal Greeting/Congratulatory Signs:** Personal greeting/congratulatory signs are permitted by right in all zoning districts subject to the requirements of this Chapter and the following additional restrictions:

1. **Time Limit:** All such signs shall not be permitted for more than 7 days.
2. **Type:** Wall, Window or Monument.
3. **Max. No:** One (1) per lot.
4. **Size:** 32 sq. ft. per side.
5. **Max. Height:** 8 ft.

(g) **Special Event Signs:** Special Event Signs are permitted by right in all zoning districts subject to the requirements of this Chapter and the following additional restrictions:

1. **Time Limit:** All such signs shall not be permitted for more than 30 days before the event, and shall be removed within 5 days after the event, unless a different period of time is approved by the Plan Commission.
2. **Type:** Wall, Canopy, Monument, Pylon, or Window.
3. **Max. No:** Two (2) two-sided signs on the event site. Up to 5 additional two-sided signs may be located off-premises subject to the following conditions:
   a. All off-premise signs shall be approved by the Zoning Administrator, and such approval may cover more than 1 year.
   b. Written permission of the property owner must be obtained each time an approved sign is placed.
4. **Size:** 50 sq. ft. per side.
5. **Max. Height:** 8 ft.

(h) **Temporary Business Signs:** Temporary business signs are permitted by right in all zoning districts, subject to the requirements of this Chapter and the following additional restrictions:

1. **Time Limit:** All such signs shall be permitted for not more than five (5) days before the commencement of construction, and shall be removed within five (5) days after the completion of construction or after the customary route to the business is open to traffic, whichever occurs first.
2. **Type:** Pylon, monument or wall.
3. **Number, Height and Location:** The number, height and location of signs shall be determined by the Zoning Administrator, based upon the nature and extent of the construction project and its relationship to the business in question.
4. **Size:** The size of signs shall be determined by the Zoning Administrator, but shall not exceed 16 sq. ft. per sign face.
22.808 (9) **WARNING SIGNS:** Warning Signs are permitted by right in all zoning districts subject to the requirements of this Chapter and the following additional restrictions:

(a) **Time Limit:** For hazards which are temporary, all warning signs shall be removed within 5 days after the hazard is removed.

(b) **Type:** Wall, Window, Pylon, or Monument.

(c) **Max. No:** Two signs per hazard or warning.

(d) **Size:** 16 sq. ft. per side.

(e) **Max. Height:** 8 ft.

(f) **Conditional Use:** Additional signs, larger signs and higher signs may be obtained by conditional use.

(10) **GROUP DEVELOPMENT SIGNS:** Group Development signs are allowed only for Group Developments, approved as per section 22.414. The regulations of this Chapter shall apply to all signage in and for Group Developments, except as specifically modified below:

(a) **Signage Plan and Theme:** A signage plan, containing the information required by section 22.907 for all exterior signage, shall be reviewed and approved as part of the site plan process for all Group Developments. The signage plan shall identify the size, location, illumination, landscaping, and other pertinent factors for each and every exterior sign. The signage plan shall also present a signage theme which must provide for coordinated and complimentary exterior sign locations, configurations, sizes, styles and colors throughout the development, so as to convey a unified theme among all the signs. All free-standing signs shall compliment the on-building signs, and vice versa. Sign materials and design shall compliment the building’s exterior. No exterior signs may be erected until a signage plan, containing a signage theme, has been reviewed and approved for the Group Development by conditional use.

(b) **Sign Regulations:** The regulations contained in 22.809 (1) through (9) shall apply to all signs in Group Developments, except as follows:

1. **Multiple Wall or Awning Business Signs for Multiple Tenants:** Group developments with multiple tenants shall be entitled to have at least 1 exterior wall or awning business sign for each tenant. The total square footage of all exterior wall or awning business signs shall not exceed double the square footage of AMax. Area allowed for wall or awning signs under the standard formulas set forth in the regulations contained in section 22.809(1) above. This available square footage shall be divided among the tenants as the owner deems appropriate, subject to the following limitations: the maximum area of all wall or awning signs for a particular tenant may not be larger than the greater of (i) 50 square feet, or (ii) the percentage of that tenant’s occupancy of the whole building, multiplied times the AMax. Area of available signage under the standard formulas set forth in 22.809(1).

**Example:** Assume a building located in the CB District which is 100 ft. by 200 ft., for a total of 20,000 sq. ft. The building has 10 tenants, who all want signage on the wall facing the street, which is 200 feet long. The AMax. Area of signage under the standard formula for Business Signs in the CB District is 200 sq. ft. (200 lineal ft. of frontage x 1 sq. ft. of signage = 200 sq. ft. of signage). Double the standard formula would entitle the owner to 400 sq. ft. of signage. One tenant (the Aanchor tenant) has 9,000 sq. ft. of the total building, or 45% of the total building. All the other tenants have small spaces, each under 2,000 sq. ft or less than 10% of the total building. The owner may divide the signage as he wishes subject to the following limitations. Each of the small tenants may not have more than 50 sq. ft. of signage because each tenant’s percentage of occupancy (under 10%) would not entitle the tenant to exceed the 50 sq. ft maximum (e.g. 10% x 200 = 20 sq. ft of signage). However, the anchor tenant’s percentage of occupancy exceeds the maximum of 50 sq. ft. The anchor tenant occupies 45% of the building and so the anchor is entitled to 45% of 200 sq. ft., or 90 sq. ft. of signage. If the owner gives the anchor tenant the maximum of 90 sq. ft., then the remaining
9 tenants must divide up the remaining 310 sq. ft. of total signage available for the whole building (400 sq. ft. B 90 sq. ft = 310 sq. ft.) If the remaining signage area is divided equally among the tenants, each tenant will receive 34 sq. ft. However, if the owner gives one of the small tenants the maximum of 50 sq. ft. of signage, then the remaining 8 tenants must divide up the remaining 260 sq. ft. of signage (400 sq. ft. B 90 sq. ft. for the anchor B 50 sq. ft. for a small tenant = 260 sq. ft. remaining). If the remaining signage area is divided equally among the remaining 8 tenants, each tenant will receive 32.5 sq. ft.
22.809 NONCONFORMING SIGNS

(1) DEFINITIONS:

(a) “Legal Nonconforming Sign” defined: Signs legally existing as of the effective date of this Chapter but which do not conform to the provisions of this Article, shall be legal nonconforming signs.

(b) “Illegal Nonconforming Sign” defined: Signs which were illegal as of the effective date of this Chapter shall remain illegal nonconforming signs.

(c) “Alteration” defined: For purposes of this Section, the alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting, including (but not limited to) changing the message (except for marquee, changeable copy, or off-premise advertising signs), or changing the symbols, color, material, height, size, location, or any other alteration, as determined by the Zoning Administrator. Alterations require a sign permit.

(d) “Maintenance” defined: For purposes of this Article, the maintenance of a sign consists of the ordinary and customary repair and upkeep of an existing sign, which results in no meaningful change in the appearance of the sign from that originally approved, as determined by the Zoning Administrator. Maintenance includes (but is not limited to) the removal or repair of loose materials (e.g. peeling paint, paper or other materials), or the painting or patching of the sign, or the repair or replacement of the structural components of the sign (e.g. frames, pylons, supports, mounts, etc), provided such work causes neither an alteration to the sign nor a change in the appearance of the sign from what was originally approved. Maintenance does not require a sign permit.

22.809 (2) REGULATIONS:

(a) Illegal Nonconforming Signs: All illegal nonconforming signs shall be immediately removed.

(b) Legal Nonconforming Signs:

1. Maintenance: Legal nonconforming signs shall be maintained as required by Section 22.807(3)(a) above.

2. Alteration: Legal nonconforming signs shall not be altered without the entire sign being brought into compliance with the requirements of this Article, except as follows:

   a. A legal nonconforming sign, which consists of a back-lighted sign, may be altered as follows: that part of the sign face which fits into a permanent frame and through which the light is designed to shine, may be altered (e.g. an illuminated sign advertizing AAmoco@ may have the face changed to advertize AShell@), but the structure, frame, size or height of the sign may not be altered without bringing the entire sign into compliance with this Article; or

   b. A legal nonconforming pylon or monument sign, which is nonconforming only because its pedestal violates the setback requirements of this Article, may be altered as follows: a new sign may be placed on top of an existing pylon or monument pedestal provided the new sign does not exceed the height or size of the previous sign and provided that the new sign does not extend over or across any property line or right-of-way line.

3. Removal upon change of Land Use: Legal nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use.
(c) **Signs for Legal Nonconforming Land Uses**: Existing signs for legal nonconforming uses may be continued, and if continued, shall be maintained, but such signs shall not be altered, except that the Plan Commission may permit, by conditional use, any alteration which moves the sign closer toward conformity with the signage requirements of the zoning district in which the nonconforming use is located.

(d) **Signs on Legal Nonconforming Structures**: Existing signs on legal nonconforming structures may be continued, and if continued, shall be maintained, but additional new signs shall not be allowed to be affixed to that portion of the structure which is nonconforming, nor shall existing signs which are affixed to that portion of the structure which is nonconforming be altered.
CHAPTER 22

SUBCHAPTER 9: PROCEDURES AND ADMINISTRATION

ZONING ORDINANCES

SUBCHAPTER 9: PROCEDURES AND ADMINISTRATION

22.900 GENERAL APPLICATION OF THIS SUBCHAPTER

(1) PURPOSE: The purpose of this Subchapter is to establish the procedural requirements for zoning text amendments, zoning map amendments, conditional use review and approval, temporary use review and approval, sign permits, site plan review and approval, certificates of occupancy, variances, zoning provision interpretations by the Zoning Administrator, and appeals of zoning provision interpretations to the Zoning Board of Appeals.

(2) PERMITS REQUIRED: After the effective date of this Ordinance, a zoning permit shall be obtained from the Village before any building or structure is located, relocated, built, erected, enlarged, moved, reconstructed, altered, or extended, or before the use of any building, structure or property is commenced, changed or altered. Permits for uses authorized as a permitted use shall be issued pursuant to the procedures of 22.903 below. Permits for uses authorized only by conditional use shall be issued pursuant to the procedures of Section 22.904 below. Permits for temporary uses shall be issued pursuant to the procedures of Section 22.905 below. Permits for signs shall be issued pursuant to the procedures of Section 22.906 below. All other zoning permits shall be issued pursuant to the following procedures.

22.901 AMENDMENTS TO THE TEXT OF THESE ZONING REGULATIONS

(1) PURPOSE: Subject to the requirements of Section 62.23(7)(d) Wis. Stats., the purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the text of this Chapter, except amendments to the Official Zoning Map.

(2) WHO MAY INITIATE A REQUEST FOR AMENDMENT OF THIS CHAPTER: Proceedings to amend this Chapter may be initiated by any of the following methods:

(a) By an application by any resident or landowner in the Village;

(b) By a recommendation of the Plan Commission; or

(c) By action of the Village Board.

(3) APPLICATION REQUIREMENTS: All applications from the general public for proposed amendments to this Ordinance shall be submitted to the Zoning Administrator or designee, who shall determine if the application is complete. A complete application shall contain all of the following:

(a) Applicant Info: Name and address of the applicant.

(b) Current Text: A copy of the portion of the current provisions of this Ordinance which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier.

(c) Proposed Text: A copy of the text which is proposed to replace the current text.

(d) Explanation: Written justification for the proposed text amendment, consisting of the reasons why the Applicant believes the proposed text amendment is in harmony with the Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in subsection 22.902(5)(e) below.
(4) REVIEW BY ZONING ADMINISTRATOR:

(a) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall so notify Applicant and forward the application to the Plan Commission for further action.

(b) The Zoning Administrator shall review and evaluate the application and shall comment in writing to the Plan Commission on the proposed text amendment provided in the application, taking into consideration the review standards of subsection 22.902(5)(e) below. The Zoning Administrator=s written comments shall be submitted to the Plan Commission on or before the Public Hearing described below. A copy thereof shall also be provided to the Applicant.

(c) The Zoning Administrator shall not refer the application to the Plan Commission and no one shall place the application on the Plan Commission agenda until the Zoning Administrator, or designee, has certified that the application is complete. However, an item may be placed on an agenda as a discussion-only@ item, with the permission of the Chairman of the Plan Commission, even though a completed application has not yet been submitted.

(5) REVIEW AND RECOMMENDATION BY THE PLAN COMMISSION:

(a) Submission to Plan Commission Required: Pursuant to Section 62.23(7)(d) Wis. Stats., no amendment shall be made to this Chapter without first allowing for a recommendation from the Plan Commission.

(b) Public Hearing: Unless the Village Board specifically provides otherwise, public hearings on proposed amendments shall be held by the Plan Commission. The Plan Commission shall schedule a reasonable time and place for a public hearing, within 45 days after the Administrator determines that the application is complete. The Applicant may appear in person, by agent, and/or by attorney.

(c) Notice: Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the proposed text change. In addition, at least ten(10) days before said public hearing, the Clerk shall mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Ordinance. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

(d) Formal Decision: Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission (i) shall make a written report to the Village Board and/or (ii) shall state in the formal minutes of its meeting, its findings and its recommendations regarding the application. Said report and/or minutes shall include formal findings of facts developed and approved by the Plan Commission concerning the standards of subsection (e) below.
(e) **Standards of Review:** The following issues shall be considered by the Plan Commission in making its decision:

1. Whether the proposed text amendment is in harmony with the recommendations of the Comprehensive Master Plan, with specific reference wherever applicable to the text of the Comprehensive Plan, and/or whether the Comprehensive Plan needs to be amended either (i) to change the recommendations of the Plan or (ii) to promulgate a recommendation which was omitted from the Plan.
2. Whether the proposed text amendment furthers the purposes of this Chapter as outlined in Section 22.102.
3. Whether the proposed text amendment furthers the purposes of the general Subchapter in which the amendment is proposed to be located.
4. Whether the proposed text amendment furthers the purposes of the specific Section in which the amendment is proposed to be located.
5. Whether any new, different or unusual factors have arisen that are not properly addressed in the current zoning text. The following are examples of such factors:
   a. The provisions of this Chapter should be brought into conformity with the Comprehensive Plan. (If this is a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.);
   b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
   c. New methods of creating development or providing infrastructure make it necessary to alter this Ordinance to meet these new factors;
   d. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing affordable public services.
6. Whether the proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
7. Whether the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment.

(f) **Failure to Act:** If the Plan Commission fails to act as required above, then the Village Board may hold a public hearing, pursuant to the requirements of subsection (c) above, and then make a decision as required below.

(6) **REVIEW AND ACTION BY THE VILLAGE BOARD:** The Village Board shall consider the Plan Commission=s recommendation regarding the proposed text amendment. The Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Board may conduct one or more meetings on the application before taking final action. The Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. If the Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in subsection (5) above shall again be followed prior to Board action. The Board=s approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
(7) **EFFECT OF DENIAL:** No application which has been denied (in whole or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, unless the Administrator, or designee, first determines that either (i) substantial and material new evidence has arisen or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

(8) **FEE:**
   (a) All applicants shall pay an application fee when requesting an amendment to the text, and such fee shall be established by resolution of the Village Board. See, Section 22.937.

   (b) Application fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.

   (c) A double application fee shall be charged by the Village if an application is submitted after the Applicant has committed an act or omission for which the Applicant now seeks an amendment. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

   (d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.937(4).

   (e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete@ and ready for consideration until all fees have been paid.
22.902 AMENDMENTS TO THE OFFICIAL ZONING MAPS

(1) PURPOSE: Subject to the requirements of Section 62.23(7)(d) Wis. Stats., the purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the Official Zoning Maps.

(2) WHO MAY INITIATE A REQUEST FOR AMENDMENT OF THE ZONING MAPS: Proceedings to amend the Official Zoning Maps may be initiated by any of the following:

(a) By an application by any resident or landowner in the Village;

(b) By a recommendation of the Plan Commission; or

(c) By action of the Village Board.

(3) APPLICATION REQUIREMENTS: All applications from the general public for proposed amendments to the Map shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain all of the following:

(a) Applicant Info: Name and address of the applicant, and the owner of the site, and the address and tax parcel number for the site.

(b) Site Map: A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current tax records of the Village. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is not larger than 11" by 17," which is clearly reproducible with a photocopyer, and which is at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(c) Overall Map: A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole.

(d) Explanation: Written justification for the proposed map amendment, consisting of the reasons why the Applicant believes the proposed map amendment is in harmony with recommendations of the Master Plan, particularly as evidenced by compliance with the standards set out in 22.902(5)(e) below.

(4) REVIEW BY ZONING ADMINISTRATOR:

(a) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall so notify Applicant and forward the application to the Plan Commission for further action.

(b) The Zoning Administrator shall review and evaluate the application and shall comment in writing to the Plan Commission on the proposed text amendment provided in the application, taking into consideration the review standards of subsection 22.903(5)(e) below. The Zoning Administrator’s written comments shall be submitted to the Plan Commission on or before the Public Hearing described below. A copy thereof shall also be provided to the Applicant.
(c) The Zoning Administrator shall not refer the application to the Plan Commission and no one shall place the application on the Plan Commission agenda until the Zoning Administrator, or designee, has certified that the application is complete. However, an item may be placed on an agenda as a discussion-only item, with the permission of the Chairman of the Plan Commission, even though a completed application has not yet been submitted.

(5) REVIEW AND RECOMMENDATION BY THE PLAN COMMISSION:

(a) Submission To Plan Commission Required: Pursuant to Section 62.23(7)(d) Wis. Stats., no amendment shall be made to the Official Zoning Map without first allowing for a recommendation from the Plan Commission.

(b) Hearing: Unless the Village Board specifically provides otherwise, public hearings on proposed amendments shall be held by the Plan Commission. The Plan Commission shall schedule a reasonable time and place for a public hearing, within 45 days after the Administrator determines that the application is complete. The Applicant may appear in person, by agent, and/or by attorney.

(c) Notice: Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed change in zoning. In addition, at least ten days before said public hearing, the Clerk shall mail an identical notice to the Applicant; to all property owners within 200 feet of the boundaries of the subject property as identified in 22.903(3)(a), above; and to the Clerk of any municipality whose boundaries are within 1,000 feet of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

(d) Formal Decision: Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission (i) shall make a written report to the Village Board and/or (ii) shall state in the formal minutes of its meeting, its findings and its recommendations regarding the application. Said report and/or minutes shall include formal findings of facts developed and approved by the Plan Commission concerning the standards of subsection (e) below.

(e) Standards of Review: The following issues shall be considered by the Plan Commission in making its decision:

1. Whether the proposed map amendment is in harmony with the recommendations of the Comprehensive Master Plan, with specific reference wherever applicable to the text of the Comprehensive Plan, and/or whether the Comprehensive Plan needs to be amended either (i) to change the recommendations of the Plan or (ii) to promulgate a recommendation which was omitted from the Plan.

2. Whether the proposed map amendment furthers the purposes of this Chapter as outlined in Section 22.102 and the applicable rules and regulations of the DNR and FEMA.

3. Whether any new, different or unusual factors have arisen that are not properly addressed on the current zoning maps. The following are examples of such factors:
   a. The designation of the Map should be brought into conformity with the Comprehensive Plan;
   b. A change has occurred in the land market, or other factors have arisen which require a new form of development or a new type of land use;
c. A mistake was made in mapping on the Official Zoning Map. (e.g. an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from spreading;

d. Factors have changed (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes) making the subject property more appropriate for a different zoning district;

e. Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.

4. Whether the proposed amendment to the Official Zoning Map maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

5. Whether the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment.

(f) Failure To Act: If the Plan Commission fails to act as required above, then the Village Board may hold a public hearing, pursuant to the requirements of subsection (c) above, and then make a decision as required below.

(6) REVIEW AND ACTION BY THE VILLAGE BOARD: The Village Board shall consider the Plan Commission’s recommendation regarding the proposed amendment to the Official Zoning Map. The Board may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the Applicant. The Board may conduct one or more meetings on the application before taking final action. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed amendment. If the Village Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in subsection (5) above shall again be followed prior to Village action. The Village Board’s approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

(7) EFFECT OF DENIAL: No application which has been denied (in whole or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, unless the Administrator first determines that either (i) substantial and material new evidence has arisen or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

(8) FEE:

(a) All applicants shall pay an application fee when requesting an amendment to the Maps, and such fee shall be established by resolution of the Village Board. See, Section 22.937.

(b) Application fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.

(c) A double application fee shall be charged by the Village if an application is submitted after the Applicant has committed an act or omission for which the Applicant now seeks an amendment. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
(d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.937(4).

(e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete@ and ready for consideration until all fees have been paid.
22.903 ZONING PERMITS FOR PERMITTED USES

(1) **PURPOSE:** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of requests for zoning permits for permitted uses.

(2) **GENERAL REQUIREMENT:** After the effective date of this Ordinance, a zoning permit shall be obtained from the Village before any building or structure is located, relocated, built, erected, enlarged, moved, reconstructed, altered, or extended, or before the use of any building, structure or property is commenced, changed or altered. Permits for uses authorized as a permitted use shall be issued pursuant to the procedures of 22.904 below. Permits for uses authorized only by conditional use shall be issued pursuant to the procedures of Section 22.905 below. Permits for temporary uses shall be issued pursuant to the procedures of Section 22.906 below. All other zoning permits shall be issued pursuant to the following procedures.

(3) **APPLICATION REQUIREMENTS:** All applications for permits shall be submitted to the Zoning Administrator or designee, who shall determine if the application is complete. A complete application shall contain all of the following:

- **Applicant Info:** Name and address of the applicant, the owner of the site, and the architect(s), professional engineer(s), developer(s) and contractor(s) being used on the project.

- **Property Info:** Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; tax parcel number for the site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

- **Survey:** Plat of survey, and a reduced map not larger than 11" by 17," prepared by a land surveyor registered in Wisconsin (or at the Village=s discretion, a scaled drawing) showing the location, boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements; streets and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, channel floodway, floodplain shoreland, and wetland boundaries; and existing and proposed street, side, and rear yards.

- **Other:** Additional information as may be required by the Zoning Administrator.

(4) **REVIEW BY ZONING ADMINISTRATOR:** The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, or if he determines that additional information is needed to determine compliance with this Chapter, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall review the application and shall render a written decision.
(5) **DECISION:** A zoning permit shall be granted or denied, in writing, by the Zoning Administrator within thirty (30) days of either (i) the filing of a complete application or (ii) the filing of additional information requested by the Zoning Administrator, whichever is later. In making a decision, the Zoning Administrator may seek input from other Village Staff, consultants, and/or the Plan Commission before rendering a decision. If a decision is not rendered by the Zoning Administrator within said 30-day period, the application shall be deemed to have been denied, and the Applicant may either re-apply or appeal the denial to the Board of Appeals. (See, Section 22.911).

(6) **POSTING:** The applicant shall post such permit in a conspicuous place at the site while performing any work under the permit.

(7) **EXPIRATION:** The permit shall expire within four (4) months after issuance unless work equal to 10% of the dollar amount of the project has been completed, and the permit shall expire within eighteen (18) months after issuance if the structure for which a permit issued is not 75% completed as measured by the dollar amount of the project. Once a permit has expired, the applicant shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of the Chapter shall be null and void.

(8) **TERMINATION OF AN ISSUED PERMIT AND/OR AN APPROVED PERMIT:** Any applicant and/or land owner found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance, and shall be subject to all applicable procedures and penalties. A zoning permit may be revoked for such a violation by majority vote of the Plan Commission, following notice to the land owner and following a hearing before the Plan Commission. Furthermore, at any time after approval of a zoning permit, upon request by the Plan Commission, the Applicant must appear before the Plan Commission at a time and date set by the Commission, and the Applicant must demonstrate to the satisfaction of the Plan Commission that the Applicant has met all general and specific requirements of the zoning permit and this Chapter for the subject property.

(9) **EFFECT ON OTHER PERMITS:** Once a zoning permit is granted, no other permits (e.g. Erosion Control Permit, Site Plan approval, Certificate of Occupancy, Driveway permit, sewer/water hook-up permit, Building Permit, etc.) shall be issued for any development which do not comply with all requirements of the granted zoning permit and this Ordinance.

(10) **FEES:**

(a) All applicants shall pay a zoning permit fee which shall be established by resolution of the Village Board. (See, Section 22.937).

(b) Zoning permit fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.

(c) A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

(d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.937(4).

(e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete@ and ready for consideration until all fees have been paid.
22.904 ZONING PERMITS FOR CONDITIONAL USES

(1) PURPOSE: The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses, including limited conditional uses.

(2) PERMIT REQUIRED: Permits for uses allowed only by conditional use shall be issued pursuant to the following procedures.

(3) LIMITED CONDITIONAL USES: Limited conditional uses are the same as regular conditional uses except that limited conditional uses are not permanent, but instead, they are limited in time or duration because of

(a) their particularly specialized nature, or
(b) their particular location within a district, or
(c) the peculiar unique relationships or needed compatibility of uses to involved individuals, or
(d) any other reason(s) the Plan Commission deems specially relevant and material to limit the scope thereof.

(4) INITIATION OF REQUEST FOR APPROVAL OF A CONDITIONAL USE:

(a) Who May Apply: Proceedings for approval of a site plan shall be initiated by application of the owner(s) of the subject property, or their legally authorized representative(s).

(b) Pre-Application Meeting: Before submitting an application, the Applicant may first meet with Staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the Applicant on technical requirements and procedures, and a timetable for project review may be discussed.

(5) APPLICATION REQUIREMENTS: All applications for proposed conditional uses shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain all of the following:

(a) Applicant Info: Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s), developer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.

(b) Site Map: A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the tax records. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(c) Overview Map: A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole.

(d) Description of Proposed Uses: A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
Site Plan: A site plan of the subject property as proposed for development. Said
site plan shall conform to the requirements of Section 22.908(3). If the proposed
conditional use is a group development (per Section 22.414), a proposed preliminary
plat or conceptual plat may be substituted for the required site plan, provided said
plat contains all information required on said site plan per Section 22.908(3).

Explanation: Written justification for the proposed conditional use consisting of
the reasons why the Applicant believes the proposed conditional use is appropriate,
particularly as evidenced by compliance with the standards set forth in Subsection
22.905(6)(e) below.

(6) REVIEW BY ZONING ADMINISTRATOR: The proposed conditional use application shall
be reviewed by the Zoning Administrator, or designee, as follows:

(a) The Zoning Administrator, or designee, shall determine whether the application
fulfills the requirements of section (5) above. If the Zoning Administrator determines
that the application does not fulfill the requirements of section (5) above, he shall
return the application to the Applicant with a brief statement identifying how the
application is inadequate. If the Zoning Administrator determines that the application
does fulfill the requirements of section (5), he shall so notify Applicant and forward
the application for further action.

(b) If the applicant is complete, the Zoning Administrator shall review and evaluate the
application and shall comment in writing to the Plan Commission on the proposed
application, taking into consideration the review standards of subsection 22.905(7)(e)
below. The Zoning Administrator’s written comments shall be submitted to the Plan
Commission on or before the Public Hearing described below. A copy thereof shall
also be provided to the Applicant.

(c) The Zoning Administrator shall not refer the application to the Plan Commission and
no one shall not place the application on the Plan Commission agenda until the
application is complete. However, an item may be placed on the agenda as a
discussion-only item, with the permission of the Chairman of the Plan
Commission, even though a completed application has not yet been submitted and.

(7) REVIEW AND ACTION BY THE PLAN COMMISSION:

(a) Referral to Plan Commission: Once the application is referred to the Plan
Commission, the Commission may request further information and/or additional
reports from the Zoning Administrator, the Applicant, and/or from any other source.
The Plan Commission shall take final action on the application pursuant to the
following procedure.

(b) Public Hearing: The Plan Commission shall schedule a reasonable time and place
for a public hearing, within 45 days after the Administrator determines that the
application is complete. The Applicant may appear in person, by agent, and/or by
attorney.
(c) **Notice:** Notice of an application for a conditional use and the public hearing thereon shall be given as follows. A Class 1 notice, under ch. 985 Wis. Stats., shall be published containing (i) a description of the subject property, (ii) a description of the proposed use(s), (iii) the identity of the owner of the subject property, (iv) the identity of the applicant and any intended future owner (if different from the current owner and applicant), and (v) the date and location of the public hearing. In addition, at least ten (10) days before said public hearing, the Clerk shall mail an identical notice to the Applicant and to all property owners within 200 feet of the boundary of the subject property as identified in 22.905(5)(b) above. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional and provided substantial compliance has occurred, shall not invalidate proceedings under this Section.

(d) **Formal Decision:** Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of subsection (e) below. In making its decision the Plan Commission,

1. may approve the conditional use as originally proposed, or
2. may approve the proposed conditional use with such modifications and conditions as it deems necessary and appropriate after consideration of the standards of review set forth below and consideration of the recommendations of the Zoning Administrator, outside experts, its own members, and any other source, or
3. may deny approval of the proposed conditional use.

The Plan Commission’s approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.

(e) **Standard of Review:** The following issues shall be considered and addressed by the Plan Commission in making its decision:

1. Whether the proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration by the Village.
2. Whether the proposed conditional use (in its proposed specific location) is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration by the Village.
3. Whether the proposed conditional use, in its proposed location and as depicted on the required site plan, will cause a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development.
4. Whether the proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. Whether the proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.

6. Whether the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration the Applicant=s proposal, including the Applicant=s suggestions to ameliorate any adverse impacts.

(8) EFFECT OF DENIAL: No application which has been denied (in whole or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, unless the Zoning Administrator first determines that either (i) substantial and material new evidence has arisen or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

(9) EFFECT OF APPROVAL: Except for conditional use approvals for temporary uses, a copy of the authorizing resolution, containing a legal description of the property subject to the conditional use and containing any specific requirements of approval, shall be recorded by the Village with the Register of Deeds office. Also, the Zoning Administrator shall issue a Zoning Permit, with a copy of the authorizing resolution attached, to the Applicant.

(10) EFFECT ON OTHER PERMITS: Once a conditional use is granted, no other permits (e.g. Erosion Control Permit, Site Plan approval, Certificate of Occupancy, Driveway permit, sewer/water hook-up permit, Building Permit, etc.) shall be issued for any development which do not comply with all requirements of the granted conditional use and this Ordinance.

(11) TIME LIMITS ON THE DEVELOPMENT OF CONDITIONAL USE: The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Plan Commission and shall be operational within 730 days of said approval, unless a different deadline is established by the terms of the Conditional Use. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, "operational" shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the Applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission and shall be based upon a showing of acceptable justification (as determined by the Plan Commission).

(12) DISCONTINUING AN APPROVED CONDITIONAL USE: Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(13) CHANGE OF OWNERSHIP: All requirements of an approved conditional use shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any approved conditional use, without approval by the Plan Commission, shall be considered a violation of this Chapter and shall be grounds for revocation of said conditional use approval.

(14) TERMINATION OF AN APPROVED CONDITIONAL USE: Any conditional use found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, following the procedures outlined in Subsections 22.905(4) through (8) above. Furthermore, at any time after approval of a conditional use, upon request by the Plan Commission, the Applicant must appear before the Plan Commission at a time and date set by the Commission and the
Applicant must demonstrate to the satisfaction of the Plan Commission that the Applicant has met all general and specific conditional use requirements for the subject property.

(15) **NOTICE TO THE DNR:** The Plan Commission shall transmit a copy of each application for a conditional use in the Shoreland-Wetland, Floodway, Floodplain Conservancy, or Floodway Fringe Overlay Zoning Districts to Juneau County and the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to any public hearings. Final action on the application shall not be taken for 30 days or until Juneau County and the DNR has made their recommendations, whichever comes first. A copy of the decision shall be transmitted to Juneau County and the DNR within ten (10) days of the date of such decision.

(16) **USES NOW REGULATED AS CONDITIONAL USES WHICH WERE APPROVED AS LEGAL LAND USES (permitted by right or as conditional uses) PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER:** A use now regulated as a conditional use which was approved as a legal land use either permitted by right or as a conditional use prior to the Effective Date of this Chapter shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require submission of a new application for a conditional use pursuant to the foregoing procedures.

(17) **MINOR CHANGES:** Prior to the issuance of a Certificate of Occupancy, the Zoning Administrator, with the consent of the Chairman of the Plan Commission, is authorized to approve minor variations and minor changes to any previously-granted Conditional Use, without compliance with the notice and public hearing procedures of subsection (7) above, provided (i) the variations do not violate any of the minimum standards of this Ordinance and (ii) the spirit and intent of the original Conditional Use is preserved. All such variations shall be approved in writing and, whenever the variation changes any term or condition of a written resolution previously recorded with the Register of Deeds, the variation shall also be recorded.

**Rationale:** The intent of this section is to avoid the expensive and time-consuming process of a public hearing and public notice whenever a minor change is needed on a site plan or a conditional use. During construction, problems often arise which require minor changes to site plans or conditional uses. It is expensive, time-consuming, unnecessary and wasteful for the Applicant and the Plan Commission to go through the whole Conditional Use process just to approve a minor change.

(18) **FEES:**

(a) All applicants shall pay a non-refundable conditional use application fee which shall be established by resolution of the Village Board. See, Section 22.937.

(b) Conditional use application fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.

(c) A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

(d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.937(4).

(e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered A complete and ready for consideration until all fees have been paid.
22.905 ZONING PERMITS FOR TEMPORARY USES

(1) PURPOSE:

(a) The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary uses.

(b) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case by case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.

(c) Land uses which fail to meet one of the requirements for temporary uses of Section 22.413 may be reviewed as a conditional use.

(2) PERMIT REQUIRED: After the effective date of this Ordinance, a Temporary Use permit shall be obtained from the Village before any temporary use is located, relocated, built, erected, enlarged, moved, reconstructed, altered, or commenced. No public hearing is required to develop a temporary use, however, a demonstration that the applicant proposes to meet all temporary use requirements of this Subchapter must be made at the time of application. Furthermore, no Certificate of Occupancy shall be issued for any development that does not comply with all requirements of this Chapter (See, Section 22.908). Any temporary use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Code and shall be subject to all applicable procedures and penalties.

(3) APPLICATION REQUIREMENTS: All applications for proposed temporary uses shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain all of the following:

(a) Applicant Info: Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.

(b) Site Map: A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(c) Overview Map: A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole.

(d) Description: A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

(e) Site Plan: The Zoning Administrator may require a full or partial site plan of the subject property. If required, said site plan shall conform to any and all the requirements of Section 22.908(3) as determined by the Zoning Administrator.
(4) **REVIEW BY ZONING ADMINISTRATOR:** The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, or if he determines that additional information is needed to determine compliance with this Chapter, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall review the application and shall render a written decision.

(5) **DECISION:** A temporary use permit shall be granted or denied, in writing, by the Zoning Administrator within thirty (30) days of either (i) the filing of a complete application or (ii) the filing of additional information requested by the Zoning Administrator, whichever is later. In making a decision, the Zoning Administrator may seek input from other Staff, consultants, and/or the Plan Commission before rendering a decision. If a decision is not rendered by the Zoning Administrator within said 30-day period, the application shall be deemed to have been denied, and the Applicant may either re-apply or appeal the denial to the Board of Appeals. (See, Section 22.912).

(6) **POSTING:** The applicant shall post such permit in a conspicuous place at the site while performing any work under the permit.

(7) **EXPIRATION:** The temporary use permit shall expire within four (4) months after issuance unless work equal to 10% of the dollar amount of the project has been completed, and the permit shall expire within six (6) months after issuance if the use for which a permit issued is not 75% completed as measured by the dollar amount of the project. Before expiration of the permit, the applicant may apply for and receive one (1) extension for a period not to exceed six (6) months. Any temporary use lasting more than six (6) months (twelve (12) months if extended) must immediately cease, and seek a permanent zoning permit.

(8) **TERMINATION OF AN APPROVED PERMIT:** Any temporary use permit found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties. A zoning permit may be revoked for such a violation by the Zoning Administrator, following notice to the land owner. Furthermore, at any time after approval of a temporary use permit, upon request by the Zoning Administrator or the Plan Commission, the Applicant must appear before the Zoning Administrator or Plan Commission at a time and date set by the Administrator or Commission, and the Applicant must demonstrate to the satisfaction of the Administrator or Plan Commission that the Applicant has met all general and specific requirements of the permit and this Chapter for the subject property.

(9) **EFFECT ON OTHER PERMITS:** Once a temporary use permit is granted, no other permit (e.g. Erosion Control Permit, Site Plan approval, Certificate of Occupancy, Driveway permit, sewer/water hook-up permit, Building Permit, etc.) shall be issued for any development which is inconsistent with the granted temporary use permit and this Ordinance.

(10) **FEE:**

   (a) All applicants shall pay a permit fee which shall be established by resolution of the Village Board.

   (b) Temporary use permit fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
c) A double fee shall be charged by the Zoning Administrator if the temporary use is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

(d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.938(4).

(e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete@ and ready for consideration until all fees have been paid.
22.906 SIGN PERMITS

(1) PURPOSE: The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of a permit for the erection, alteration or relocation of signs.

(2) PERMIT REQUIRED: Unless specifically exempted by Subchapter 8, no sign shall be erected, altered, or relocated after the effective date of this Ordinance until a sign permit has been issued therefor by the Village.

(3) APPLICATION REQUIREMENTS: All applications for sign permits shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. The applicant may include all signs on one premise under one application and one permit. A complete application shall contain all of the following:

(a) The name and address of the applicant, and the owner of the lot upon which the sign will be located, if different from the applicant.

(b) The name and address of the proposed sign owner, if different from the applicant.

(c) The name and address of the architect(s), professional engineer(s) and contractor(s) being used on the project.

(d) A legible, colored, scaled drawing of each proposed sign, listing the height, width, total square footage, method of attachment, and method of illumination of each proposed sign, and also listing the materials to be used in making, erecting and attaching the sign.

(e) A legible, scaled drawing of the subject lot showing
   1. the location of each proposed sign's proposed location on the building and lot,
   2. the location of each existing sign's current location on the building and lot,
   3. the location of all Overlay Zoning District Boundaries (as per Subchapter 3) on the lot,
   4. the location of all rights-of-way, easements, driveways, parking areas and drainage facilities on the lot

(f) The subject property's Standard Zoning District designation (as per Subchapter 2).

(g) The sign purpose of each proposed sign (as per Section 22.804(3)).

(h) The sign type of each proposed sign (as per Section 22.804(4)).

(i) The total area of all signs on the subject property, both before and after the installation of the proposed sign. (See, Appendix 11, Sign Inventory Worksheet).

(j) Written proof of consent from the property owner upon which the sign(s) are to be erected and maintained. (Not required if the applicant is the property owner).

(k) Proof of payment of the appropriate sign permit fee, when required.

(l) Any other item of information that may be reasonably required by the Zoning Administrator or Plan Commission for the purpose of application evaluation, including (but not limited to) a site plan for the subject property (per Section 22.907(2)).
(4) **REVIEW BY ZONING ADMINISTRATOR:** The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, or if he determines that additional information is needed to determine compliance with this Chapter, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall review the application and shall render a written decision.

(5) **BASIS FOR GRANTING:** In reviewing a sign permit application, the Zoning Administrator shall consider the following factors in deciding whether or not to grant the issuance of a sign permit.

(a) Whether the sign is compatible with the surroundings, pursuant to the objectives of proper design and zoning criteria.

(b) Whether the sign is designed, installed, and maintained to meet the sign users needs while at the same time promoting the surrounding environment desired by the general public.

(c) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.

(d) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used.

(e) Whether the sign, including size, height, illumination and location, is respectful of reasonable rights of other advertisers whose messages are displayed in the area.

(f) Whether the sign is in compliance with the provisions of this Subchapter.

(g) Whether the sign is in compliance with the provisions of the Village=s Ordinances relating to traffic safety, traffic visibility setbacks, and other provisions of this Zoning Ordinance.

(6) **DECISION:** A Sign permit shall be granted or denied, in writing, by the Zoning Administrator within thirty (30) days of either (i) the filing of a complete application or (ii) the filing of additional information requested by the Zoning Administrator, whichever is later. In making a decision, the Zoning Administrator may seek input from other Village Staff, consultants, and/or the Plan Commission before rendering a decision. If a decision is not rendered by the Zoning Administrator within said 30-day period, the application shall be deemed to have been denied, and the Applicant may either re-apply or appeal the denial to the Board of Appeals. (See, Section 22.911).

(7) **POSTING:** The applicant shall post such permit in a conspicuous place at the site while performing any work under the permit.

(8) **ILLEGAL SIGNS AND VOID PERMITS:** Any sign found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
(9) REVOCATION OF PERMIT:

(a) **Noncompliance:** Upon Class I notice and after a public hearing conducted by the Plan Commission, any permit may be revoked by the Plan Commission in the event that the applicant has failed to comply with the provisions of these regulations or any conditions that may have accompanied the permit at the time of granting.

(b) **Installation Delay:** Any sign permit issued by the Zoning Administrator shall be null and void and automatically revoked in the event that installation of the sign has not been commenced within 180 days from the date of issuance of the permit, and if the sign has not been completed within 240 from the date of issuance of the permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

(c) **Removal:** Upon revocation of a permit, the sign(s) subject to such revoked permit, whether free-standing, overhanging or projecting, shall be removed by the permitee within 45 days of such revocation.

(d) **Fee Refund:** Revocation shall not entitle the licensee to a total or partial reimbursement of license fees paid.

(10) EFFECT ON OTHER PERMITS: Once a sign permit is granted, no other permit (e.g. Erosion Control Permit, Site Plan approval, Certificate of Occupancy, Driveway permit, sewer/water hook-up permit, Building Permit, etc.) shall be issued for any development which is inconsistent with the granted sign permit and this Ordinance.

(11) FEE:

(a) All applicants shall pay a sign permit fee which shall be established by resolution of the Village Board. Any sign permit fee paid hereunder for any one sign may not be assigned or transferred to any other sign or modified sign face or sign structure.

(b) Sign permit fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, water hook-up and sewer hook-up.

(c) A double fee shall be charged by the Zoning Administrator if work is started on the sign before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

(d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.937(4).

(e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete@ and ready for consideration until all fees have been paid.
22.907 SITE PLAN APPROVALS

(1) PURPOSE: The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land use and development activities comply with the requirements of this Chapter. Specifically, this Section requires that the initiation of all development activity for principal structures of non-residential and multifamily residential developments (including building permits, zoning certificates, occupancy permits for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading or filling) require the approval of site, building and operational plans by the Village Plan Commission before the building, occupancy, and zoning permits can be issued except, however, that development activity associated with an approved final plat of subdivision or certified survey map for single-family and/or duplex/twin home dwelling units, and development activity associated with the full and complete implementation of a project approved within the PIP phase of the Planned Unit Development District (PUD) is exempt from this requirement.

(2) APPLICATION REQUIREMENTS: All applications for approval of proposed site plans shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete site plan application shall contain the following:

(a) Applicant Info: Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.

(b) Written Description of the intended use describing in reasonable detail the following:
   1. Existing zoning district(s) on the subject property.
   2. Proposed zoning district(s) on the subject property (per Subchapter 2);
   3. Current land uses present on the subject property;
   4. Proposed land uses for the subject property (per Subchapter 4);
   5. Projected number of residents, employees, and/or daily customers;
   6. Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
   7. Intended hours of operation;
   8. Traffic generation and traffic volumes expected;
   9. Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Subchapter 5 including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Subchapter 5), then the statement shall be provided;
   10. Exterior building and fencing materials (Sections 22.528 and 22.532);
   11. Possible future expansion and related implications for 1-10, above, and;
   12. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

(c) Location Map at 11" x 17" showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the Village’s Land Use Plan Map with the subject property clearly indicated shall suffice to meet this requirement.)
(d) **Property Site Plan Drawing** (and reduction at 11@ x 17@) which includes:

1. A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
2. The date of the original plan and the latest date of revision to the plan;
3. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
4. A legal description of the subject property;
5. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
6. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
7. All required building setback lines;
8. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
9. The location and dimension (cross-section and entry throat) of all access points onto public streets;
10. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this Ordinance;
11. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
12. The location of all outdoor storage areas and the design of all screening devices;
13. The location, type, height, size and lighting of all signage on the subject property;
14. The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property including the clear demonstration of compliance with Section 22.513;
15. The location and type of any permanently protected green space areas;
16. The location of existing and proposed drainage facilities; and
17. In the legend, data for the subject property:
   a. Lot Area;
   b. Floor Area;
   c. Floor Area Ratio;
   d. Impervious Surface Area;
   e. Building Coverage;
   f. Building Height.

(e) **Detailed Landscaping Plan** of the subject property, at the same scale as the main plan (and reduction at 11@ x 17@), showing the location of all required landscaping areas.

(f) **Grading and Erosion Control Plan** at the same scale as the main plan (and reduction at 11@ x 17@) showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the Village Engineer.

(g) **Elevation Drawings** of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings. (Refer to Section 22.528).
(h) **Certified Survey** may be required in instances where the Administrator or the Plan Commission determines that compliance with setback requirements may be difficult. The survey shall be prepared by a registered land surveyor and shall depict property lines and proposed buildings, structures, and paved areas.

(i) **Detailed Site Analysis Map** is required if the proposed site has any natural resource protection areas (RPA). If so, a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this Subchapter. Village Staff shall review the submitted detailed site analysis map for general compliance with the following data sources:

1. The Official Zoning Map;
2. Applicable USGS 7.5 minute topographic maps for the Village and its environs;
3. Air photos of the subject property;
4. USGS Quads and other sources of topographic information;
5. Applicable FEMA and related floodplain maps;
6. Applicable Federal and State Wetland Inventory Maps;
7. The Comprehensive Master Plan.

(3) **REVIEW BY ZONING ADMINISTRATOR:** The application shall be reviewed by the Zoning Administrator, or designee, as follows:

(a) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (2) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (2) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (2), he shall so notify Applicant and forward the application to the Plan Commission for further action.

(4) **REVIEW BY THE PLAN COMMISSION:**

(a)  **Referral to Plan Commission:** Once the application is referred to the Plan Commission, the Commission may request further information and/or additional reports from the Zoning Administrator, the Applicant, expert consultants and/or from any other source. The Plan Commission shall take final action on the application pursuant to the following procedure.

(b)  **Formal Decision:** Within 60 days after referral to the Plan Commission (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the form of written minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of subsection (c) below. In making its decision the Plan Commission,

1. may approve the site plan as originally proposed, or
2. may approve the site plan with such modifications and/or conditions as it deems necessary and appropriate after consideration of the standards of review set forth below and consideration of the recommendations of the Site Plan Review Committee, the Zoning Administrator, outside experts, its own members, and any other source, or
3. may deny approval of the site plan.

If additional modifications and/or conditions are required, the Plan Commission may withhold approval of the Site Plan until revisions depicting such additional modifications and/or conditions are submitted to the satisfaction of the Plan Commission, or its designee. Such modifications and/or conditions shall be made a
part of the official record, and development activity on the subject property may not proceed until the revised site plan has been prepared, submitted and approved by the Plan Commission or its designee. The Plan Commission’s approval of the site plan shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed site plan.

(c) Standard of Review: In reviewing the site plan the Plan Commission shall make findings on each of the following criteria to determine whether the submitted site plan shall be approved, approved with modifications and/or conditions, or denied:

1. Whether all standards of the Zoning Ordinance and other applicable Village, State and Federal regulations are met.
2. Whether the public health and safety is endangered.
3. Whether adequate public facilities and utilities are provided.
4. Whether adequate control of storm water and erosion are provided, and the disruption of existing drainage patterns and vegetative cover is minimized insofar as is practical.
5. Whether appropriate traffic controls and parking are provided.
6. Whether appropriate landscaping and open space areas are provided.
7. Whether the appearance of structures maintains a consistency of design, materials, colors, and arrangement with nearby properties of similar use, which comply with the general architectural guidelines provided in subsections a. through e. below:
   a. Exterior construction materials shall be consistent with Section 22.528.
   b. Exterior building design or appearance shall not be of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
   c. Exterior building design or appearance shall not be so identical with nearby buildings so as to create excessive monotony or drabness.
   d. Exterior building design or appearance shall not be constructed or faced with an exterior material which is aesthetically incompatible with other nearby buildings or which presents an unattractive appearance to the public and surrounding properties.
   e. Exterior building, sign, and lighting design or appearance shall not be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area.
   f. The basic intent of the Zoning Ordinance is fulfilled to ensure attractive, efficient, and appropriate development of land in the community.
8. Whether reasonable steps have been taken to avoid depreciating effects on surrounding property and the natural environment.

(5) INITIATION OF LAND USE OR DEVELOPMENT ACTIVITY: Except with the written permission of the Zoning Administrator, absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this Chapter and shall be subject to all applicable enforcement mechanisms and penalties. Any permission granted by the Zoning Administrator shall not be interpreted or construed, directly or indirectly, as an approval of the proposed development by the Plan Commission. Moreover, any permission granted by the Zoning Administrator can be revoked or modified by the Zoning Administrator or the Plan Commission at any time prior to final approval by the Plan Commission of the development.

(6) MODIFICATION OF AN APPROVED SITE PLAN: Any and all variations between development and/or land use activity on the subject property and the approved site plan is a
violation of this Chapter. An approved site plan shall be revised and approved via the procedures of this Section, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

(7) SUNSET CLAUSE: All buildings and structures approved on a site plan shall be fully developed within two (2) years of final approval of the site plan, unless a different date is established by the Plan Commission in the writing. After the expiration of such period, no additional site plan development shall be permitted on undeveloped portions of the subject property. The Plan Commission may extend this period, as requested by the Applicant, through the conditional use process following a public hearing.

(8) FEE:

(a) All applicants shall pay a site plan review fee which shall be established by resolution of the Village Board. This fee shall include the reimbursable costs incurred by the Village. See, Section 22.937.

(b) Site plan review fees do not include, and are in addition to, building permit fees established by the Village Building Code, and other fees which may be imposed for driveways, etc.

(c) A double fee shall be charged by the Zoning Administrator if work is started on a project before a site plan review is applied for and approved. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

(d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.937(4).

(e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete@ and ready for consideration until all fees have been paid.
22.908  ZONING CERTIFICATES OF OCCUPANCY

(1)  PURPOSE: The purpose of this Section is to provide regulations governing the issuance of Zoning Certificates of Occupancy. This procedure is required to verify that completed development has complied with an issued permit, an approved site plan, a conditional use, and the requirements of this Chapter as a whole.

(2)  LAND USES AND DEVELOPMENT REQUIRING A CERTIFICATE OF OCCUPANCY:
Zoning Certificates of Occupancy shall be required for any use for which a zoning permit is required by this Ordinance, including (but not limited to) the following:

(a)  Occupancy and use of a building or structure hereafter erected or structurally altered.

(b)  New occupancy and/or new use of an existing building when the new use is of a different land use classification.

(c)  Occupancy and use of vacant land.

(d)  New use of vacant land when the new use is of a different land use classification.

(e)  Any change in the use of a nonconforming use.

No such occupancy, use or change of use shall take place until a Zoning Certificate of Occupancy therefor has been issued by the Zoning Administrator, or designee.

(3)  ISSUANCE OF CERTIFICATE OF OCCUPANCY:

(a)  Application: All applications for Zoning Certificates of Occupancy shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain the name and address of the applicant and the property owner, and the address and tax parcel number of the site.

(b)  Exemptions from Application: Every application for a Zoning Permit, Conditional use Permit, or Building Permit shall also be deemed to be an application for a Zoning Certificate of Occupancy for a new building or for an existing building which is to be substantially altered or enlarged as determined by the Zoning Administrator. A separate application is not needed.

(c)  When issued: If the work has been completed in conformity with the provisions of this Chapter, a written Zoning Certificate of Occupancy shall be issued within ten (10) working days after either (i) the application therefor has been made, or (ii) notice is given to the Village that the work authorized by a Zoning Permit, Conditional Use Permit or Building Permit has been completed and the property is ready for final zoning inspection.
(d) **Records:** Every Zoning Certificate of Occupancy shall state that both (i) the building and (ii) the proposed use of a building or land, substantially complies with all provisions of this Ordinance. A record of all Certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

(4) **CERTIFICATE OF OCCUPANCY FOR LEGAL NONCONFORMING USES:** Upon application, a Zoning Certificate of Occupancy shall be issued for all legal nonconforming uses of land or buildings, created by adoption of this Chapter or in existence at the effective date of this Chapter. Any application for a Certificate for a nonconforming use, filed with the Zoning Administrator more than one (1) year after the effective date of this Chapter, shall require the applicant to prove, by clear and convincing evidence, that the use currently being made of the property is the same use of the property that was occurring on the effective date of this Chapter. It shall be the duty of the Zoning Administrator to investigate and issue Certificates of Occupancy for a legal nonconforming use.

(5) **TERMINATION OF A CERTIFICATE OF OCCUPANCY:** It shall constitute a violation of this Chapter for any person or other entity, to do any of the things mentioned in Subsection (2), above, without having first obtained a Zoning Certificate of Occupancy. Any Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Zoning Administrator, he shall forthwith revoke the Certificate, by notice in writing to be delivered by him to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by Certified Letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate of Occupancy shall be deemed guilty of an additional violation of this Chapter.

(6) **FEE:**

(a) All applicants required to file a separate application for a Certificate of Occupancy shall pay a fee which shall be established by resolution of the Village Board.

(b) Zoning Certificate of Occupancy fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.

(c) A fee established by resolution of the Village Board, shall be charged by the Zoning Administrator if occupancy occurs before a Certificate is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

(d) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete® and ready for consideration until all fees have been paid.
22.909 VARIANCES

(1) **PURPOSE:** The purpose of this Section is to provide regulations which enable the Village to hear and decide requests for variations from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would 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, as provided by Wisconsin Statutes 62.23(7)(e)(7).

(2) **DIFFERENT TYPES OF VARIANCES:** There are two types of variances:

(a) **Area Variances:** Area variances address regulations regarding density, setbacks, frontage, height, landscaping, lighting, lot size, and other dimensional regulations which are designed to address uniformity of development, lot size, building configuration and size, and other similar features. Area variances do not address how a property may be used.

(b) **Use Variances:** Use variances address how a property may be used, and primarily seek to vary or circumvent the list of allowable land uses prescribed for the property as contained in Subchapter 2. Use variances do not address the kind of dimensional regulations addressed by area variances. However, care must be taken to not permit an applicant to label a use variance as an area variance in order to circumvent the more difficult standards applicable to use variances.

(3) **INITIATION OF REQUEST FOR APPROVAL OF A VARIANCE:** Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property, or their legally authorized representative(s).

(4) **APPLICATION REQUIREMENTS:** All applications for variances shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain all of the following:

(a) **Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.

(b) **Site Map:** A map of the subject property showing all lands for which the variance is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the tax records. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(c) **View Map:** A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole.

(d) **Description:** A written description of the proposed variance, providing specific reference to those sections of this Chapter from which the Applicant seeks relief, describing the specific terms, conditions and requirements of the variance proposed for the subject property, and identifying whether a use variance or an area variance is being requested.
(e) **Site Plan:** A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 22.908(3).

(f) **Written Justification:** Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standard set out in Subsection (5)(e) below.

(5) **REVIEW BY ZONING ADMINISTRATOR:**

(a) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall so notify Applicant and forward the application to the Board of Appeals for further action.

(b) The Zoning Administrator shall review and evaluate the application and shall comment in writing to the Board of Appeals on the variance requested in the application, taking into consideration the review standards of subsection 22.910(6)(e) below. The Zoning Administrator’s written comments shall be submitted to the Board of Appeals on or before the Public Hearing described below. A copy thereof shall also be provided to the Applicant.

(c) The Zoning Administrator shall not refer the application to the Board of Appeals and no one shall place the application on the Board’s agenda until the Zoning Administrator, or designee, has certified that the application is complete.

(6) **REVIEW AND DETERMINATION BY ZONING BOARD OF APPEALS:**

(a) **Submission to Zoning Board Of Appeals Required:** Pursuant to 62.23(7)(e) Wis. Stats., no variance shall be granted except by review and action of the Zoning Board of Appeals pursuant to this Chapter.

(b) **Public Hearing:** The Board of Appeals shall schedule a reasonable time and place for a public hearing to consider the application within thirty (30) days after filing of the complete application. The applicant may appear in person, by agent, and/or attorney.

(c) **Notice:** Notice of the requested variance and the public hearing shall conform to the requirements of Section 62.23(7)(e) Wis. Stats. Said notice shall contain a description of the subject property and the proposed variance. In addition, at least ten days before said public hearing, the Clerk shall mail an identical notice to the Applicant of the proposed variance; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 200 feet of the boundaries of the subject property as identified in Subsection (3) above. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

(d) **Formal Decision:** Within thirty (30) days after the holding of the public hearing, or within an extension of said period approved by the Applicant and granted by the Zoning Board of Appeals, the Zoning Board of Appeals shall make its findings and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at the time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations concerning the standards of subsection (e) below.
(e) **Standards of Review**: The following factors must be found to exist by the Board of Appeals in making its decision regarding a request for a variance, and each factor shall be addressed in the Board’s official written decision:

1. The requested variance must be in harmony with the recommendations of the Comprehensive Master Plan.
2. The land must present an exceptional or extraordinary circumstance or condition which unreasonably prevents the owner from using the property for a permitted purpose or which makes conformity with the requirements of this Chapter unnecessarily burdensome. The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
   a. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and will not accommodate a structure of reasonable design for a permitted use if all area requirements are observed;
   b. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
   c. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner’s predecessor in title are considered to be such self-imposed hardships;
   d. Violations by, or variances granted to, neighboring properties shall not justify a variance;
   e. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)
3. The variance must be needed so that the subject property can be developed in a manner similar to that of other properties under the same zoning district. The response to this question shall clearly indicate how the requested variance is essential to make the subject property reasonably developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
4. The granting of the proposed variance must not be a substantial detriment to adjacent properties. The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
5. The granting of the proposed variance must not result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development. The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.
6. The exceptional or extraordinary circumstance or condition which the applicant claims as justification for the proposed variance must not have been created by the acts or omissions of the applicant or the applicant’s predecessor-in-title (e.g., previous development decisions such as building placement, floor plan, building orientation, platting pattern, grading, etc.) after the effective date of this Ordinance. The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the Applicant or the applicant’s predecessors-in-title.

7. If the proposed variance is a use variance, then, in addition to the foregoing standards, the applicant must also establish that the applicant will have no reasonable use of the property if the variance is not granted.

(f) Effect of Inaction: If the Zoning Board of Appeals fails to make a determination within thirty (30) days after said public hearing, the request for the variance shall be considered denied.

7) EFFECT OF DENIAL: No application for a variance which has been denied (in whole or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, unless the Zoning Administrator first determines that either (i) substantial and material new evidence has arisen, or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

8) LIMITED EFFECT OF A VARIANCE: Where the Zoning Board of Appeals has granted a variance, such approval shall not change the classification of either the building or premises, nor give it any new status as a nonconforming use other than that status which it held before the granting of the variance. Granting of a variance shall be considered unique to the variance granted, and shall not be construed as precedent for any other proposed variance.

9) STAY OF PROCEEDINGS: An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Ordinance from which the Applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a Court of Record. State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.

10) NOTICE TO THE DNR: The Zoning Board of Appeals shall transmit a copy of each application for a variance in the Shoreland-Wetland, Floodway, Floodplain Conservancy, or Floodway Fringe Overlay Zoning Districts, and a copy of all Shoreland floodland appeals, to the Wisconsin Department of Natural Resources (DNR) and Juneau County for review and comment at least ten (10) days prior to any public hearings. Final action on the application shall not be taken for thirty (30) days or until the DNR and Juneau County have made their recommendation, whichever comes first. A copy of all decisions relating to variances to shoreland conservancy regulations or to floodland regulations, and a copy of all decisions to shoreland conservancy and floodland appeals, shall be transmitted to the DNR and Juneau County within ten (10) days of the date of such decision.

11) FEE:
(a) All applicants shall pay an application fee for a variance which shall be established by resolution of the Village Board.

(b) Variance fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
(c) A double application fee shall be charged by the Village if an application is submitted after the Applicant has committed an act or omission for which the Applicant now seeks a variance. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

(d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.937(4).

(e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete@ and ready for consideration until all fees have been paid.
22.910 INTERPRETATIONS

(1) PURPOSE: The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.

(2) INITIATION OF REQUEST FOR AN INTERPRETATION: Proceedings for an interpretation may be initiated by any of the following four methods:
   (a) By an application of a resident or land owner in the Village;
   (b) By a request of the Plan Commission;
   (c) By a request of the Village Board; or
   (d) By a request of the Zoning Administrator.

(3) APPLICATION REQUIREMENTS: All applications from residents or land owners shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall be comprised of all of the following:
   (a) Applicant Info: Name and address of the applicant.
   (b) Text: All requests for interpretations shall clearly indicate the part of the text of this Chapter for which the interpretation is requested and the specific questions the Applicant has regarding said text. If the Applicant believes that the text is subject to several reasonable interpretations, the Applicant shall set forth all such interpretations.
   (c) Specific Property: If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required:
      1. A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
      2. A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole;
      3. A written explanation of the issue which needs interpretation, including the applicant=s proposed interpretation, and an explanation of how the proposed interpretation relates to the type of activities, buildings, and structures currently located on, and/or proposed for, the subject property; and,
      4. If requested by the Zoning Administrator, a site plan of the subject property as proposed for development. Said site plan shall conform to all the requirements of Section 22.907(2) or such requirements as the Administrator may require.
(d) **Land Use**: If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions shall be provided:

1. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village? How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?

3. Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?

(4) **REVIEW BY ZONING ADMINISTRATOR:**

(c) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall commence his review thereof.

(b) Within thirty (30) days of filing of a complete application, the Zoning Administrator shall review and evaluate the application. This review shall take into consideration the standards for review presented in subsection (5), below. In evaluating the application, the Zoning Administrator may consult with consultants and Village Staff, such as the Village Attorney. The Zoning Administrator shall also evaluate the application to determine whether the request is in harmony with the recommendations of the Comprehensive Master Plan.

(c) The Zoning Administrator, or such consultants or staff as the Zoning Administrator may deem appropriate (e.g. Village Attorney), shall prepare and forward a written report to the Applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report. A copy of all such reports shall be forwarded to the Plan Commission.

(5) **STANDARDS FOR REVIEW OF REQUESTED INTERPRETATIONS**: This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Village Board as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall address the following to the extent applicable:

(a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required.

**Rationale**: Before any zoning interpretation is made, there must be a discussion of the purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.
(b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public.

(b) Rationale: There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged, but a lowering of the standards of this Chapter is to be prohibited.

(c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person=s land use proposal.
Rationale: If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (either the adjoining landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements.

(d) Avoid substituting the judgement of the Administrator for the legislative acts of the Village Board.
Rationale: This Chapter has been carefully designed by the Village Board to combine maximum achievement of public goals, and the protection of adjoining property owners, while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgments for the legislative acts of the Village Board.

(e) Address the following standards on land use interpretation matters:
1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Village Board on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
2. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property (see Subchapter 2).
3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property=s zoning district.
4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category.
5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property’s district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 22.905.

6. **EFFECT OF A FAVORABLE LAND USE INTERPRETATION:** No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, special use permits, conditional uses, and Certificates of Occupancy.

7. **LIMITATIONS ON FAVORABLE LAND USE INTERPRETATION:**
   (a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a Building Permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.
   
   (b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.
   
   (c) An interpretation finding a particular land use to be permitted by right or conditionally permitted shall have no precedential value. It is understood that, if the Plan Commission wished such interpretation to have precedential value, it would amend this Chapter to include such interpretation herein. It is also understood that mistakes in interpretation often become apparent only after the interpretation becomes effective and the use is employed and observed.

8. **FEE:**
   (a) All applicants shall pay an application fee for an interpretation, which fee shall be established by resolution of the Village Board.
   
   (b) Interpretation fees do not include, and are in addition to, zoning permit fees and other fees established by this Chapter, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
   
   (c) A fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

   (d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.937(4).

   (e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete@ and ready for consideration until all fees have been paid.
22.911 APPEALS OF ZONING DECISIONS

(1) PURPOSE: The purpose of this Section is to provide regulations which enable the Village to hear and decide requests for appeals from the decisions of the Zoning Administrator per Section 22.911, as provided for by 62.23(7)(e) Wis. Stats.

(2) INITIATION OF REQUEST FOR REVIEW OF ZONING DECISION: Proceedings for the review of an appeal may be initiated by any aggrieved person, or by any officer, department, board, committee or commission of the Village affected by any decision of the Zoning Administrator.

(3) TIME LIMIT FOR FILING AN APPEAL: An appeal shall be made within a period not exceeding forty-five (45) days from the date of issuance of the decision from which the appeal is taken. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.

(4) APPLICATION REQUIREMENTS: All applications for review of an interpretation, regardless of the party of their initiation per Subsection (2) above, shall be submitted to the Clerk, or designee, who shall determine if the application is complete. The Clerk shall act as the clerk for the Zoning Board of Appeals in receiving said Applications. A complete application shall contain all of the following:

(a) Name and address of the applicant, the owner of the site and the address and tax parcel number for the site.

(b) A copy of all documents previously submitted by the Applicant to the Village which relate to the issue of the appeal. (The Village will supply copies of these items, at Applicant=s expense, if the Applicant has lost or misplaced his/her own copies).

(c) A written statement from the Applicant specifying the grounds for the appeal. Such statement shall indicate the reasons why an appeal is justified, based upon an analysis of the Zoning Administrator=s decision. This statement shall be dated and signed by the Applicant.

(5) REVIEW BY CLERK AND ZONING ADMINISTRATOR: The submitted application shall be reviewed by the Clerk and the Zoning Administrator in the following steps:

(a) The Clerk, or designee, shall determine whether the application fulfills the requirements of section (4) above. If the Clerk determines that the application does not fulfill the requirements of section (4), he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Clerk determines that the application is complete, he shall so notify Applicant and forward the application to both the Zoning Administrator and the Zoning Board of Appeals.

(b) The Zoning Administrator shall review and evaluate the application, and shall comment, in writing, on the written justification for the appeal to the Zoning Board of Appeals. The Zoning Administrator shall also evaluate the application to determine whether the request is in harmony with the recommendations of the Comprehensive Master Plan. Before the date set for the Public Hearing, the Zoning Administrator shall forward this written report to the Board of Appeals, and the Applicant, along with copies of all papers constituting the record of the Zoning Administrator on this application. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Master Plan or Zoning Ordinance, the Zoning Administrator shall note this determination in the report.
(6) REVIEW AND ACTION BY THE ZONING BOARD OF APPEALS:

(a) **Public Hearing:** The Zoning Board of Appeals shall schedule a reasonable time and place for a public hearing, within forty-five (45) days after the Clerk determines that the application is complete.

(b) **Notice:** Notice of the appeal and said public hearing shall conform to Section 63.23(7)(e) of the Wisconsin Statutes. Said notice shall contain a description of the appealed issue. At least ten (10) days before said public hearing, the Clerk shall mail an identical notice (i) to the Applicant, (ii) to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter, and (iii) to any property owner within 200 feet of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

(c) **Formal Decision:** Within sixty (60) days after the filing of the complete application (or, within an extension of said period requested in writing by the Applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals shall make its findings. The Zoning Board of Appeals may request further information and/or additional reports from The Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at Applicant=s request. Said final action shall be followed by a written report which shall include formal findings of facts developed and approved by the Zoning Board of Appeals concerning the request.

(d) **Board=s Authority:** Pursuant to Section 62.23(7)(e)8 Wis. Stats., the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator.

(e) **Effect of Inaction:** If the Zoning Board of Appeals fails to make a determination within sixty (60) days after the filing of said complete application, then the request for the appeal shall be considered denied.

(7) EFFECT OF DENIAL: No application which has been denied (in whole or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, unless the Zoning Administrator, or designee, first determines that either (i) substantial and material new evidence has arisen or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

(8) LIMITED EFFECT OF A FAVORABLE RULING ON AN APPEAL:

(a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

(b) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.
(9) FEE:

(a) All applicants shall pay an application fee for an appeal, which fee shall be established by resolution of the Village Board.

(b) Appeal fees do not include, and are in addition to, zoning permit fees and other fees established by this Chapter, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.

(c) A fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

(d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.937(4).

(e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete@ and ready for consideration until all fees have been paid.

22.912 RESERVED FOR FUTURE USE
22.913 PLANNED DEVELOPMENT DISTRICT PROCEDURES

(1) PURPOSE:

(a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed Planned Developments, and to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district.

(b) PUDs are intended to provide more incentives for development and redevelopment in areas of the community which are experiencing a lack of significant investment. Furthermore, PUDs are designed to forward both the aesthetic and economic development objectives of the Village by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the PUD shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments.

(c) PUDs have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case by case basis. In order to prevent this from occurring, all PUDs are required to meet certain stringent procedural requirements applicable only to PUDs, in addition to the general requirements of this Chapter. A public hearing process is required to review a request for a PUD. This process shall essentially combine the process for a zoning map amendment with that required for a conditional use, with several additional requirements.

(2) EXTENT OF FLEXIBLE DEVELOPMENT STANDARDS:

(a) Permitted Location: PUDs shall be permitted with the approval of a Planned Development Zoning District, specific to the approved PUD, within all zoning districts.

(b) Flexible Development Standards: The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a PUD:

1. Land Use Requirements: All land uses listed as AResidential®, AInstitutional®, or ACommercial® in Subchapter 2 may be permitted within a PUD.

2. Density and Intensity Requirements: All requirements listed in Subchapter 2 for residential density and nonresidential intensity may be waived or modified within a PUD.

3. Bulk Requirements: All bulk requirements listed in Subchapter 2 may be waived or modified within a PUD.

4. Landscaping Requirements: All landscaping requirements may be waived or modified within a PUD.

5. Parking and Loading Requirements: All requirements listed in Sections 22.509 and 22.511 may be waived or modified within a PUD.
(c) **Requirements to Depict All Aspects of Development:** Only development which is explicitly depicted on the required site plan approved by the Village Board as part of the approved PUD, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in Subchapter 2. Requested exemptions from these standards shall be made explicit by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the Village Board. If not so requested and approved, such exemptions shall not be permitted.

(3) **INITIATION OF REQUEST FOR APPROVAL OF A PUD:** Proceedings for approval of a PUD shall be initiated:

(a) By an application of the owner(s) of the subject property;

(b) By a recommendation of the Plan Commission; or

(c) By action of the Village Board.

(4) **APPLICATION REQUIREMENTS:** All applications for proposed PUD=s, regardless of the party of their initiation per (3) above, shall follow each of the process steps in (5) through (8) below.

(5) **STEP 1: PRE-APPLICATION CONFERENCE:**

(a) The Applicant shall contact the Zoning Administrator to place an informal discussion item for the PUD on the Plan Commission agenda.

(b) To be placed on the agenda, no details are required except the following: the names and addresses of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project (if known), and the address and tax parcel number for the site, and a general description of the proposed PUD.

(c) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the potential PD. Appropriate topics for discussion may include the location of the PD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Master Plan.

(d) Points of discussion and conclusions reached in this stage of the process shall not be binding, directly or indirectly, upon the Applicant or the Village, but shall be considered as merely an informal, non-binding discussion designed to give the Applicant some feedback, positive and/or negative, on the proposal and to give the Plan Commission some general background before proceeding to the next step.
(6) STEP 2: CONCEPT PLAN:

(a) **Submittal packet:** The Applicant shall submit to the Zoning Administrator a draft PD Concept Plan Submittal Packet, which shall contain all of the following items:

1. **Location Map:** A location map of the subject property and its vicinity at 11@x17@, as depicted on a copy of the Land Use Plan Map;

2. **General Description:** A general written description of proposed PD including:
   a. General project themes and images;
   b. The general mix of dwelling unit types and/or land uses;
   c. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio
   d. The general treatment of natural features;
   e. The general relationship to nearby properties and public highways;
   f. The general relationship of the project to the Master Plan;
   g. An initial draft list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and

3. **Requested Exemptions:** A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
   a. Land Use Exemptions;
   b. Density and Intensity Exemptions;
   c. Bulk Exemptions;
   d. Parking and Loading Requirements Exemptions;

4. **Conceptual Plan:** A conceptual plan drawing (at 11@x17@) of the general land use layout and the general location of public highways and/or private drives. The Applicant may submit copies of a larger version of the bubble plan in addition to the 11@x17@ reduction.

(b) **Review by Administrator:** The Zoning Administrator, or designee, shall determine whether the PD Concept Submittal Packet fulfills the requirements of section (a) above. If the Zoning Administrator determines that the packet does not fulfill the requirements of section (a) above, he shall return it to the Applicant with a brief statement identifying how it is inadequate. If the Administrator determines that the packet fulfills the requirements of section (a), he shall so notify Applicant and shall place the matter on the Plan Commission agenda.

(c) **Review by Plan Commission:** At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual PD. Appropriate topics for discussion may include the any of the information provided in the PD Concept Plan Submittal Packet, or other items as determined by the Plan Commission.

(d) **Non-Binding Effect:** Points of discussion and conclusions reached in this stage of the process shall not be binding, directly or indirectly, upon the Applicant or the Village, but shall be considered as merely an informal, non-binding basis for proceeding to the next step.

**Rationale:** The foregoing procedures are intended to give the Plan Commission
several informal reviews of the concept plan before introduction of the formal petition for rezoning which accompanies the next step, the formal GDP application. Although time-consuming, this informal process is designed to give the Plan Commission lots of time to consider the PD, and at the same time, give the applicant lots of feedback so that the time and expense of the formal petition is minimized (or perhaps eliminated), by incorporation into the GDP of the comments and concerns raised during this preliminary informal process.

(7) **STEP 3: GENERAL DEVELOPMENT PLAN (GDP):**

(a) **Purpose:** The purpose of this step is to evaluate whether the zoning for the proposed site should be changed from its current zoning to PUD zoning which will create zoning unique to the property. Therefore, the focus of this step is on the same types of issues which affect all changes of zoning, i.e. density, intensity, the mix of use and the arrangement of site design. The details of the PUD are generally reserved for Step 4, but in some cases those details may need to be also addressed in Step 3, depending upon the concerns of the Plan Commission. For example, in Step 3 a general discussion of signage exemptions is necessary, but in Step 4 a full and complete signage plan is required. However, if signage for the site is of particular concern, some of the details reserved for Step 4 may be requested in Step 3. Hence, it is important to understand that while Steps 3 and 4 are separate steps in this Chapter, they may become combined in practice on a case-by-case basis.

(b) **Submittal Packet:** The Applicant shall submit to the Zoning Administrator a draft GDP Plan Submittal Packet, which shall contain all of the following items:

1. **Location Map:** A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the Land Use Plan Map;

2. **Site Map:** A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Juneau County (as provided by the Village). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

3. **General Description:** A general written description of the proposed PD including:

   a. General project themes and images;
   b. The general mix of dwelling unit types and/or land uses;
   c. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
   d. The general treatment of natural features;
   e. The general relationship to nearby properties and public streets;
   f. The general relationship of the project to the Master Plan;
   g. A Statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning;
   h. A complete list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by
the proposed PD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;

i. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
   1). Land Use Exemptions;
   2). Density and Intensity Exemptions;
   3). Bulk Exemptions;
   4). Parking and Loading Requirements Exemptions.

4. **GDP Drawing:** A General Development Plan Drawing at a minimum scale of $1\text{@}=100\text{@}$ ($11\text{@} \times 17\text{@}$ reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
   a. A conceptual plan drawing (at $11\text{@} \times 17\text{@}$) of the general land use layout and the general location of public highways and/or private drives. The Applicant may submit copies of a larger version of the bubble plan in addition to the $11\text{@} \times 17\text{@}$ reduction;
   b. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
   c. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Village Board; and
   d. Notations relating the written information provided in (7)(b)3., above to specific areas on the GDP Drawing.

5. **Landscaping:** A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this Ordinance (except as noted in the listing of exceptions) and the use of extra landscaping and bufferyards.

6. **Signage:** A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Village standards or common practices.

7. **Written Justification:** Written justification for the proposed Planned Development. (The Applicant is advised to use the requirements of the conditional use procedure to develop said written justification.)

(c) **Review by Administrator:** The Zoning Administrator, or designee, shall determine whether the GPD Submittal Packet fulfills the requirements of section (b) above. If the Administrator determines that the packet does not fulfill the requirements of section (b) above, he shall return it to the Applicant with a brief statement identifying how it is inadequate. If the Administrator determines that the packet does fulfill the requirements of section (b) above, he shall so notify Applicant and shall place the matter on the Plan Commission agenda.

(d) **Review by Plan Commission:** The process for review and approval of the GDP shall be identical to that for conditional use permits per Section 22.905(6) of this ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Village Code.
(8) **STEP 4: PRECISE IMPLEMENTATION PLAN (PIP):**

(a) **Purpose:** The purpose of this step is to obtain all the details necessary to establish specific conditions on the proposed development and operations. It is akin to a conditional use permit application for the whole development.

(b) **Submittal Packet:** After the effective date of the rezoning to PUD/GDP, the Applicant may file an application for a proposed Precise Implementation Plan (PIP) with the Zoning Administrator, which shall contain all of the following items:

1. **Location Map:** A location map of the subject property and its vicinity at 11” x 17”, as depicted on a copy of the Land Use Plan Map. The area included in a Precise Implementation Plan may be only a portion of the area included in a previously approved General Implementation Plan.

2. **Ownership Map:** A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Juneau County (as provided by the Village). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

3. **Written Description:** A general written description of proposed PIP including:
   a. Specific project themes and images;
   b. The specific mix of dwelling unit types and/or land uses;
   c. Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
   d. The specific treatment of natural features;
   e. The specific relationship to nearby properties and public streets.
   f. A Statement of Rationale as to why PUD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PUD zoning.
   g. A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

4. **Plan Drawing:** A Precise Implementation Plan Drawing at a minimum scale of 1”=100= (11” x 17” reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
   a. A PIP site plan conforming to all the requirements of Section 22.908(3). If the proposed Planned Development is a group development (per Section 22.414) a proposed preliminary plat or conceptual plat shall be provided in addition to the required site plan.
b. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;

c. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Village Board; and

d. Notations relating the written information provided in (8)(b)3., above to specific areas on the GDP Drawing.

5. **Landscaping:** A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs.

6. **Exteriors:** A series of building elevations for the entire exterior of all buildings in the Planned Development, including detailed notes as to the materials and colors proposed.

7. **Signage:** A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from Village standards or common practices.

8. **Organizational structure:** A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.

9. **Consistency with GDP:** A written description which demonstrates the full consistency of the proposed PIP with the approved GDP.

10. **Variations:** All variations between the requirements of the applicable PD/GDP zoning district and the proposed PIP development; and

11. **Public Works:** The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

12. **Design Info:** The Precise Implementation Plan (PIP) submission may include site plan and design information, allowing the Plan Commission to combine design review and review of the PIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.

13. **Other:** The Plan Commission or Village Board may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.

(c) **Review by Zoning Administrator:** The Zoning Administrator, or designee, shall determine whether the PIP fulfills the requirements of section (b) above. If the Administrator determines that the PIP does not fulfill the requirements of section (b) above, he shall return it to the Applicant with a brief statement identifying how it is inadequate. If the Administrator determines that the PIP does fulfill the requirements of section (b) above, he shall so notify Applicant and shall place the matter on the Plan Commission agenda.

(d) **Process for Review:** The process for review and approval of the PUD shall be identical to that for conditional use permits per Section 22.905(6) of this ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Village Code, except that in addition to approval by the Plan Commission, all PUD=s must also be approved by the Village Board.

**Rationale:** Creation of a PUD is tantamount to an amendment to the Zoning Map and Zoning Regulations and, therefore, should be reviewed and approved by the Village Board.
(e) **Development Time Table:** All portions of an approved PUD/PIP not fully developed within five years of final Village Board approval shall expire, and no additional PUD-based development shall be permitted. The Village Board may extend this five years period by up to five additional years via a majority vote following a public hearing.

(9) **REVIEW AND ACTION BY THE VILLAGE BOARD:** The Village Board shall consider the Plan Commission=s recommendation regarding the PUD. The Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Board may conduct one or more meetings on the Application. The Village Board may approve the PUD as originally proposed, may approve the PUD with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny the PUD. If the Board wishes to make significant changes to the PUD, as recommended by the Plan Commission, then the procedure set forth in Steps (3) and (4) above shall again be followed prior to Board action. The Board=s approval of a PUD shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed PUD.

(10) **MINOR CHANGES:** During the construction of a PUD, the Zoning Administrator, with the consent of the Village President, is authorized to approve minor variations and minor changes to any previously-approved PUD, without compliance with the foregoing procedures, provided the spirit and intent of the original PUD is preserved. All such variations shall be approved in writing and, whenever the variation changes any term or condition of a written resolution previously recorded with the Register of Deeds, the variation shall also be recorded.

**Rationale:** The intent of this section is to avoid the expensive and time-consuming process of a PUD whenever a minor change is needed. During construction, problems often arise which require minor changes to PUD=s. It is expensive, time-consuming, unnecessary and wasteful for the Applicant, the Plan Commission and the Village to go through the whole PUD process just to approve a minor change.

(11) **FEE:**

(a) All applicants for a PUD shall pay an application fee, which fee shall be established by resolution of the Village Board.

(b) Application fees do not include, and are in addition to, zoning permit fees and other fees established by this Chapter, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.

(c) A fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

(d) All applicants shall reimburse the Village for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 22.938(4).

(e) The Village may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered Acomplete@ and ready for consideration until all fees have been paid.

22.931 **RESERVED FOR FUTURE USE**
22.937 FEES

(1) **FEES FOR PROCEDURES REQUESTED BY A PRIVATE PARTY:** The fees for the procedures and permits established by this Chapter shall be established by resolution of the Village Board.

(2) **FEES FOR PROCEDURES REQUESTED BY THE VILLAGE:** There shall be no fee in the case of applications filed in the public interest by the Village Board, the Plan Commission, another agency, or any official of the Village.

(3) **PAYMENT OF FEES:** Fees shall be payable at the time applications are filed with the appropriate officer of the Village (per the requirements of this Chapter), and are not refundable.

(4) **REIMBURSABLE COSTS:**

   (a) **Consultants:** The Village Planner, the Village Engineer, the Village Attorney, and other Village staff, may expend substantial amounts of time in the investigation and processing of the various applications required by this Zoning Ordinance. In addition to staff involvement, the Village may retain the services of professional consultants including, but not limited to engineers, architects, attorneys, urban planners, environmental specialists, landscaping specialists, and recreation specialists in the review, analysis, investigation and processing of such matters.

   (b) **Payment:** Any person, firm or corporation requesting action by the Village on any application required herein, shall reimburse the Village (within the limits established herein) for (i) the cost of staff time expended in the administration, investigation and processing of applications for such applications and (ii) the cost to the Village charged by any professional consultant retained by the Village to work on any such matter. The amount charged by the Village for Staff time shall be established by Resolution of the Village Board, and the amount charged for retained consultants shall be the amount which the consultant charges to the Village. The amount which may be charged by the Village without agreement from the applicant shall not exceed $1,000. If the reimbursable costs are likely to exceed $1,000, the Village shall notify the applicant of the same and shall negotiate an agreement with the applicant regarding the payment of any costs exceeding $1,000. Such agreement shall be negotiated before such costs are incurred, and notwithstanding any provision herein to the contrary, the Village may withhold action on any matter until such agreement has been reached.

   (c) **Collection of Costs:** The Village may require all or part of these costs to be paid in advance by the applicant, or the Village may withhold action on any matter until payment has been received from the applicant. Any costs not paid by the applicant may be assigned by the Village as a special assessment or charge against the subject property, or may be collected from the applicant through any procedure permitted by law.

   (d) **Appeal or Waiver of Costs:** An applicant may appeal to the Village Board the payment of costs or the terms of any agreement regarding the payment of costs. The Village Board, by resolution, may alter any such agreement or may waive all or part of any costs for any specific project, or may authorize other Staff or the Plan Commission to waive such costs.
22.938  RESERVED FOR FUTURE USE
22.939 VIOLATIONS AND PENALTIES

(1) VIOLATION OF THIS CHAPTER: It shall be unlawful for any owner, occupant, contractor, developer, builder, electrician, plumber, or other person or entity, to build, construct, maintain or repair or use any land or structure, or to engage in any development activity (including disruption of protected vegetation), in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter’s requirements. Any and all persons (including the owner, occupant, contractor, developer, builder, electrician, plumber, etc.) who violate(s) or fail(s) to comply with any of the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties set forth in Subsection (2), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney’s and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense. Each person participating in or committing the offense shall be liable.

(2) PENALTIES: Any person, firm, corporation or other legal entity, who fails to comply with the provisions of this Code or any order of the Zoning Administrator, shall, upon conviction thereof, forfeit not less than $10.00 nor more than $200.00 plus the costs of prosecution for each violation.

(3) VILLAGE CORRECTION OF VIOLATION: In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the Village reserves and maintains the continued right to abate violations of this Chapter.

(4) HAZARDOUS CONDITION CAUSED BY VIOLATION OF THIS CHAPTER: If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said action shall be charged to the owner of the property on which said violation has occurred per Subsection (6), below. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.

(5) NON-HAZARDOUS CONDITION CAUSED BY VIOLATION OF THIS CHAPTER: If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by Certified Mail on the current owner of the property (as indicated by current tax records) on which said violation is occurring, to remove said violation within a period of time established by the Zoning Administrator, but not less than ten (10) working days. If such violation is not removed within such time period, the Zoning Administrator may cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (6), below.

(6) COST OF ABATEMENT: In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept by the Village, and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by Certified Mail, and shall be payable within thirty (30) calendar days from the mailing thereof. If such costs and expenses remain unpaid sixty (60) calendar days from the mailing thereof, the Village shall enter such charges onto the tax roll as a special tax as provided by State Statute 66.0909.