



TOWN OF WESTON

## MEETING AGENDA

Meeting of the: **INTERGOVERNMENTAL ZONING STEERING COMMITTEE**  
 Date/Time: **Thursday, February 27, 2014 @ 5:00 P.M. – 7:00 P.M.**  
 Location: **Kronenwetter Village Hall (1582 Kronenwetter Drive) – Board Room**  
 Village of Kronenwetter  
 Members: President, Loren White, Plan Commission Members, Mike Stenstrom and Mark Maloney, and Citizen Member, Joe Jordan  
 Village of Kronenwetter  
 Members: President, Geraldine Kowalski, Trustee, Dan Lesniak, Plan Commission Member, Matt Hildebrandt, and Citizen Member, Ken Pozorski  
 Town of Weston  
 Members: Chairman, Milt Olson, and Plan Commission Member, Mark Thompson

- 1) **Discussion and Review of [Draft Zoning Ordinance](#) Articles 6 – 13, and Article 17**
- 2) **Project [Timeline Review](#)**
- 3) **Draft Public [Overview of Proposed Zoning Ordinance](#) Update**
- 4) **Public Comment**
- 5) **Next Steps / Next Meeting**

**This Notice was posted at Village of Weston Municipal Center and faxed to the Wausau Daily Herald newsroom on 02/20/2014 @ 12:00pm**

It is possible that members of, and possibly a quorum of members of other government bodies of the municipalities, may be in attendance at the above-mentioned meeting to gather information. No action will be taken by any governmental body at the above-mentioned meeting other than the governmental body specifically referred to in this notice.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the Village of Kronenwetter Clerk at (715) 693-4200.



To: Weston-Kronenwetter Intergovernmental Steering Committee

From: Mark Roffers, Planning Consultant

Date: February 12, 2014

Re: Draft "Part Two" of Updated Zoning Ordinance; Other Matters for February 27<sup>th</sup> Meeting

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At the Committee's last meeting in October, we reviewed "Part One" of the ordinance. Part One lays out all of the standard zoning districts in the ordinance, lists permitted and conditional land uses in each district, includes descriptions and performance standards for the land uses, and includes dimensional standards in the different districts. Also, at the July and October meetings, the Committee gave me input on desired direction for "Part Two" of the ordinance by working through a visual preference survey answering a series of questions.

After interacting with Village staff over the past few months, we have produced a January 2014 draft of Part Two of the ordinance, covering the following articles:

- [Article 6: Overlay Zoning Districts](#)
- [Article 10: Building and Site Design Standards](#)
- [Article 11: Landscaping and Preservation Standards](#)
- [Article 12: General Performance Standards](#)
- [Article 13: Signs](#)
- [Article 17: Definitions](#)

On January 30<sup>th</sup>, Valerie Parker sent you a Microsoft Skydrive link to these articles (<http://sdrv.ms/1aKcC7h>).

We will walk through this Part Two at our next meeting on February 27<sup>th</sup>, focusing on some issues where Committee input would be particularly beneficial. My experience suggests that it can be difficult to identify what issues and proposed solutions will concern you the most in advance, so I will be prepared to adjust my approve to focus on what concerns you most then.

Also, we included in this month's packet a [revised timeline](#) for the project, and the start of an [overview](#) of the entire new ordinance that I hope will evolve to aid in stakeholder understanding. I'll plan to discuss both at the February 27<sup>th</sup> meeting as well. See you then!

## Article 6: OVERLAY DISTRICTS

### **Section X.6.01: Purpose**

The purpose of this Article is to establish and convey overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth in Article 2 of this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying standard zoning district. Except where otherwise stated, the overlay zoning districts described in this Article are represented on the Official Zoning Map (or on a separate Official Overlay Zoning Map), adopted and from time to time amended by the Village. Floodplain, shoreland, and shoreland-wetland overlay zoning districts are described in separate articles of this Chapter, as each is adopted, maintained, enforced, and from time to time amended under unique state statutory requirements.

### **Section X.6.02: D Design Overlay District**

- (1) **Description and Purpose.** The D Design overlay district is intended to codify unique and specific site and building design standards to preserve and enhance the appearance, character, and property values of key districts within the Village. The unique design standards applicable within each D district are either included in this section or within separate plans or ordinances duly adopted by the Village Board, as indicated in this section.
- (2) **D Design Overlay District Boundaries.** The boundaries of each D overlay district are as depicted on the Official Zoning Map and/or Official Overlay Zoning Map. A unique suffix is applied to each D district related to its geographic area or district name.
- (3) **Established D Design Overlay Districts.** The following D Design overlay districts, and documents within which design standards are located, are as follows [WESTON]:
  - (a) **D-CONDO Condominium Overlay.** The Village Board hereby exercises the authority set forth in Section 703.27 of Wisconsin Statutes in the regulation of condominiums. This Chapter does not impose a greater burden or restriction and does not provide a lower level of service to a condominium than would be imposed or is imposed if the condominium ownership were under a different form of ownership.
    1. Rezoning to the D-CONDO district shall be per Section X.16.02. In addition to the normal rezoning application requirements in that section, the applicant shall submit a condominium plat a site plan meeting the requirements of Section X.16.09.
    2. No use or structure in the D-CONDO district shall be established, maintained, or expanded except in conformity with a condominium plat and site plan approved under Section X.16.09. Such requirements and conditions made a part of an approved condominium plat and site plan shall be, along with the site plan itself, construed to be and enforced as a part of this Chapter.
    3. Within the D-CONDO overlay district, the only permitted uses shall be residences in the condominium form of ownership, Community Garden, Passive Outdoor Public Recreation, Active Outdoor Public Recreation, Public Service or Utility, Community Living Arrangement (1-8 residents), Detached Accessory Structure (for Residential Use), Family Day Care Home (4-8 children), Home Occupation, and Private Lake (Pond).
    4. Density, Intensity and Bulk Regulations in Article 5 shall be applied to each development within the D-CONDO district to the extent determined practical by the Village approval authority at the time of rezoning to the D-CONDO district, or subsequent condominium plat and site plan amendment approved by the Village.
    5. Each D-CONDO district shall be no less than two acres in area.

6. Each interior condominium site shall be at least 24 feet in width. Each condominium site located on a corner of a public street shall be at least 48 feet in width. Each interior condominium site that is intended to be at the end of a row of attached condominium units shall be at least 34 feet wide.
  7. Each condominium development shall not exceed a density of seven dwelling units per acre, not including street rights-of-way and stormwater detention areas.
  8. No more than four condominium units shall be built in a row having the same building line. In a condominium building having more than four dwelling units, the required minimum offset in the building line shall be three feet. No single condominium building shall not exceed 250 feet in any horizontal dimension.
- (b) D-MBT Mountain Bay Trail Overlay. This district is intended to establish unique controls for lands, building, and uses adjacent to the Mountain Bay Trail, while still providing for an appealing environment for recreational use of the Mountain Bay Trail. This district promotes coordinated site planning as a means to achieve flexibility from certain provisions normally applicable to development in the underlying standard zoning district.
1. Rezoning to the D-MBT overlay district shall be per Section X.16.02. In addition to the normal rezoning application requirements in that section, the applicant shall submit a site plan meeting the requirements of Section X.16.09, along with a written explanation of why D-MBT zoning is desired and how the standards of this subsection will be met.
  2. No use in the D-MBT district shall be established, maintained, or expanded except in conformity with a site plan approved under Section X.16.09. Such requirements and conditions made a part of an approved site plan shall be, along with the site plan itself, construed to be and enforced as a part of this Chapter.
  3. Specific lot size, density, open space, building location, height, size, floor area, screening and other such requirements within each site zoned D-MBT shall be based upon determination as to their appropriateness to the proposed uses or structures as they relate to the total environmental concept of the development, and consistent with the purpose of this Chapter. The D-MBT district does not allow any greater range of land uses than that allowed within the underlying standard zoning district.
  4. Design of and relative to adjoining properties, streets, sidewalks, street lighting, storm drainage, lot size, lot arrangement, screening, or other elements of the site development shall be based upon determination as to the appropriate standards necessary to effectively implement the specific function in the specific situation, and compatible with the Mountain Bay Trail. In no case shall minimal standards be less than those necessary to protect the public health, safety and welfare in the determination of the Village.
  5. The site plan shall be prepared with competent professional advice and guidance and shall produce significant benefits in terms of improved environmental design in the determination of the Village approval authorities.
  6. The site plan shall reflect sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open spaces, careful consideration of terrain and landscaping which protects and enhances the recreational use of the Mountain Bay Trail, and proper drainage and preservation of natural terrain wherever appropriate.
  7. The site plan shall serves to implement the spirit and intent of the Village's Comprehensive Plan and Parks and Open Space Plan, especially as related to preservation of conservation and recreation areas, creation of common open spaces, and establishment of a diversified and interesting development pattern.

8. The proposed design shall be functional in terms of circulation, parking, emergency services, delivery of other services and utilities, and snowplowing. Applicable building and site design, landscaping, and performance standards within Articles 10 through 12 shall be met, except where specifically waived or modified by the Plan Commission.
- (c) D-CPB Camp Phillips Business Campus. The purpose and design requirements for the D-CPB district are included within the Design Guidelines Camp Phillips Business Campus document, dated September 25, 2003 and as may be amended from time to time by the Village Board. The applicable site plan approval authority under Section X.16.09 may waive or modify any such requirement if supplemental design elements or improvements are incorporated into the project to compensate for the waiver or modification of the particular requirement. Single-family and two-family dwellings are exempt from these requirements. With the repeal and recreation of this Chapter on **[insert effective date of chapter]**, certain procedural steps and references within the September 25, 2003 version of the Guidelines are no longer applicable.
- (d) D-SA Schofield Avenue Design District. The purpose and design requirements for the D-SA district are identical to and included within the Design Guidelines Camp Phillips Business Campus document, dated September 25, 2003 and as may be amended from time to time by the Village Board. The applicable site plan approval authority under Section X.16.09 may waive or modify any such requirement if supplemental design elements or improvements are incorporated into the project to compensate for the waiver or modification of the particular requirement. Single-family and two-family dwellings are exempt from these requirements. With the repeal and recreation of this Chapter on **[insert effective date of chapter]**, certain procedural steps and references within the September 25, 2003 version of the Guidelines are no longer applicable.
- (e) **D-SLC Schofield Avenue Lifestyle Center.** Design requirements are included within the Schofield Avenue Lifestyle Center Master Plan, dated **[redacted]** and as may be amended from time to time by the Village Board. All future buildings depicted in such plan shall utilize materials, architectural design, and signage that are consistent with those used on the constructed “Retail Center #1” in such Plan. The areas around such buildings shall be landscaped in accordance with such Plan.
- (f) **D-R Renaissance Development.** Design requirements are included within the **[redacted]** Plan, dated **[redacted]** and as may be amended from time to time by the Village Board. Village staff will check to see if standard district will work—this was a recorded plan.

### **Section X.6.03: WHP Wellhead Protection Area Overlay District**

- (1) **Description and Purpose.** The Village depends exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this Section is to institute land use regulations and restrictions to protect the Village’s municipal water supply and well fields, and to promote the public health, safety, and general welfare of the residents, employees, and visitors of the Village. The restrictions imposed in this Section are in addition to those of the underlying standard zoning district or any other provisions of this Chapter. This section is established under the authority of Sections 62.23(7)(a) and (c), Wisconsin Statutes and NR 811 of the Wisconsin Administrative Code.
- (2) **Wellhead Protection Area Overlay District Boundaries.** The regulations of this Section shall apply to land within Wellhead Protection Area district boundaries mapped as “WHP” on the Official Zoning Map and/or Official Overlay Zoning Map. The WHP district is further divided into WHP-A, WHP-B, and WHP-C on the Map, indicating different zones of groundwater contribution to the associated well. WHP-A indicates one year time of travel to the wellhead (Zone A); WHP-B indicates five year time of travel (Zone B); and WHP-C indicates a steady state or continuous pumping condition (Zone C). The list

of conditional and prohibited uses in the WHP district varies depending on whether the property is in WHP-A, WHP-B, or WHP-C, per Figure 6.03.

- (3) **Separation Distance Requirements.** Minimum separation distances listed in NR 811 shall be maintained between the well and other potential sources of contamination, per NR 811.12(5)(d) of the Wisconsin Administrative Code, where such potential sources of contamination were not in existence on the date that the district was first mapped on the Official Zoning Map or Official Overlay Zoning Map in that area and were not in continuous operation following that date. Such potential sources of contamination include, but may not be limited to:
- (a) Emergency or standby power system.
  - (b) Storm water retention or detention pond.
  - (c) Storm sewer main.
  - (d) Sanitary sewer main, manhole, lift station.
  - (e) Storage tank for gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
  - (f) Private on-site waste treatment (septic) system tank or dispersal component.
  - (g) Cemetery.
  - (h) Land application of municipal, commercial, or industrial waste.
  - (i) Agricultural, industrial, commercial or municipal waste water treatment plant, treatment units, lagoons, or storage structures.
  - (j) Manure stacks or storage structures.
  - (k) Solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility.
  - (l) Sanitary landfill.
  - (m) Any property with residual groundwater contamination that exceeds NR 140 enforcement standards.
  - (n) Salt or deicing material storage area.
- (4) **Conditional and Prohibited Uses.** Figure 6.03 lists land uses that are conditional and prohibited (restricted) land uses within the different WHP districts, with a “C” indicating conditional status and a “R” indicating prohibited (or restricted) status. The land uses listed as conditional uses within a particular Wellhead Protection Area overlay district are only allowed if such uses are also listed as permitted or conditional uses in the underlying standard zoning district (See Figures 3.04 and 3.05). Uses marked with a “P” and other uses not listed below are permitted by right in the associated Wellhead Protection Area overlay district, provided that such uses are also permitted by right in the underlying standard zoning district. Any of the following uses that are not allowed in the underlying standard zoning district, per Figures 3.04 and 3.05, may not be established in the Wellhead Protection Area district that overlays that standard zoning district. All uses shall be further subject to the separation standards in subsection (3). Existing potential sources of contamination and land uses as of [insert effective date of chapter] shall be permitted to continue subject to the requirements in subsection (6) below

**Figure 6.03: Conditional (C), Prohibited (R), and Permitted (P) Uses in WHP Overlay Districts**

Land Use	Status in WHP-A District	Status in WHP-B District	Status in WHP-C District
Animal confinement facilities	R	C	P
Asphalt products manufacturing plants	C	C	P
Automobile fueling, service, painting, repair, and/or maintenance facilities	C	P	P
Building materials and product sales	C	P	P
Buried hydrocarbon, petroleum or hazardous chemical storage tanks. Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.	R	C	C
Car washes	C	P	P
Cartage and express facilities	C	P	P
Cemeteries	C	C	P
Center-pivot or other large-scale irrigated agriculture operations	C	C	P
Chemical storage, sale, processing, and/or manufacturing facilities	C	C	P
Coal storage facilities	R	R	C
Composting and post-consumer material recycling and storage facilities	C	C	P
Dry cleaning establishments	C	C	P
Dumping or disposing of garbage, refuse, trash, or demolition material, including landfills but excluding composting and post-consumer recycling and storage facilities	R	R	C
Electronic circuit assembly plants	C	P	P
Electroplating plants	C	P	P
Exposed hydrocarbon, petroleum, or hazardous chemical storage tanks, with hazardous chemicals identified by OSHA criteria under 40 CFR Part 370, but not including residential LP gas tanks	R	C	C
Exterminating shops	C	P	P
Fertilizer or pesticide manufacturing or storage, facilities	C	C	C
Foundries and forge plants	C	C	C
Industrial liquid waste storage areas, indoor.	C	C	C
Industrial waste storage facilities, outdoor, such as industrial lagoons and pits	R	R	R
Junk yards and salvage yards	C	C	C
Manure and animal waste storage facilities, except for animal waste storage facilities regulated by Marathon County	R	C	P
Metal plating, reduction, and/or refinement plants	C	P	P
Mineral extraction operations	C	C	C
Motor and machinery service and assembly shops	C	C	P
Motor freight terminals, rail yards	C	C	P
Petroleum products processing	C	C	C
Pharmaceuticals manufacturing	C	C	P

Land Use	Status in WHP-A District	Status in WHP-B District	Status in WHP-C District
Photography studios involving the developing of film and pictures (digital excluded)	C	P	P
Plastics manufacturing	C	P	P
Printing and publishing establishments	C	C	C
Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more	C	C	C
Private on-site wastewater treatment systems on new lots under 20,000 square feet	C	P	P
Pulp and paper manufacturing	C	C	C
Rendering plants and slaughterhouses	R	R	C
Salt or de-icing storage facilities	C	C	P
Septage, wastewater, or sewage spreading, storage, treatment or disposal, outdoor, except for lagoons and pits exclusively for industrial use	C	C	C
Storage, manufacturing or disposal of toxic or hazardous materials not otherwise listed	C	C	P
Storage or processing of extremely hazardous substances, radioactive materials or substances listed in Table 1, NR 140 of the Wisconsin Administrative Code. (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)	R	R	R
Underground petroleum products storage tanks, and above-ground petroleum product storage tanks greater than 660 gallons. All new or replaced tanks shall also be installed in compliance with SPS 10, Wisconsin Administrative Code.	C	P	P
Woodworking, wood preserving, and wood products manufacturing	C	P	P

**(5) Conditional Use Permit Application Review Requirements.**

- (a) Application. In addition to conditional use permit application requirements in Section X.16.06, the request shall include an environmental impact study or environmental assessment prepared by a licensed environmental engineer. Said report shall be forwarded to an engineer designated by the Village for recommendation and final decision by the Village. The applicant shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.
- (b) Criteria. General criteria for conditional use permit approval are included within Section X.16.06(7). In its consideration of conditional use permit applications for one of the listed conditional uses in subsection (4) within the associated Wellhead Protection Area overlay district, the Plan Commission shall also consider the following additional criteria:
  1. The Village's responsibility as a public water supplier to protect and preserve public health, safety and welfare.
  2. The potential of the proposed use to seriously threaten or degrade groundwater quality.
  3. The availability of alternative uses, locations, and operational characteristics, and the cost, effect, and extent of availability of such alternatives.

4. The proximity of the applicant's property to other potential sources of contamination or vulnerable activities or uses.
  5. The then-existing condition of the associated well, well field, well recharge area, and the vulnerability to further contamination.
  6. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table, and location of private wells.
  7. The zone of contribution for, or distance from, the associated well within which the proposed use is located.
  8. Any other hydrogeological data or information which is available from any public or private agency or organization.
  9. The potential benefit, both economic and social, from the approval of the application.
- (c) Approval Conditions. In its approval of any conditional use permit within the Wellhead Protection Area overlay district, the Plan Commission may impose conditions to provide:
1. Environmental and/or safety monitoring to indicate whether the potential sources of contamination may be emitting any contaminants.
  2. A financial guarantee in a form and amount determined by the Village for future monitoring and cleanup costs.
  3. Any requirement authorized for existing potential sources of contamination and land uses under subsection (6).
- (6) **Requirements for Existing Potential Sources of Contamination and Land Uses.**
- (a) At the request of the Zoning Administrator, existing potential sources of contamination and land uses, as defined under Section X.17.04, shall provide to the Village copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results.
  - (b) Existing potential sources of contamination and land uses shall provide additional environmental or safety monitoring as deemed necessary by the Village Board, including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.
  - (c) Existing potential sources of contamination and land uses, when upgrading or expanding, shall replace equipment or expand in a manner that improves existing environmental and safety technologies and performance. Before such operations upgrade or expand, the owner or operator may be required to obtain conditional use permit and/or site plan approval under this Chapter. If a conditional use under this Section, the operation would be required to comply with all applicable provisions of this Section, to the extent determined practical by the designated Village approval authority.
  - (d) At the request and to the satisfaction of the Zoning Administrator, existing potential sources of contamination and land uses shall devise and file with the Village, a contingency plan for unexpected release of contaminants or other emergency events.
  - (e) Property owners with an existing agricultural use are exempt from requirements of this section as they relate to restrictions on agricultural uses, but such exemption shall only apply to operations in existence as of the date that the Wellhead Protection Area district was first mapped on the Official Zoning Map in that area, and continually operating after that date.
- (7) **Violations and Compliance.** In the event an individual and/or potential source of contamination within the Wellhead Protection Area district causes the release of any contaminants which endanger the

public, in the determination of the Village, the individual and/or potential source of contamination causing said release shall immediately cease and desist, and initiate clean-up satisfactory to the Village and the other state and federal regulatory agencies. The person or other entity who releases such contaminants and the person who owns the potential source of contamination whereon the contaminants have been released shall be jointly and severally responsible for the cost of clean-up, consultant or other contractor fees, and all administrative costs for oversight, review and documentation, including for Village employees, contractors, equipment, and mileage. Following any such release, the Village may require additional environmental and/or safety monitoring. As a substitute for or in addition to any other action authorized above and under Section X.16.19, the Village may commence legal action against the individual and/or potential source of contamination to recover the costs, together with the costs of prosecution.

**Section X.6.04: AH Airport Height Limitation Overlay District [KRONENWETTER]**

- (1) **Description and Purpose.** The AH Airport Height Limitation Overlay District is intended to regulate the height of structures relative to air travel associated with the Central Wisconsin Airport [Kronenwetter] Wausau Downtown Airport [Weston], in order to protect the public health, safety, and welfare of airport users and residents and employees within the surrounding area. In addition to the standards in this Section, lands within the AH district may also subject to the regulations set forth in Marathon County Airport Height Ordinance [Kronenwetter] Title 22 of the City of Wausau Municipal Code [Weston].
- (2) **AH Airport Height Limitation Overlay District Boundaries.** The AH District extends to many areas under the geographic jurisdiction of this Chapter, limiting the height and use of structures within such jurisdiction. As such, the AH district is not shown on the Village's Official Zoning Map and/or Official Overlay Zoning Map. Instead, the map listed in subsection (3)(a) serves as the height limitation zoning map.
- (3) **AH Airport Height Limitation Overlay District Requirements.**
  - (a) The maximum height above mean sea level of all new or expanded structures shall be as indicated on the Central Wisconsin Airport Height Map prepared by Marathon County, based on Elevation Data Ordinated from the Wisconsin Bureau of Aeronautics Map dated September 7, 1999 Height Limitation Zoning Map, Wausau Downtown Airport, Wausau, WI (Wisconsin Bureau of Aeronautics) dated December 6, 2007 [Weston], as from time to time amended. This requirement shall not be applied retroactively to any structure lawfully erected before December 29, 1971 [Kronenwetter] December 6, 2007 [Weston], except if a subsequent vertical expansion of such a structure is sought.
  - (b) Prior to issuing or authorizing a zoning permit or building permit, the Zoning Administrator may require any information deemed necessary to make a determination regarding compliance with the requirements of AH district (such as exact height, location, and current and finished ground elevation of the structure) and/or refer the application to the airport owner or operator for recommendation. If the Zoning Administrator elects to refer the application to the airport owner or operator, the normally required timeframe for issuing a zoning permit or building permit under this Chapter and the Building Code shall be extended by ten days.
  - (c) No use may be made in the AH district that causes interference with radio or electronic facilities associated with the airport and any lighting that makes it difficult to distinguish airport lights, results in glare in pilot's eyes, or otherwise impairs visibility.
  - (d) Other than any use that meets the criteria in subsection (c), all allowable uses and structures within the AH District shall comply with all other applicable standards of the underlying standard zoning

district and any other applicable overlay district requirements with regard to use and all other requirements.

**Article 7: FLOODPLAIN OVERLAY DISTRICTS**

To be inserted and formatted once text of existing or revised districts provided by Village staff.

**Article 8: SHORELAND OVERLAY ZONING DISTRICT**

To be inserted and formatted once text of district provided by Village staff.

**Article 9: SHORELAND-WETLAND OVERLAY ZONING DISTRICT**

To be inserted and formatted once text of district provided by Village staff. I am suggesting that these be kept separate from the general shoreland zoning regulations, due to the separate state statutory sections in which shoreland and shoreland-wetland zoning regulations are specified.

## Article 10: BUILDING AND SITE DESIGN STANDARDS

### **Section X.10.01: Purpose**

The purpose of this Article is to establish regulations that address the exterior design and appearance of new buildings and their relationship to other structures, paved areas, landscaping areas, and other required site design elements on the same building site or adjoining building sites. Sites and buildings within a D Design overlay zoning district, as specified in Section X.6.02, shall also be subject to the unique building and site design standards of that district.

### **Section X.10.02: Single Family and Two Family Housing Standards**

- (1) **General Design Requirements.** All new and expanded Single-Family Detached dwellings shall meet the applicable design requirements in Section X.4.02(1). All new and expanded Two-Family dwellings shall meet the applicable design requirements in Section X.4.02(2). All Detached Accessory Buildings serving one of these principal uses shall meet the applicable design requirements in Section X.4.09(2).
- (2) **Housing Variety Standards for New Plats—Generally [SECTIONS 2-5 RECOMMENDED FOR WESTON ONLY].** Within the boundaries of any subdivision plat recorded after [insert effective date of chapter], no two Single-Family Detached dwellings or Two-Family (Duplex) dwellings of similar front elevation or facade shall be repeated on any three consecutive lots on a street. Front elevations or facades shall be deemed to be similar when there is no substantial difference in roof lines; and no substantial change in windows of either size, location or type; and either no change in the color of materials used or no substantial change in the kind of materials, except where such buildings are part of a unified development and similar building designs are approved by the Village.
- (3) **Housing Variety Standards for New Plats—Roof Lines.** The following differences in the roof lines of Single-Family Detached dwellings or Two-Family dwellings as seen from the front of the dwelling shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be considered dissimilar:
  - (a) Changing gable roofs to hip roofs.
  - (b) Providing an intersecting gable roof on the main gable roof, if the height of the intersecting roof is at least 50 percent of the height of the main roof.
  - (c) Providing an intersecting hip roof on the main hip roof, if the height of the intersecting hip roof is at least 50 percent of the height of the main roof.
  - (d) Providing a shed roof when used as a front porch roof for a minimum of 50 percent of the entire width of the house, excluding area of the garage.
  - (e) If the front soffit is increased significantly and is combined with columns at least 6 inches in width or other architectural features of a similar magnitude which reach the roof line of the highest story.
  - (f) Rotating gable roofs 90 degrees on the building.
  - (g) On a tri-level residence or other building type that has 3 independent major roof areas, the changing of 2 out of 3 roof lines.
- (4) **Housing Variety Standards for New Plats—Windows.** The following differences in the size, location or type of windows shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar:
  - (a) Changing from single windows to a multiple window arrangement.
  - (b) Changing from multiple window arrangement to single windows.
  - (c) Changing the type of windows (e.g., a casement to double hung).

- (d) Providing a bay or bow window variation in the area of the predominant window.
  - (e) Where, because of its size, location or design, one window is the predominant window on the front elevation or facade, if the size, location or type of that window is changed to render the dwelling dissimilar, then no other window need be changed.
- (5) **Housing Variety Standards for New Plats—Construction Material or Color.** The following differences in construction material between adjacent Single-Family dwellings or Two-Family dwellings as seen from the front of the dwellings shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar.
- (a) Changes of at least 25 percent in the exposure of horizontal siding.
  - (b) Brick facing.
  - (c) Stone facing.
  - (d) Stucco to board and trim.
  - (e) When materials are changed, the change must occur throughout the front facade or elevation for a minimum of one story in height.
  - (f) Color change shall be made by significant changes in adjacent colors. The change must be one of color rather than merely of the shade.
- (6) **Alternative Housing Variety Approach Allowed.** In the event the Plan Commission approves and the developer of a residential subdivision plat approved by the Village after insert effective date of chapter records and maintains private restrictions over the subdivision that, in the opinion of the Plan Commission, sufficiently meet the intent of reducing monotony within the Single-Family Detached and/or Two-Family residential areas in the subdivision, the Plan Commission may waive or modify the requirements of subsections (2) through (5).

### **Section X.10.03: Design Standards for Multiple-Family and Non-Residential Buildings**

- (1) **Applicability.** All new multiple-family (3+ unit) residential principal buildings and non-residential principal buildings shall meet the design requirements in this Section. Expansion and remodeling of existing buildings of these types shall meet the design requirements in this Section to the extent practical. Agricultural and single family residential land uses and structures are exempt from these requirements. All Detached Accessory Structures serving multiple-family residential principal buildings shall meet applicable design requirements in Section X.4.09(2). All Detached Accessory Structures serving non-residential principal buildings shall meet applicable design requirements in Section X.4.09(1).
- (2) **Building Size and Mass.** The size and mass of buildings and structures shall be designed with consideration of the buildings, public ways, and places to which they are visually related (see Figure 10.03(1) for examples). The relative proportion of a building to its neighboring existing buildings, to pedestrians, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are altered.

**Figure 10.03(1): Examples of Building Size and Mass Continuity**



- (3) **Building Facade Continuity.** Changes in building material, color, and texture shall occur at points related to the massing and overall design concept for the building. Each building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this is vertical character, horizontal character, or non-directional character. Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosures along a street to ensure a favorable relationship with the buildings, public ways, and places to which such elements are visually related (see Figure 10.03(2) for examples in an urban setting).

**Figure 10.03(2): Urban Example of Adjacent Building Façade Continuity**



(4) **Building Design Proportions.**

- (a) The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
- (b) The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
- (c) The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
- (d) The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related.
- (e) The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

- (5) **Materials—Generally.** Material selection shall relate to the prevailing material already used on recently constructed buildings in the area, or to a different character if identified in the Village’s Comprehensive Plan, the examples in Figures 10.03(3) and (4), or unique requirements associated with any D Design overlay district applicable to the site. Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall, such window(s), gable-end wall treatments, siding design, and accent panels. Where side facades are characterized by materials that differ from the front façade, front façade materials shall be continued for not less than 20 feet on each side from the front façade.

- (6) **Materials—Use of Metal and Other Non-decorative Materials.** No exposed façade shall be faced with a material that presents an unfinished appearance to the public and surrounding properties. The following exterior construction materials shall not be used for front or street side yard facing building facades: non-decorative concrete block, cinder block, or concrete foundation walls (except for the first two feet above grade), non-decorative plywood, asphaltic siding, any material using exposed fastener systems, metal sheets or panels. Pole buildings shall not be permitted as principal buildings; if used as accessory buildings, they must not be visible fully screened from public rights-of-way. No façade of any principal building intended for a residential, institutional, or commercial use as listed in Figure 3.04 shall be sided with metal sheets or panels.

**Figure 10.03(3): Examples of Appropriate Multiple-Family Residential Building Materials and Colors**

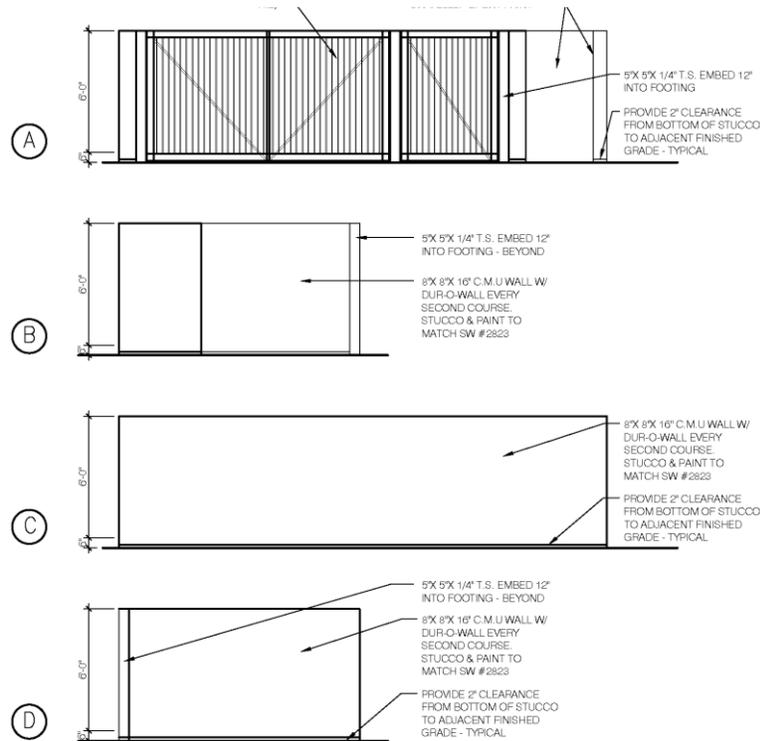


**Figure 10.03(4): Examples of Appropriate Commercial Building Materials and Colors**



- (7) **Colors.** Building colors shall be selected in general harmony with the existing area or neighborhood buildings, without creating a monotonous street appearance. See examples of appropriate color combinations in Figures 10.03(3) and 10.03(4).
- (8) **Corner Lot Buildings.** Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.
- (9) **Vents and Mechanical Units.** All chimney and fireplace vents shall be enclosed in a chase constructed of materials similar to those materials used on the building elevations. Metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable. All heating, ventilating, and air-conditioning equipment shall be designed to be integral with the building architecture and site design and screened from view from public rights-of-way.
- (10) **Building Orientation.** All buildings shall be sited to present their most desirable façade(s) to adjacent public rights-of-way. Garages and loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual element from public rights-of-way unless pre-existing site or building conditions would not allow this. All new loading docks shall be screened from public view to the extent practical. No truck canopies with visible wall hangers are permitted.
- (11) **Outdoor Waste/Recycling Containers.** Solid waste/recycling containers (dumpsters) stored outdoors shall not be allowed in minimum required front or street side yards, and shall be placed to the interior side or rear of principal structures whenever possible in the determination of the site plan approval authority. All outdoor solid waste/recycling containers shall be placed on a permanent paved surface and fully screened from public rights-of-way and adjacent properties by a decorative fence or wall not exceeding six feet in height (see example in Figure 10.03(5)). Outdoor waste/recycling containers and fence enclosures shall be subject to the accessory structure setback requirements included and referenced in Figures 5.01(2) and 5.02(2). See also Chapter 66 [Chapter 441 for Weston] of the Municipal Code for other standards related to solid waste and recycling storage and collection.

**Figure 10.03(5): Example of Appropriate Dumpster Enclosure Design**



(12) **Waiver or Modification of Standards.** The applicable site plan approval authority under Section X.16.09 may waive or modify any of the standards in this Section if at least one of the following circumstances is present:

- Supplemental design elements or improvements that exceed normal standards are incorporated into the project.
- Restricted building materials are used as limited decorative elements on a building façade that contributes to its architectural design.
- Undesirable site or building conditions will not be visible from the public right-of-way and/or adjoining properties.

**Section X.10.04: Large Retail and Commercial Service Development Standards**

In addition to applicable zoning district and other standards of this Chapter, Large Retail and Commercial Service Developments as defined in Section X.4.05(19) shall meet procedural, building design, and site design standards of this Section, except as may be permitted under subsection (6)(t).

- Large Retail and Commercial Service Development Questionnaire.** The applicant for a conditional use permit shall complete and submit with such application a Large Retail and Commercial Service Development questionnaire. The Zoning Administrator shall prepare, maintain, and provide the Large Retail and Commercial Service Development questionnaire upon request.

- (2) **Traffic Impact Analysis.** A traffic impact analysis is required for each Large Retail and Commercial Service Development exceeding 50,000 square feet in total building gross floor area. The traffic impact analysis shall be completed by a consultant approved by the Village and holding appropriate experience and in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin DOT, except as otherwise approved by the Village Engineer. Where the Traffic Impact Analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) C, the Village may deny the application, may require a size reduction in the proposed development, and/or may require the developer to construct and/or pay for required off-site improvements to achieve LOS C for a planning horizon of a minimum of ten years assuming full build-out of the development.
- (3) **Detailed Neighborhood Plan.** Applicants for Large Retail and Commercial Service Developments exceeding 100,000 square feet in total building gross floor area shall prepare a detailed neighborhood plan including the subject site and an impact area beyond the boundary of the development site as determined by the Zoning Administrator. The detailed neighborhood plan must be submitted prior to or with the application for conditional use permit. The Zoning Administrator may waive this requirement if a detailed neighborhood plan that anticipated the development has already been adopted or if the impact area is already substantially developed. The detailed neighborhood plan shall be of sufficient detail to establish the mix of land uses and their relationship to the Large Retail and Commercial Service Development with regard to provision of street, bicycle/pedestrian, and bus transit connectivity, utilities, stormwater management, and community character, and a general layout that support the objectives of the Comprehensive Plan. The detailed neighborhood plan shall contain the following specific elements:
- (d) General types of land use types with specific zoning districts and/or land uses.
  - (e) Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.
  - (f) Complete public road network.
  - (g) Pedestrian and bicycle network.
  - (h) Transit routes and stops, where applicable.
  - (i) Conceptual stormwater management network.
  - (j) Public facility sites including parks, schools, conservation areas, public safety facilities and public utility facilities.
  - (k) Recommendations for community character themes including building materials, landscaping, streetscaping, and signage.
- (4) **Facilities and Associated Features.** The following requirements are applicable to each Large Retail and Commercial Service Development, in addition to other applicable standards in this Chapter:
- (a) **Building Location.** Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or secondary lots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads, and neighboring commercial areas and neighborhoods, and must forward any community character objectives in the Comprehensive Plan.
  - (b) **Building Materials.** Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the Plan Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building. See Figure 10.04(1).

- (c) **Building Design.** The building design shall complement other buildings in the vicinity, and include varying elements including the following (see also examples in Figure 10.04(1)):
1. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent building size and scale.
  2. A minimum of 20 percent of the structure's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least four feet. No uninterrupted facade shall extend more than 100 feet.
  3. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being four feet or more as measured eave to eave or parapet to parapet.
  4. Roofs with particular slopes may be required to complement existing buildings or otherwise establish a particular aesthetic objective.
  5. Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) or spandrel glass between three to eight feet above the walkway along any facades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity.
  6. Building facades shall include a repeating pattern that includes no less than three of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
  7. All buildings on secondary lots or sites within the development shall be of architectural quality comparable to or exceeding that of the primary building.
- (d) **Building Entrances.** Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details.
- (e) **Building Colors.** Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage. See Figure 10.04(1) for examples.

**Figure 10.04(1): Examples of Appropriate Building Materials, Colors, and Architectural Design Variation**



(f) Screening.

1. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials complementing those used on the building exterior.
2. All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs so as to not be visible from public streets adjacent or within 1,000 feet of the subject property. Fences or similar rooftop screening devices may not be used to meet this requirement.
3. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.
4. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality.

(g) Parking.

1. Parking lots in which the number of spaces exceeds the minimum number of parking spaces required for the specific use or uses in Article 4 by more than 50 percent shall be allowed only with specific justification based on actual parking demand for similar uses in other locations.
2. Parking lots shall be designed to create distinct parking areas of not more than 120 parking stalls each through use of landscaped and curbed medians or other approved techniques.
3. Each landscaped island or peninsula shall contain a minimum of 360 square feet in landscaped area. Landscaped islands or peninsulas shall be spaced at intervals no greater than one island per every 20 spaces in that aisle.

(h) Vehicular Access.

1. All such projects shall have direct access to an arterial or collector street.
  2. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and sidewalks.
  3. The site design shall provide direct vehicular connections to adjacent land uses if required by the Village.
- (i) Bicycle and Pedestrian Facilities.
1. The development shall provide for safe pedestrian and bicycle access to all uses, and connections to existing and planned public pedestrian and bicycle facilities and adjacent properties.
  2. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be eight feet; and the minimum width for sidewalks elsewhere in the development shall be five feet.
  3. Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length.
  4. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, or pavement color, or pavement textures, and signage.
  5. The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces.
  6. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 20,000 square feet of gross floor area.
- (j) Central Areas and Features. Each development exceeding 100,000 square feet in total building gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.
- (k) Cart Returns. A minimum of one 200-square foot cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards.
- (l) Outdoor Display Areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten feet.
- (m) Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Such outdoor storage uses and areas shall be appropriately screened.
- (n) Landscaping. On-site landscaping shall be provided at time of building occupancy and maintained per the requirements of Article 11.

- (o) Lighting. On-site exterior lighting shall meet all the standards of Section X.12.11. In addition, the color and design of pole lighting standards shall be compatible with the building and the public lighting in the area, and shall be uniform throughout the entire development site.
- (p) Signage. In addition to meeting the applicable requirements of Article 10, a signage plan for all exterior signage shall be provide for coordinated and complimentary exterior sign locations, configurations, and colors throughout the development, including secondary lots within the development. Combined signs for multiple users may be required instead of multiple individual signs.
- (q) Natural Resources Protection. Natural resources shall be protected in accordance with this Chapter and state and federal regulations. In general, existing natural features shall be integrated into the site design as a site and community amenity.
- (r) Relationship to Existing Sites. Where such a building is proposed as a replacement location for a business already located within the Village, the Village prohibits any privately imposed limits on the type or reuse of the previously occupied building through conditions of sale or lease.
- (s) Development Agreement. The developer may be required to enter into a development agreement with the Village, which may address fees, off-site improvements, and other matters to assure compliance with conditional use permit approval conditions.
- (t) Exceptions. In the event the applicant desires a waiver or modification from the requirements of this Section, the applicant shall present justification for such deviation or exception, which may be approved or denied by the Plan Commission.

## Article 11: LANDSCAPING AND PRESERVATION STANDARDS

### Section X.11.01 Purpose

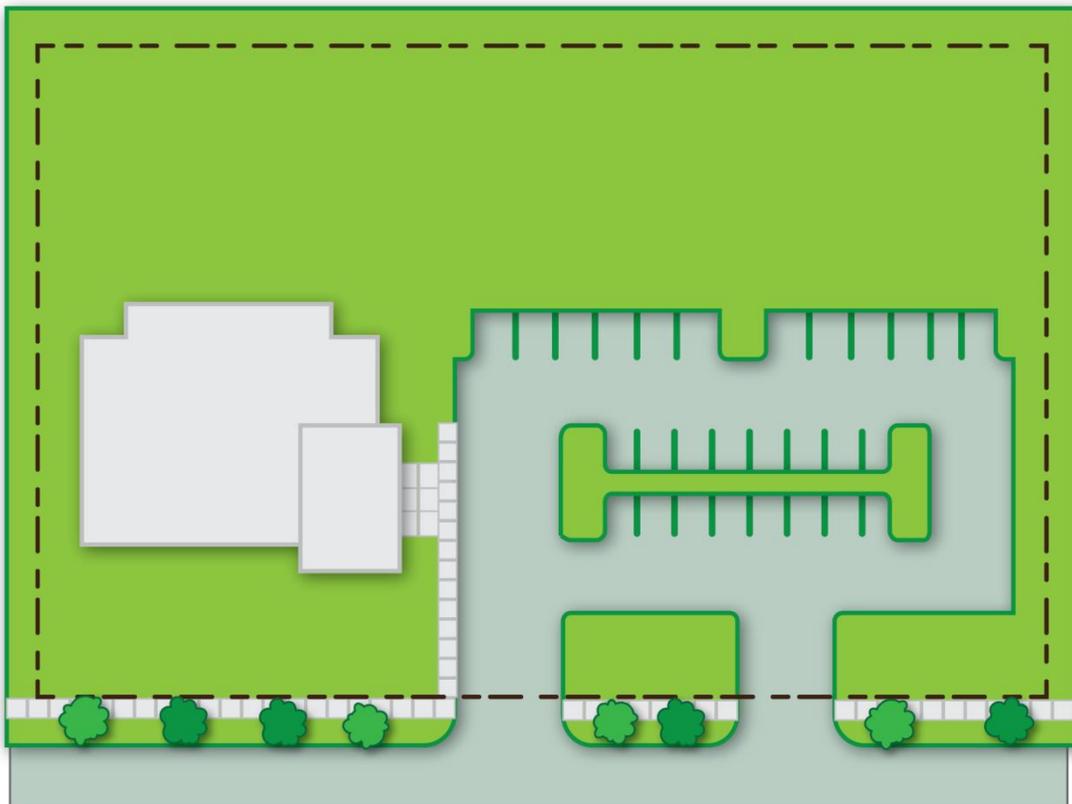
The purpose of this Section is to establish landscaping requirements to provide and maintain vegetation in a manner that promotes the Village's natural resource protection, aesthetic, and public health goals.

### Section X.11.02: Landscaping Requirements

- (1) **Applicability.** Any use for which site plan approval is required under Section X.3.03(10) shall provide landscaping in accordance with the regulations of this Section, including expansion, renovation, and redevelopment of existing buildings and sites. Where the appropriate site plan approval authority under Section X.16.09 determines that full compliance with the requirements of this Section is impractical, the approval authority may require compliance to the extent it determines practical. Such a determination of "impracticality" may be based on one or more of the following conditions:
  - (a) Preexisting buildings or impervious services, and/or insufficient lot area, do not provide sufficient green space for full compliance.
  - (b) Village stormwater management or easement requirements do not provide sufficient area for full compliance.
  - (c) A redevelopment project would otherwise be infeasible, based on financial information provided by the applicant.
  - (d) Full compliance would result in a plan in which landscaping would, by maturity, interfere with or compete with one another for survival and may therefore require removal at a later date.
  - (e) Where a proposed addition does not exceed 50% of the original building or paved area size. In such cases, the quantitative landscaping standards shall be met in proportion to the size of the addition as compared to the original building or paved area.
- (2) **Required Landscape Plan.** All proposed landscape plantings to be located on the subject property shall be depicted on a landscape plan as to their location, type, and size at time of planting and maturity.
- (3) **Landscape Planting Requirements.** Landscaping shall be provided based on the following requirements for street frontages, paved areas, building foundations, bufferyards (where applicable), and general yard areas. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. By approval of the applicable site plan approval authority, required landscaping points may be shifted between areas (e.g., paved areas to building foundations). The landscaping point system is described in greater detail in subsection (4), below.

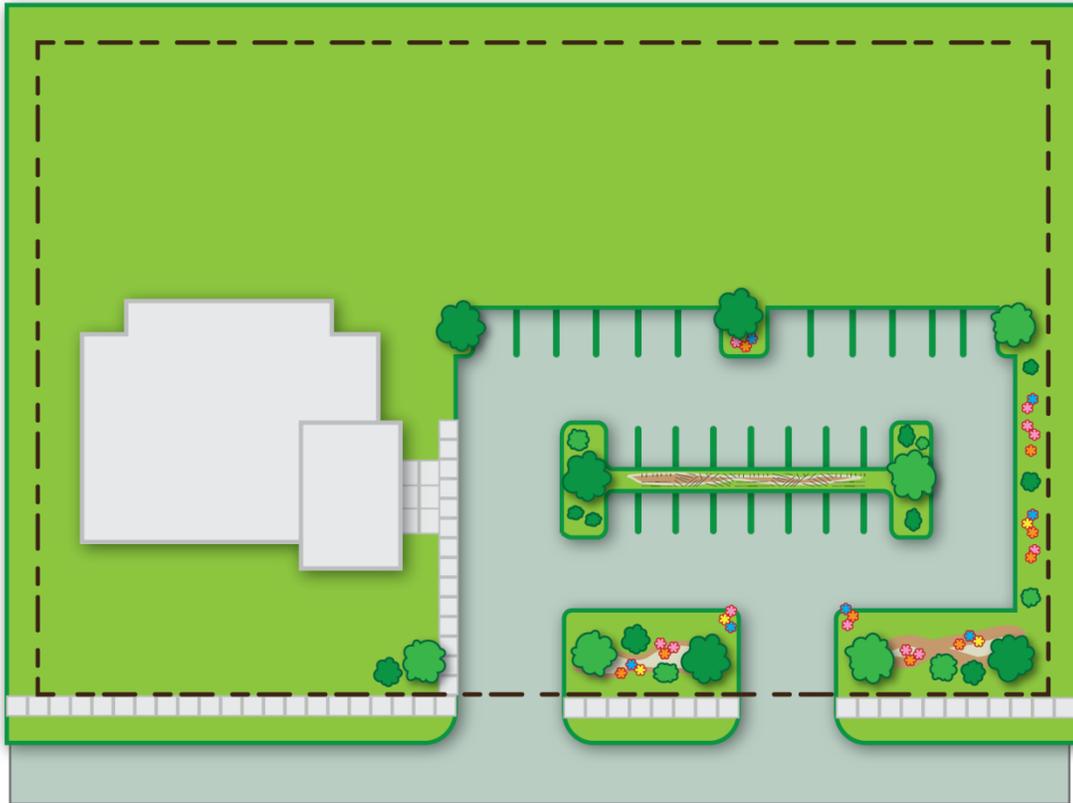
- (a) Street Frontages. Street trees shall be planted in accordance with the following standards (see also example in Figure 11.02(1)):
1. The total number of street trees shall be equal to or exceed the ratio of one for each 50 feet of street frontage.
  2. Trees shall be planted in the right-of-way along all streets no closer than ten feet from driveways and 50 feet from the corner of an intersection, as measured from the right-of-way lines extended. In addition, no trees shall be planted within ten feet of a fire hydrant or other aboveground public utility.
  3. When conditions are such that the required spacing cannot be satisfied in the right-of-way or, if in the opinion of the Zoning Administrator the right-of-way is not wide enough to support tree growth, street trees under this subsection shall be planted within the first ten feet inside the sidewalk line.
  4. The unpaved portion of a public right-of-way abutting a parcel shall be sodded with a salt tolerant grass equivalent to a mixture containing 30 percent alkali grass.
  5. Tree or shrub planting in any public right-of-way or on any public land in the Village shall be governed by Chapter 454 of the Kronenwetter Municipal Code [Chapter 70 of the Weston Municipal Code].

**Figure 11.02(1): Street Frontage Landscaping Example**



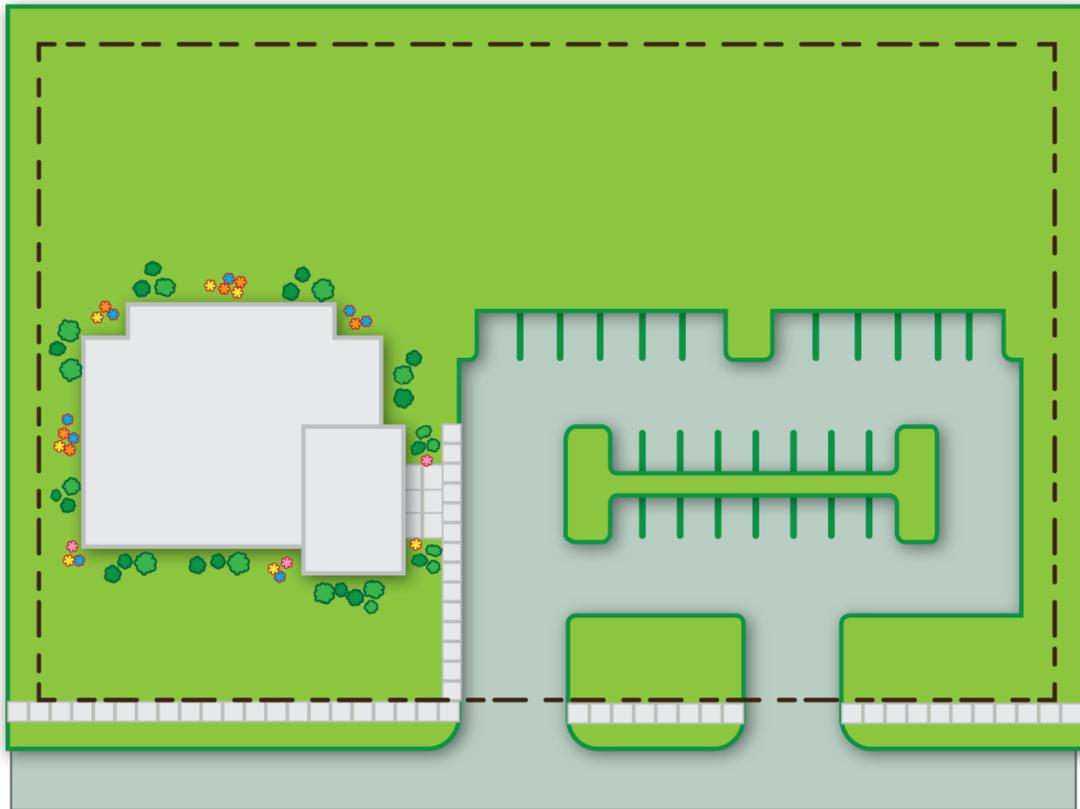
- (b) Paved Areas. 100 points of landscaping shall be planted for each 1,500 square feet of paved or other hard-surfaced area, not including rooftops. Plants required under this subsection shall be installed within landscaped islands within the paved area or within 15 feet of the edges of the paved area, and shall include large deciduous trees unless otherwise approved by the appropriate site plan approval authority. See example in Figure 11.02(2).

**Figure 11.02(2): Paved Area Landscaping Example at Maturity**



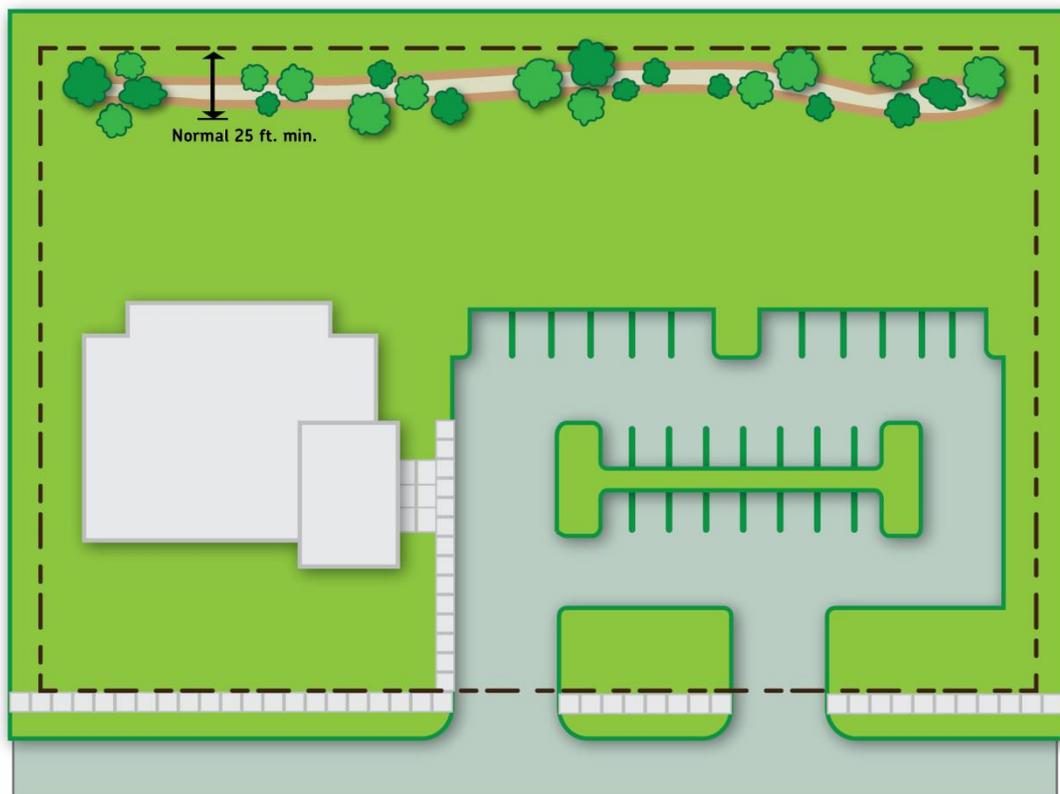
- (c) Building Foundations. 150 points of landscaping shall be planted for each 100 lineal feet of exterior building wall. Plants required under this subsection must be installed within 20 feet of the building foundation, and shall not include large deciduous shade trees. See example in Figure 11.02(3).

**Figure 11.02(3): Building Foundation Landscaping Example at Maturity**



- (d) Bufferyards. A bufferyard, as defined in Section X.17.04, shall be provided if required for a particular land use listed in Article 4, and where otherwise required via site plan approval under Section X.16.09. Where required, bufferyards shall comply with the following.
1. The minimum width of a bufferyard shall be 25 feet, unless reduced by the site plan approval authority if it determines that a lesser width is adequate to separate incompatible uses/activities or is necessary owing to site constraints beyond the control of the owner.
  2. No building, parking lot, loading area, motor vehicle circulation area, trash storage area, or outdoor storage area shall be permitted in a required bufferyard.
  3. Landscaping within bufferyards shall be selected, positioned, and planted in sufficient quantities to provide an all-season screen within five years of planting and have a minimum height of three feet at time of planting. See example in Figure 11.02(4). Such landscaping shall not count towards any other frontage, paved area, building foundation, or general yard area planting requirement of this Article.
  4. The use of a decorative opaque fence or wall, and/or a berm, in lieu of or in addition to the landscaping may be approved by the site plan approval authority, provided the slope of any berm is less than 4:1; the berm, fence or wall does not interfere with access, utilities, or stormwater management.

**Figure 11.02(4): Bufferyard Landscaping Example at Maturity**



- (e) General Yard Areas. 200 additional points of landscaping shall be planted for each 5,000 square feet of total lot area, excluding those areas under a rooftop, paved area, or required bufferyard. Landscaping required by this standard shall be placed where appropriate on the site to maximize visual impact of landscaping, such as in a front or street side yard or adjacent to other uses.

**Figure 11.02(5): General Yard Area Landscaping Example at Maturity**

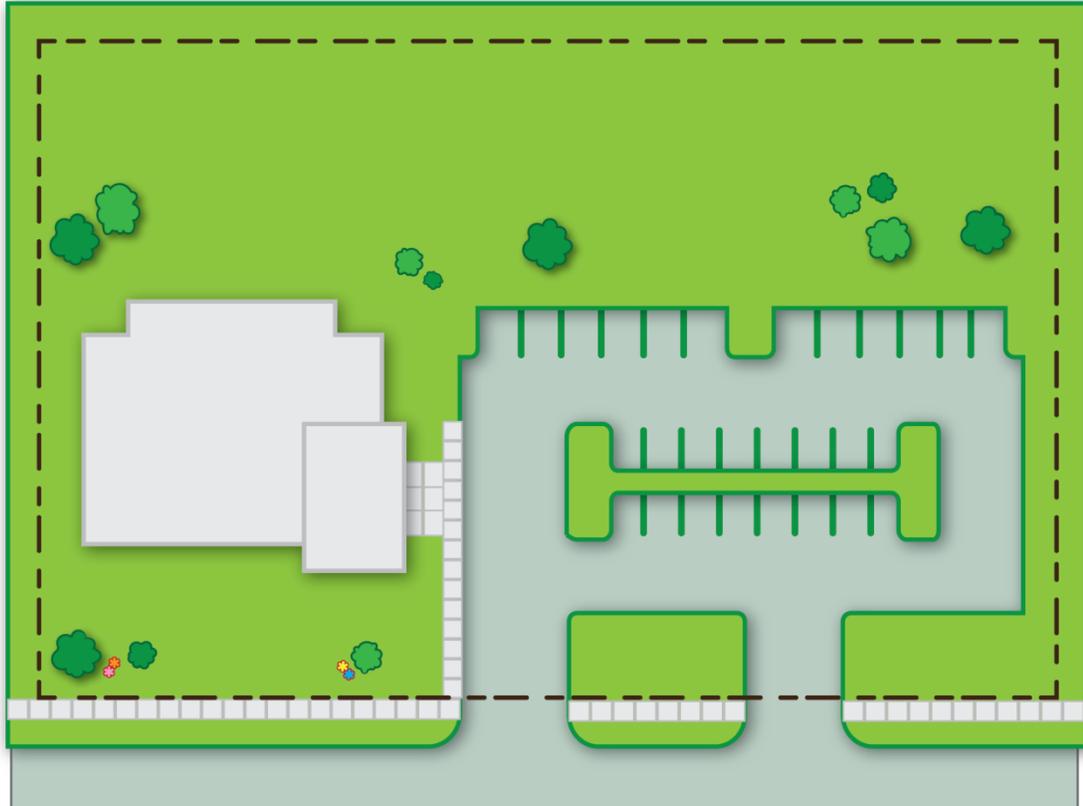
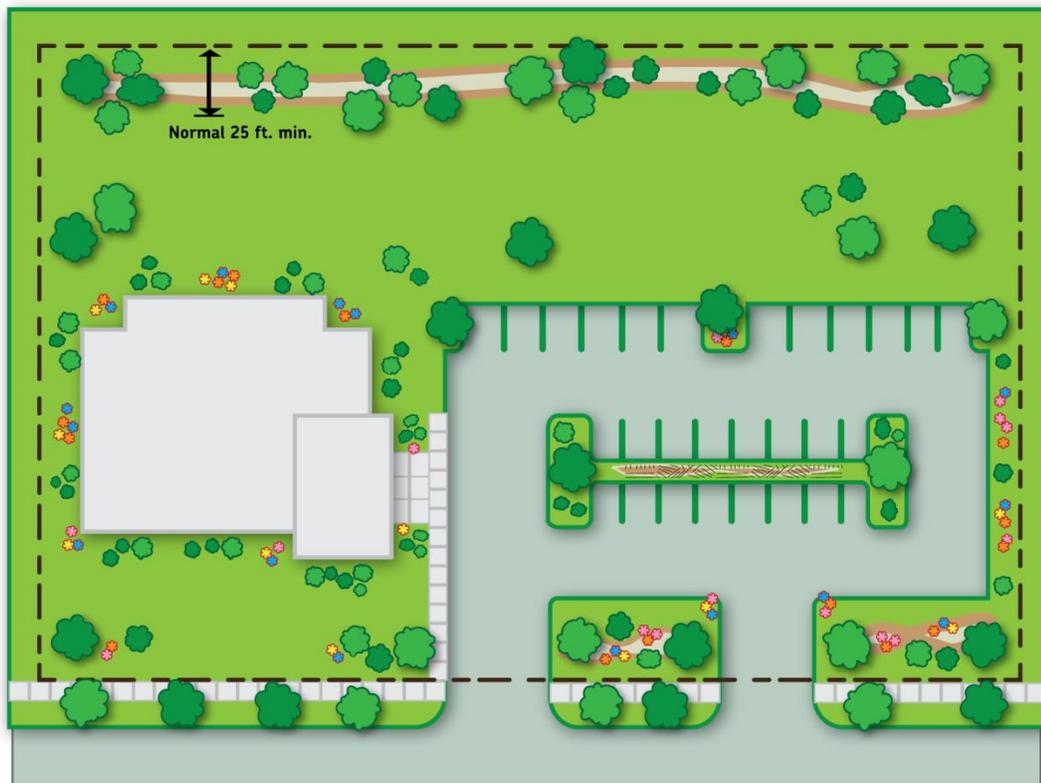


Figure 11.02(6): “Complete Picture” Landscaping Example at Maturity (bufferyard will not be required in most cases)



- (f) Other Green Space Areas. Green space areas not used for landscape plantings, other than natural resource protection areas, shall be graded and sodded or seeded with a maintainable seed mix. Organic or natural mulch of plantings or planting beds is acceptable, but shall be installed so it does not erode, fall, be plowed, or otherwise transported into walks, drives, streets, or other hard-surfaced portions of the site.
- (4) **Landscaping Points and Minimum Installation Sizes.** Most of the above landscaping requirements are expressed in terms of landscape points. Each plant type, below, is worth a certain number of landscape points that can be used to fulfill the landscaping requirements. Minimum permitted installation sizes for each plant category are provided to ensure that landscaping provides its aesthetic and screening functions at the time of installation and to improve survival rates. The schedule of landscaping points and minimum permitted installation sizes is as presented in Figure 11.02(7).

**Figure 11.02(7): Landscaping Points, Minimum Installation Size, Examples of Appropriate Species**

Plant Category	Expected Mature Height	Minimum Permitted Installation Size	Landscape Points per Plant	Examples of Appropriate Species <sup>1</sup> (see Notes)
Large Deciduous Tree	Greater than 25 feet	2 inch diameter (1½ inch for street trees)	125	Oak <sup>2</sup> , Maple <sup>2</sup> (except Norway and Silver), Honeylocust, Ginkgo (male) <sup>2</sup> , Hazelnut, Hackberry <sup>2</sup> , Basswood or Linden <sup>2</sup> , Larch, Disease resistant Elm, Kentucky Coffeetree, Sycamore <sup>2</sup> , Scarlet Hawthorne <sup>2</sup>
Small Deciduous Tree	25 feet or less	1½ inch diameter or 4 feet tall	60	Birch, Serviceberry, Hawthorn, Eastern Redbud <sup>3</sup> , Callery Pear, Flowering Crab, Ironwood, Japanese Tree Lilac, Hornbeam/Hophornbeam <sup>3</sup> , Amur Corktree, Amur Maple <sup>3</sup> , Pagoda Dogwood <sup>3</sup> , Winter King Hawthorne <sup>3</sup> , Ornamental Crabapple <sup>3</sup> , Newport Plum <sup>3</sup>
Evergreen Tree	Usually greater than 10 feet	4 feet tall	50	Spruce, Hemlock, Cedar, Fir
Shrub (Deciduous or Evergreen)	Usually less than 10 feet	2 feet in height or 2 gallon pot	20	Dogwood, Viburnum, Hedge Cotoneaster, Forsythia, Yew, Hazelnut, Hydrangea, Ninebark, Dwarf-Bush Honeysuckle, Potentilla, Rose, Gro-low Sumac, Lilac, Weigela, Arborvitae, Juniper
Annual/Perennial Bed (including rain gardens)	Varies	Varies	20 points per 20 square feet of bed	Black-eyed Susan, Catmint, Coneflower, Lily, Daylily, Hosta, Ornamental grasses, Lady's Mantle, Columbine, Aster, Astilbe, Indigo, Brunnera, Cimicifuga, Liatris, Peony, Pachysandra, Sedum

Notes:

<sup>1</sup> Species listed are examples only. Other species such as non-invasive (not aggressive spreaders) and native plant species are also encouraged, except for those prohibited species listed below. Consider salt and snow tolerance when making plant selections.

<sup>2</sup> Appropriate trees in street terrace area, where no overhead power lines are present.

<sup>3</sup> Appropriate trees in street terrace area, where overhead power lines are present.

**(5) Prohibited and Discouraged Species.**

(a) The following species are prohibited in the public right-of-way, within 10 feet of any lot line or parking lot perimeter, and in parking lot islands:

1. Ailanthus (Tree of Heaven).
2. American Elm, and any other species of elm not resistant to Dutch Elm Disease
3. Ash (all varieties, until threat of emerald ash borer is eliminated)
4. Buckthorn (common or glossy)
5. Black Locust
6. Box Elder
7. Catalpa

8. Cottonwood (except along water edges)
9. European White Birch
10. Fruit-bearing Trees (excluding crabapples)
11. Honeysuckle
12. Lombard Poplar
13. Mulberry
14. Russian Olive
15. Siberian Elm
16. Silver Maple
17. Walnut
18. Willow (except along water edges).
19. Evergreen trees shall be prohibited in the public right-of-way.
20. Other weak-wooded tree species or species that deposit a significant number of twigs, seed pods, fruits, nuts, and/or other debris, as determined by the Zoning Administrator.

(b) Evergreen trees are prohibited within the public right-of-way.

- (6) **Existing Plant Materials.** A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the landscape plan, including techniques for preservation. In instances where healthy plant materials of acceptable species, as determined by the Village, exist on a site prior to its development, the application of the standards in this section may be adjusted by the Village to allow credit for such material, provided that such adjustment is consistent with the intent of this Article.
- (7) **Installation.** All landscaping required under this Section shall be installed consistent with Village standard specifications and industry accepted standards, and shall be guaranteed by the applicant or the applicant's contractor for two years. Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within six months of occupancy or commencement of operations, and the Village may require a performance guarantee, such as a deposit or letter of credit, before a permit for building occupancy is granted and until such landscaping is installed according to plan.
- (8) **Maintenance.** Landscaping required by this Section is intended to be a permanent site improvement. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes; maintenance shall also include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a plant dies or in the spring planting season of the following year. Landscaping shall also be subject to applicable maintenance standards with Chapter 409 of the Kronenwetter Municipal Code [Section 50.102 of the Weston Municipal Code].
- (9) **Location in Utility Easements.** Planting in utility easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.

### **Section X.11.03 Lawn Care, Alternative Groundcover, and the Preservation of Topography**

- (1) **Lawn Care and Alternative Groundcover.** Care of lawns, gardens, and natural areas shall comply with the requirements of Article I, Chapter 409 of the Kronenwetter Municipal Code [Section 50.102(h) of the Weston Municipal Code]
- (2) **Preservation of Topography.**
  - (a) With development of any land, effort shall be maintained to preserve pre-existing topography to the extent practical and consistent with safe, efficient, and attractive land development.

- (b) No structure shall be built that would alter the existing drainage or topography in any way as to adversely affect the adjoining property(ies).
- (c) In no case shall any slope exceed the normal angle of slippage of the material involved.
- (a) No change in existing topography shall be made that would result in increasing the slope of any land within a distance of 20 feet from a property line to a ratio greater than four horizontal to one vertical (maximum 4:1 slope).

## **Article 12: GENERAL PERFORMANCE STANDARDS**

### **Section X.12.01: Purpose and Applicability**

- (1) **Purpose.** The purpose of this Article is to indicate requirements for fences, drainage structures, earth filling/moving, fences, swimming pools, vehicle access, parking and circulation, off-street loading, exterior storage, exterior lighting, exterior communications equipment, exterior energy generation systems, vibration, noise, air pollution, odors, electromagnetic radiation, glare, heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials.
- (2) **Non-applicability to Agricultural and Single- and Two-family Residential Land Uses.** Except where a performance standard in this Article is specifically made applicable to agricultural uses and single- and two-family residential land uses in this Article, such uses and associated structures are exempt from these requirements (but subdivisions intended for future residential use are not exempt).

### **Section X.12.02: Stormwater Management, Earth Filling, and Excavating**

- (1) **Stormwater Management and Erosion Control.** All stormwater management and erosion control improvements shall comply with all applicable Village, County, State, and Federal standards, including Chapter 86, Article 5 of the Village of Weston Municipal Code [Chapter 270 of the Village of Kronenwetter Municipal Code] if within the Village. The Village encourages rain gardens, bioswales, and other similar natural forms of stormwater management and infiltration.
- (2) **Earth Filling and Excavating.** Earth filling and excavating activities include 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. Earth filling and excavating activities:
  - (1) Shall comply with the Village's Construction Site Erosion Control and Storm Water Management regulations if within the Village.
  - (2) Shall not increase drainage onto other properties or impede on-site drainage.
  - (3) Shall comply with provisions of the Village Land Division Ordinance.

### **Section X.12.03: Fences, Landscape Walls, and Hedges**

- (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 permanent fencing, landscape walls, and decorative posts equal to or exceeding four feet in height.
- (3) **Standards**
  - (a) **Traffic Visibility.** All fences, walls, and hedges must comply with the vision clearance requirements of Section X.12.08(13).
  - (b) **Access.** No fence shall be considered a hardship to access a rear yard, for purposes of storage of vehicles or other purposes in this Chapter.
  - (c) **Residential Fences**
    1. **Required Front and Street Side Yard Fences.** For all residentially zoned land, in the RR and PR districts, and for residential uses, the maximum height of each fence, wall, or continuous hedge within the front or street side yard for a principal structure shall be four feet. Front and street

side yard fences, walls, and hedges shall be set back a minimum of two feet from any front or street side property line.

2. Required Interior Side and Rear Yard Fences. For all residentially zoned land, in the RR and PR districts, and for residential uses, a fence, wall, or living hedge not exceeding six feet in height may be erected or planted within the interior side yard or rear yard, and may be installed up to the property line.

(d) Non-Residential Fences

1. In non-residential zoning districts (except for residential uses located there), fences, walls, and continuous hedges not exceeding eight feet in height are permitted. Such fence, wall, or continuous hedge shall be set back a minimum of two feet from any front or street side property line.
2. Fences, walls, or continuous hedges may be required for screening particular land uses per Article 4 and Section 11.02(3)(d).

(e) Garden Fences and Fences in Agricultural Districts. Garden fences and fencing within agricultural zoning districts shall be exempt from the requirements of this Section, except that all front and street side yard fences shall adhere to the front yard fence requirements for residential districts.

(f) Temporary Fences. Fences erected for the protection of plantings or to warn of construction hazards or for similar purposes shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with any setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences. Temporary fences may be installed and maintained for a period not exceeding the term of construction, or 180 days if not associated with a construction project. Snow fences shall be removed between May 1 and November 1 of each year.

(g) Permanent Fence Appearance. For each permanent fence with a more finished or a more decorative (non-structural) side, such side shall face toward the adjoining property or right-of-way. Residential fences in a front or street side yard shall be of semi-open designs, such as vertical picket, weaved lattice, or wrought iron bars. Each permanent fence shall be of consistent design and color, and color shall be compatible with the predominant color of the principal building on the same lot.

(h) Construction and Maintenance. All fences, landscape walls, or decorative posts shall be constructed and maintained in a structurally sound and attractive manner per manufacturer's instructions. Living hedges must be trimmed so that all limbs remain entirely within the property.

(i) Prohibited Fences

1. The use of a fence that delivers an electric shock is prohibited, except for electric fences used for the confinement of livestock or undomesticated animals in any agricultural zoning district.
2. Fences within and adjacent to residential and RR zoning districts and for residential uses may not be comprised of stranded wire, exposed/reflective metal, or corrugated metal.
3. The use of barbed wire, razor wire, or similar cutting wire is prohibited on any fence, except in any non-residential district on top of a security fence on which the wire is a minimum of eight feet above ground level and the wire section is directed inward, or for confinement of livestock or undomesticated animals in agricultural districts.
4. Snow fences or other fences designed for temporary use shall not be used in a permanent application. A snow fence shall be permitted in all districts when comprised of wooden pickets bound together by wire and not exceeding four feet in height and removed between May 1 and

November 1 of each year. No privately owned snow fence shall extend beyond the highway right-of-way line.

**Section X.12.04: Swimming Pools**

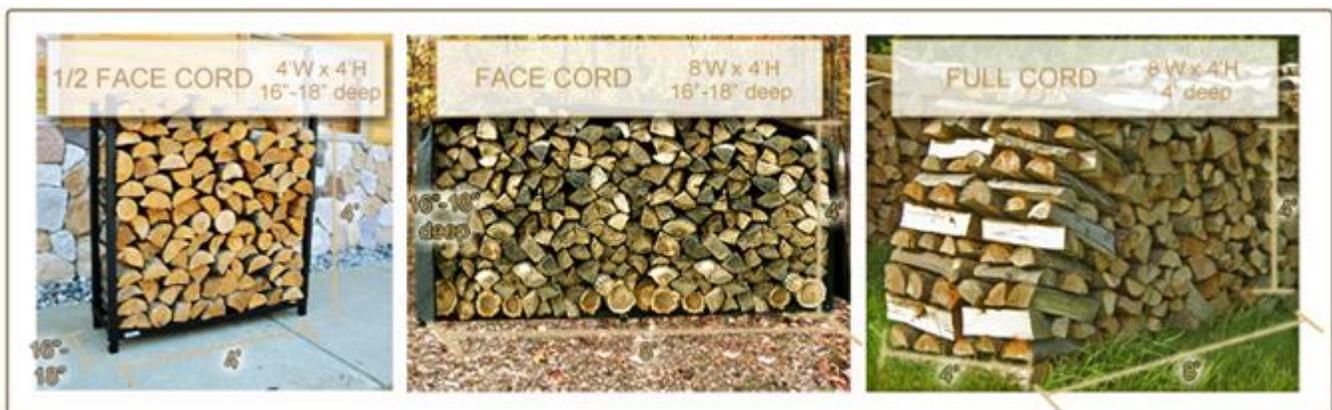
- (1) **Applicability.** This section applies to all swimming pools as defined in Section X.17.04, excluding structures exempted by that definition.
- (2) **Permit Required.** Before work is commenced on the construction or erection of a swimming pool or on any alterations, additions, remodeling, or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel, or add thereto must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data shall be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required fee shall accompany such application.
- (3) **Construction Requirements.**
  - (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 with any and all applicable ordinances of the Village.
  - (b) **Plumbing.** All plumbing work shall be in accordance with all applicable local ordinances and all State codes and requirements. Every swimming pool shall be provided with a suitable draining method, meeting the requirements of subsection (7) below.
  - (c) **Electrical Installations.** All electrical installations, including lighting and heating, but not limited thereto, that are provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with State laws and local ordinances regulating electrical installations.
- (4) **Placement and Setbacks.**
  - (a) Swimming pools shall be erected or constructed in rear yard only and only on a lot occupied by a principal building.
  - (b) All swimming pools shall meet the side and rear setback requirements applicable to accessory structures in Figures 5.01(2) and 5.02(2).
- (5) **Enclosure.**
  - (a) Each swimming pool as defined in Section X.17.04 shall be completely enclosed by a fence, wall, cover, or other protective device of sufficient strength to prevent access to the pool by a person weighing 250 pounds or less.
  - (b) If a fence or wall is used for the required enclosure, such fence or wall shall not be less than four feet in height. The Zoning Administrator may require a minimum of six feet in height upon a determination that the selected fence design will facilitate climbing. The pool wall of an above ground pool may serve as all or part of the required fence height. Fences or walls shall not have voids, holes, or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any building that forms a part of the enclosure.
  - (c) If a cover or other protective advice is used for the required enclosure, such cover or other protective device shall have a strength, design, and material that meets the requirements of this Section and is securely fastened in place when the swimming pool is not in use.
- (6) **Compliance.** All swimming pools existing as of [insert effective date of chapter] not satisfactorily fenced shall comply with the fencing requirements of this Section when water is placed in the pool.

- (7) **Maximum Pool Size.** No pool, together with its deck area, shall occupy more than 40 percent of the usable area of the rear yard excluding all garages or accessory structures located in the area.
- (8) **Draining and Approval Thereof.** No swimming pool shall be constructed so as to allow water to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Draining a swimming pool into public streets, other public property, or the storm sewer system may occur only with the prior approval of the Village Director of Public Works.
- (9) **Filter System Required.** All swimming pools must have, in connection therewith, some filtration system to ensure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (10) **Dirt Bottoms Prohibited.** All swimming pools shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

### **Section X.12.05: Firewood Storage**

- (1) **Applicability.** This section is applicable in and adjacent to all residential zoning districts.
- (2) **Definitions Applicable to this Section.** See also Figure 12.05.
  - (a) Cord of wood means a unit of wood cut for fuel equal to a stack eight foot wide by four foot high by four foot deep or 128 cubic feet.
  - (b) Face cord of wood means a unit of wood cut for fuel equal to a stack eight foot wide by four foot high by 18" deep or 48 cubic feet.
  - (c) Outside storage of firewood means any firewood which is not enclosed by four walls and a roof.
  - (d) Processing of firewood means the cutting of logs/wood and or the splitting of wood for burning.
  - (e) Firewood means any wood or wood product used or intended to be used as heating fuel in a residence or for burning in recreational fires as defined and regulated in Section 34.209(b)(2) of the Weston Municipal Code. Painted or treated wood shall not be considered firewood.
  - (f) Neat, secure stack means a stack of firewood that is piled in regular, orderly arrangement that is stable and reasonable resistant to collapse.

**Figure 12.05: Visual Examples of Different Firewood Storage Configurations**



- (3) **Outside Storage of Firewood.** Except for firewood and construction materials necessary for on-site use or work, no wood or wood product shall be kept or stored outdoors upon residential premises. Firewood may be stored upon residential premises solely for use on the premises and not for resale. No person shall permit the outside storage of firewood in the front yard and/or on any side yard abutting a street of any residentially zoned property, except that firewood may be temporarily stored in the front

yard and/or in any side yard abutting a street for a period not to exceed 15 days from the date of its delivery. Firewood shall be neatly stacked and stored no closer than three feet from any lot line and not higher than four feet from grade. No more than five full cords of wood shall be stored outside unscreened at any given time upon one residentially zoned lot. 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 considered public nuisances and may be abated pursuant to the provisions of the Village Municipal Code.

- (4) **Processing of Firewood.** No person shall process firewood between the hours of seven p.m. and seven a.m., and no property shall process firewood for more than six total hours during the permitted time. Processing must be completed within 45 days or less of delivery and may not begin again for sixty days. Processing may only be done two times in a calendar year. No persons shall process firewood on the property that is not for the owner/occupants personal use at the said property. All brush, bark, and refuse from processing of firewood shall be promptly and properly disposed of or processed as mulch and shall not be allowed to remain on said premises.
- (5) **Non-conforming Woodpiles to be Removed.** Those individuals not in compliance with this Section as of [insert date of adoption of chapter] shall have one year from such date to comply.

#### **Section X.12.06: Exterior Storage Standards**

- (1) **Purpose.** The purpose of this Section is to regulate the use of property for exterior storage, except as otherwise specifically regulated in this Article. The Section is designed to promote the safety and general welfare of the public. Additional standards for outdoor storage applicable to specific land uses as specified in Article shall also apply.
- (2) **Exterior Trash Storage.** For all land uses other than a “Single-Family Detached Residence,” “Two-Family Residence, and any agricultural use, all exterior trash storage shall be located within an enclosure that completely screens the view of said trash and associated dumpster. A solid door or gate shall be used to gain access to the storage area. Exterior trash storage areas and associated enclosures must meet the setback requirements for accessory structures in Figures 5.01(2) and 5.02(2). Those individuals not in compliance with this subsection as of [insert date of adoption of chapter] shall have one year from such date to comply.
- (3) **Motor Vehicle Storage.** Except in agricultural zoning districts, storage of operable and licensed motor vehicles shall be allowed in accordance with the pavement setback requirements of Article 5 and landscaped in accordance with Article 11. Storage or parking of semi-trailers and vehicles with a rated capacity of over 26,000 pounds (heavy duty) on property zoned or used for residential purposes is prohibited, except for recreational vehicles stored in accordance with Section X.12.07.
- (4) **Inoperable Vehicles and Junk.** The outside storage of inoperable or unlicensed vehicles, appliances, and other junk or trash shall be prohibited, except for within. “Junkyard or Salvage Yard” land uses approved in accordance with the requirements of this Chapter. Storage of inoperable vehicles is also subject to the regulations set forth in Article 7, Chapter 382 of the Kronenwetter Municipal Code [Section 50.105 of the Weston Municipal Code].
- (5) **Construction Materials and Equipment Related to On-site Construction.** Except within agricultural zoning districts, all temporary storage of construction materials and equipment related to on-site construction shall be set back a minimum of three feet from any interior side or rear property line, and outside of any front or street side yard unless provided site plan approval under Section X.16.09.

#### **Section X.12.07: Outdoor Recreational Vehicle Storage**

- (1) **General Requirements for Recreational Vehicles.**

- (a) All recreational vehicles must be operable, have current registration, and be in good repair to be parked outdoors.
- (b) All recreational vehicles that are also licensed, drivable motor vehicles shall be kept on a hard-surface such as pavers, asphalt, or concrete, or on gravel surface that was in existence as of **[insert effective date of chapter]**.
- (c) Where a recreational vehicle is permitted to be stored on a vegetative surface such as grass, the grass must be maintained and free of weeds and tall grass per applicable requirements of the Municipal Code.
- (d) Recreational vehicles shall not be stored on or extend into the public right-of-way or public access easement, including but not limited to on a public street or over a public sidewalk or path.
- (e) Each recreational vehicle shall not be used as a dwelling unit for more than 7 days per calendar year, and shall not be considered or used as an accessory structure.
- (f) No recreational vehicle shall be connected to municipal water, sanitary sewer, or a private on-site waste treatment system at any time, except for maintenance.
- (g) An unlimited number of recreational vehicles may be stored in fully enclosed buildings as allowed under this Chapter.

**(2) Within Residential and Rural and Open Space Zoning Districts, and for Residential Uses.**

- (a) A maximum of two recreational vehicles may be stored outdoors on each residentially zoned lot, and on each lot that is used for residential purposes, except within rural and open space zoning districts. Within rural and open space zoning districts, a maximum of four recreational vehicles may be stored outdoors. A trailer and other recreational vehicle(s) mounted on it shall count as one recreational vehicle for purposes of these quantitative limitations.
- (b) Outdoor storage of recreational vehicles in such zoning districts shall be permitted in a side yard, but set back from the side property line a distance equal to the parking setback in the associated zoning district under Figure 5.01(2).
- (c) Outdoor storage of recreational vehicles in such zoning districts shall be permitted in the front yard if on hard surface, or if on a gravel surface that was in existence as of **[insert effective date of chapter]**. Such hard or gravel surface shall be a component to or attached to the driveway that connects to the public roadway.
- (a) Outdoor storage of recreational vehicles shall not be permitted in the rear yard in residential zoning districts. Outdoor storage of recreational vehicles shall be permitted in the rear yard in rural and open space zoning districts, but set back from the rear and side property lines a distance equal to the parking setbacks in the associated zoning district under Figure 5.01(2).

**(3) Permitted Locations, Non-Residential Zoning Districts.**

- (a) Residential uses within non-residential zoning districts shall be subject to the limitations in subsection (2).
- (b) Outside storage of recreational vehicles associated with an allowed vehicle retail sale, service, or repair land use in a non-residential district, or commercial storage of recreational vehicles shall be regulated as an “Outdoor Display” land use and is subject to site plan approval for that use.
- (c) Recreational vehicles shall not be stored on or extend into the public right-of-way, including but not limited to on a public street or over the public sidewalk.

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### **Section X.12.08 Access and Driveway Standards**

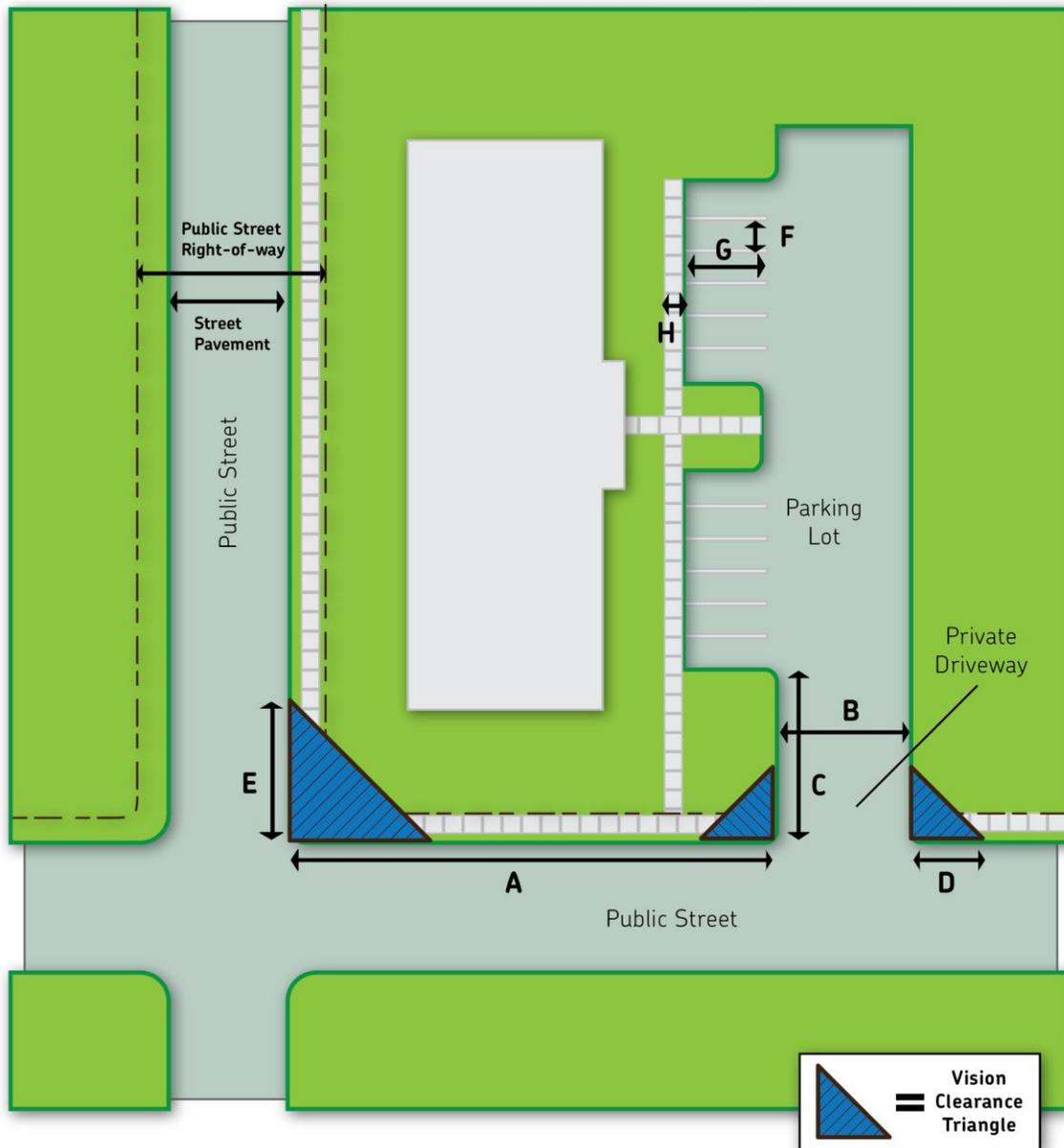
- (1) **Purpose and Applicability.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way, protect and enhance property values and community aesthetics, and promote the safety and general welfare of the traveling public. This Section establishes minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.
- (2) **Roadway Access Control.** Access control to public roadways and driveway access design standards shall be per Chapter 419 of the Village of Kronenwetter Municipal Code [Author's note: I recommend that Weston adopt into its municipal code a new chapter similar to Chapter 419 of Kronenwetter's code. This would assure similar access control standards across the communities, plus I believe Kronenwetter's standards are sound.]
- (3) **Depiction on Required Site Plan.** The configuration and location of all proposed access drives on a property shall be depicted on any required site plan.
- (4) **Distance from Property Line.** The distance from an access drive or parking lot to the property line of an adjacent property shall not be less than that indicated for paved areas in Figures 5.01(2) and 5.02(2), except in the case of approved shared driveways, shared parking lots, and cross-access ways.
- (5) **Width of Driveways.** All two-way access drives shall have a minimum width of 10 feet for single-family and two-family dwellings, and 24 feet for all other land uses to which this Section is made applicable (12 feet for one-way). All openings for access drives onto public streets shall have maximum widths as specified in Chapter 419 [Kronenwetter]
- (6) **Traffic Control.** Traffic into and out of all off-street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways.
- (7) **Surfacing.** Driveway surfacing shall be per Section X.12.09(6)(a).
- (8) **All Garages to be Served by Driveways.** All garages intended for vehicle parking shall be served by a driveway extending from the garage to the curb or street edge. Where such driveway(s) meets the garage, the width shall be, at minimum, the width of all garage door openings.
- (9) **Installation Timing.** Except for apron sections within public rights-of-way, no residential driveway shall be constructed until the owner has been issued a building permit for the residence. Each residential driveway shall be constructed prior to occupancy of the associated dwelling, except in cases when construction of the dwelling is completed between December 1<sup>st</sup> and March 31<sup>st</sup>. In such cases, driveways must be installed no later than June 1<sup>st</sup> following occupancy.
- (10) **Provision for Sidewalk.** Where the Village has planned for or approved sidewalks, driveways shall accommodate a concrete sidewalk section within the public right-of-way, built to Village sidewalk standards, to maintain connection with existing sidewalks or to allow for the connection of future sidewalks on either side of the driveway.
- (11) **Maintenance.** All driveways shall be maintained so as to prevent the transport of gravel, dirt, or other material from the property into the public right-of-way.
- (12) **Vision Clearance Triangles.** Within vision clearance triangles, no signs, structures, earthwork, vegetation, or other obstructions between 18 inches and ten feet in height shall be permitted, except for tree trunks and sign poles. The vision clearance triangle shall apply where public streets intersect, and where private driveways and alleys intersect with public streets, per the following standards (as also represented in Figure 12.08).
  - (a) Where public streets intersect with each other. To draw the first two lines of the triangle, measure 20 feet from the point of intersection of the two street rights-of-way along the two right-of-way lines.

Next, draw a third straight line between the ends of the first two lines to form the vision clearance triangle.

- (b) Where a private driveway or alley intersects with a public street. To draw the first two lines of the triangle, measure from the point of intersection between the public street right-of-way and the private driveway/alley pavement edge a distance of 10 feet where the intersecting local street is a local street, 15 feet where a collector street, and 20 feet where an arterial street. Next, draw a third straight line between the ends of the first two lines to form the vision clearance triangle.

*through*

**Figure 12.08: Representation of Minimum Dimensional Requirements Affecting Vehicular Access**



**Minimum Distances/Widths**

- A: 75-300 feet (see Chapter 419 [Kronenwetter])
- B: 12 feet for one-way/24 feet for two-way (for non-residential uses)
- C: 20 feet (for non-residential uses)
- D: 10 ft for local street, 15 ft for collector street, 20 ft for arterial street
- E: 20 feet (on each non-hypotenuse side)
- F: 10 feet (8 ½ feet for end spaces)
- G: 18 feet
- H: 6 feet (where vehicles parked against walkway)

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### **Section X.12.09: Off-Street Parking and Traffic Circulation Standards**

- (1) **Purpose and Applicability.** 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. The requirements of this Section shall apply to all uses other than agricultural uses.
- (2) **Depiction on Required Site Plan.** Any and all parking and traffic circulation areas proposed to be located on a property shall be depicted as to their location and configuration on the site plan, if required under Section X.3.03(10). A garage stall shall be considered a parking space.
- (3) **Use of Off-Street Parking Areas.** The use of all required off-street parking areas shall be limited to the parking of licensed and operable vehicles not for lease, rent, or sale. Within residentially zoned property, required parking spaces shall only be used by licensed and operable cars and trucks with a rated capacity of 26,000 pounds or less. The use of parking spaces for purposes such as seasonal sales shall be permitted only if sufficient parking spaces remain available to meet the parking requirements of this Section and normal traffic movement is not impeded.
- (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 on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns and traffic control measures shall conform to the general rules of the road and the requirements of the Manual of Uniform Traffic Control Devices.
- (5) **Installation and Maintenance of Off-Street Parking and Traffic Circulation Areas.** All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. No off-street parking or traffic circulation area may be used as a storage area, for materials or for snow.
- (6) **Off-Street Parking and Traffic Circulation Design Standards.**
  - (a) **Surfacing.** All off-street parking, driveway, and traffic circulation areas constructed after [insert effective date of chapter], including residential driveways, shall be paved and continuously maintained with a dustless, hard, all-weather surface, including concrete, asphalt paving, pervious pavement, paving stones commercially designed and manufactured for the proposed purpose, or any combination of these materials, except that gravel or crushed stone is permitted for:
    1. Agricultural uses.
    2. Driveways in rural and open space zoning districts, where the intersecting road is gravel or the driveway is greater than 50 feet in length.
    3. Emergency access driveways where required or approved by the Zoning Administrator.
    4. Lightly traveled service drives for non-residential uses where included as part of an approved site plan under Section X.16.09.In cases where gravel or crushed stone is permitted under one of the above exceptions, the portion of the driveway within the public street right-of-way shall be paved with a dustless, hard, all-weather surface, except where serving agricultural uses or where the intersecting public road is gravel surfaced.
  - (b) **Marking.** All hard-surfaced areas intended for six or more parking stalls shall be striped in a manner that clearly indicates the boundaries of required parking spaces.
  - (c) **Curbing.** For developments that require site plan approval under this Chapter, construction of curb and gutter shall be required around all parking, driveway, and other vehicular access areas and landscaped islands and peninsulas. The site plan approval authority may modify this standard to facilitate a unique stormwater management approach or condition, for lightly traveled service drives,

at the edges of a phase of development of a parking area, for storage areas, or for approved gravel surfaced areas.

- (d) **Lighting.** All off-street parking and traffic circulation areas serving six or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use, with said illumination level shall not exceed the standards of Section X.12.11.
  - (e) **Access.** Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner that least interferes with traffic movements. Off-street parking spaces for residential uses may be stacked or in front of one-another for the same dwelling unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.
  - (f) **Signage.** All signage located within, or related to, required off-street parking or traffic circulation areas shall comply with the requirements of Article 13.
  - (g) **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.
  - (h) **Parking Space Design Standards.** Other than parking required to serve the handicapped, the minimum required length of parking spaces shall be 18 feet and the minimum required width is 10 feet (8½ feet for end spaces). All parking spaces shall have a minimum vertical clearance of 7 feet.
  - (i) **Snow Storage.** No minimum required off-street parking space or traffic circulation areas shall not be used for snow storage.
  - (j) **Parking Lot Design Standards.** Horizontal widths for driveways serving parking spaces shall be no less than 24 feet for two-way driveways and 12 feet for one-way driveways, except that wider driveways may be required for loading and service routes. Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Section X.11.02(3)(b).
- (7) **Calculation of Minimum Required Parking Spaces.** The minimum number of required parking spaces is stated for each land use in Article 4.
- (8) **Potential Reduction in Automobile Parking Spaces.** The site plan approval authority may approve a decrease in the required number of off-street automobile parking spaces for each land use in Article 4 by up to 25 percent of the normal requirement. Such a reduction must be supported by technical documentation furnished by the applicant that indicates that actual off-street parking demand for that particular use is less than the normally required minimum.
- (9) **Partial Development of Required Parking Spaces.** The applicant for any development may seek permission to not install a portion of its required parking at time of site plan approval; however, said site plan shall depict the minimum number of required parking spaces to be available for future construction.
- (10) **Limit on the Maximum Number of Required Parking Spaces.** No site plan may be approved for a multi-family residential or non-residential use that contains more than 150 percent of the use's minimum number of required parking spaces under Article 4, except by conditional use permit.
- (11) **Joint and Off-Site Parking Facilities**
- (a) Parking facilities providing required parking for one or more uses shall provide a total number of parking spaces that 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, unless reduced by the site plan approval authority per subsection (8).

- (b) The applicant(s) for approval of a joint parking facility shall demonstrate that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses the joint parking facility is proposed to serve.
  - (c) A legally binding instrument, approved by the Village Attorney, 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.
- (12) **Locational Prohibitions for Off-Street Parking Areas.** Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on any approved site plan. No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way, except by conditional use permit. See also Section X.12.07(9) and Figures 5.01(2) and 5.02(2).
- (13) **Minimum Permitted Throat Length.** All uses requiring site plan approval shall have a minimum permitted throat length of access drives serving parking lots of 20 feet from the nearest street right-of-way, except as modified by the site plan approval authority based on unique site conditions or suitable assurance that traffic will not back up into public rights-of-way.
- (14) **Bicycle Parking.** A number of off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces available for all uses requiring 20 or more vehicular parking spaces. Each “Inverted-U” or similar type rack or similar counts as two bicycle parking spaces. All bicycle parking shall be on a hard-surfaced area within 100 feet of building entrances, in a location that minimizes conflicts with pedestrians and motorized traffic.

#### **Section X.12.10: 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.** Any new building that has a gross floor area of 10,000 square feet or more and that requires regular deliveries, or makes regular shipments from semi-trucks and trailers, shall provide off-street loading facilities in accordance with the regulations of this Section, except for agricultural uses.
- (3) **Location**
  - (a) All loading berths shall be at least 25 feet from the intersection of two street right-of-way lines.
  - (b) Loading berths shall not be located within any minimum required front yard or street side yard.
  - (c) All loading and vehicle maneuvering 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 or minimum required pavement setback Figures 5.01(2) and 5.02(2).
- (4) **Size of Loading Area.** The first required loading berth shall be designed in accordance with Figure 12.10. All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All required loading berths shall have a minimum vertical clearance of 14 feet.
- (5) **Access to Loading Area.** Each loading area shall be located so as to facilitate access to a public street or alley, shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. Loading areas shall not rely on backing movements into public rights-of-way, except where building or site conditions established before insert effective date of chapter require such movements.
- (6) **Surfacing and Marking.** All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner that clearly indicates required loading areas.

- (7) **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 to provide minimum required parking spaces.
- (8) **Depiction on Required Site Plan.** Any and all proposed or required loading areas and trailer and container storage areas shall be depicted as to their location and configuration on any required site plan.
- (9) **Calculation of Required Loading Spaces.**
  - (a) **Indoor Institutional and Recreational Land Uses.** One loading berth shall be required for each building with a gross floor area of 10,000 to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.
  - (b) **Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses.** One loading berth shall be required for each building having a gross floor area of 10,000 to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.
  - (c) **Office Land Uses.** One loading berth shall be required for each building having a gross floor area of 10,000 to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

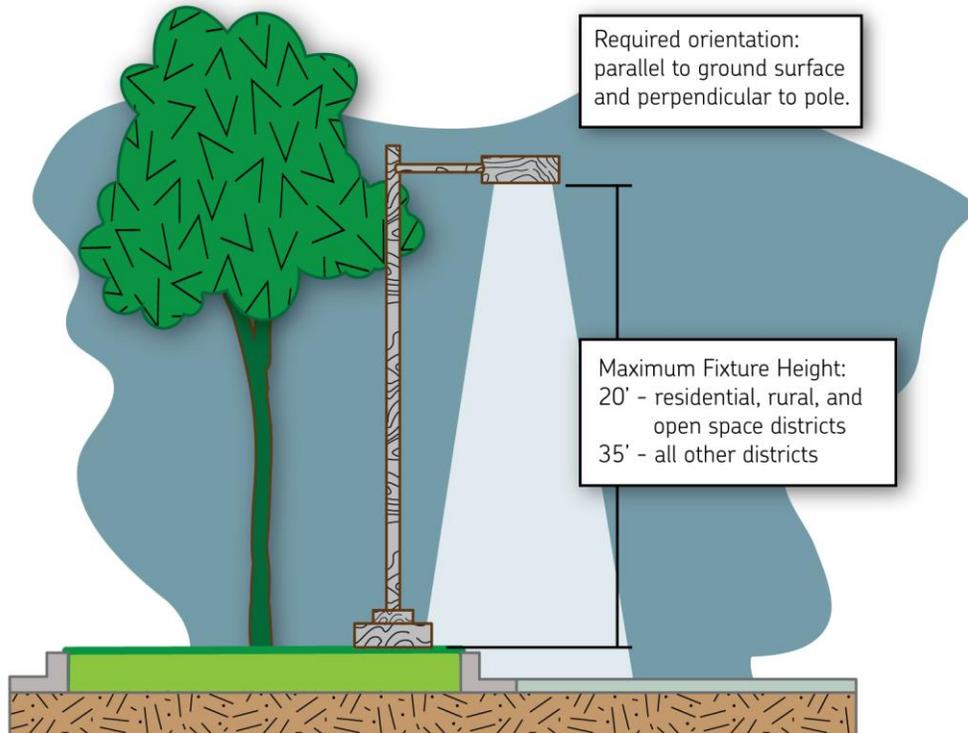
**Figure 12.10: Loading Standards**

Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (F)		
Semitrailer (Model WB-40)	50	90°	50	10	63	113		
				12	56	106		
				14	52	102		
		60°	44	10	46	90		
				12	40	84		
				14	35	79		
				45°	36	10	37	73
						12	32	68
						14	29	65
Semitrailer Combination (Model WB-50)	55	90°	55	10	77	132		
				12	72	127		
				14	67	122		
		60°	48	10	55	103		
				12	51	99		
				14	46	94		
		45°	39	10	45	84		
				12	40	79		
				14	37	76		

### **Section X.12.11: Exterior Lighting Standards**

- (1) **Purpose.** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- (2) **Applicability.** The requirements of this Section apply to all exterior lighting and all interior light visible from the exterior on private property within the jurisdiction of this Chapter, except for lighting within public rights-of-way, lighting located on public property, and/or lighting on communications towers or airports, heliports, helipads, or other similar facilities where required to meet federal and state safety regulations.
- (3) **Depiction on Required Site Plan.** Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on any site plan, if required under Section X.3.03(10).
- (4) **Orientation of Fixture.** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a residentially zoned property or allowed to direct light skyward. Shielded luminaries and careful fixture placement shall be used to ensure that exterior lighting prevents direct lighting above a horizontal plane, except that architectural lighting that focuses all light below the roof line may exceed the horizontal plane. Search lights are prohibited except for any search light deemed necessary by the FAA.

**Figure 12.11: Illustration of Required Pole Lighting Orientation and Height**



- (5) **Intensity of Illumination.** The amount of illumination attributable to exterior lighting, as measured at the property line, shall not exceed 1.0 footcandle above ambient lighting conditions on a cloudless night.

The maximum average lighting within any lit area shall not exceed 5.0 footcandles, except where the Zoning Administrator determines that greater illumination is necessary for public safety.

- (6) **Fixture Heights.** The maximum height from the base of the pole or its support to the fixture shall be 20 feet in residential, rural, and open space zoning districts, and 35 feet in all other districts.
- (7) **Location.** Light fixtures shall not be located within any required bufferyard under this Chapter, or closer than three feet from a property line.
- (8) **Flashing, Flickering and other Distracting Lighting.** Flashing, flickering, moving (such as search spot or search lights), and/or other lighting that may distract motorists is prohibited.
- (9) **Exceptions.** The appropriate site plan approval authority may grant exceptions to the requirements of this Section in the following circumstances:
  - (a) Outdoor recreation use and assembly areas such as athletic fields.
  - (b) Gas station pump islands and other uses in which motor vehicles and pedestrians routinely operate in close proximity with one another. Use of recessed canopy lighting to minimize off-site impacts may be required.
  - (c) Lighting for special events, per an approved special event permit under Chapter 67 of the Municipal Code [Weston]
- (10) **Nonconforming Lighting.** All lighting fixtures existing prior to the effective date of this Chapter shall be considered legal conforming structures and may be continued (see Article 15). However, as part of a site plan approval for a new, expanded, or remodeled project or use on the same site, the site plan approval authority may require that such lighting be reoriented to achieve greater or full compliance with this Section.

#### **Section X.12.12: Vibration Standards**

- (1) **Purpose.** The purpose of this Section is to regulate the creation of vibration that adversely affects adjoining properties 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 uses and activities that create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on a property.
- (3) **Depiction on Required Site Plan.** Any activity or equipment that creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan, if required for the development of a property.
- (4) **Requirements.** No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given below. The Zoning Administrator may require the owner or operator of any use, facility, or operation suspected of being in violation of this Section to verify compliance at his, her, or its own expense.
- (5) **Method of Measurement.** Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line, as described below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula:  
$$D = K/f$$
, where D = displacement in inches  
K = a constant to be determined by reference to the tables below  
f = the frequency of vibration transmitted through the ground, cycles per second

- (6) **Standards in the GI General Industrial District.** In the GI General Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the Figure 12.12(1) below.

**Figure 12.12(1): Maximum Vibration Levels, GI District**

Location	K
<i>On or beyond any adjacent lot line</i>	
Continuous	0.015
Impulsive	0.030
Less than 8 pulses per 24-hour period	0.075
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

- (7) **Standards in other Zoning Districts.** In all other zoning districts, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in Figure 12.12(2).

**Figure 12.12(2): Maximum Vibration Levels, All Zoning Districts except for GI District**

Location	K
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

**Section X.12.13: Noise Standards**

- (1) The requirements of this Section apply to all uses and activities that create detectable noise, except these standards shall not apply to incidental traffic, parking, loading, maintenance, or agricultural operations.
- (2) All noise shall be muffled so as not be objectionable due to intermittence, beat frequency, or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of a property the values given in Figure 12.13(1) as measured by, at the minimum, a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, business, industrial, or institutional district.
- (3) Noises that were in effect as of **insert effective date of this Chapter** shall be considered legal nonconforming noises. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Chapter shall be the responsibility of the noise producer.
- (4) The Zoning Administrator may require the owner or operator of any use, facility, or operation suspected of being in violation of this Section to verify compliance at his, her, or its own expense.

**Figure 12.13(1): Maximum Permitted Noise Level at Lot Line For Noise Radiated Continuously\***

Zoning District	Increase in Noise Level over Ambient Level
All Residential Districts, RR, PR, N	plus 3 dBA
FP, AR, INT, B-1, B-2, B-3, BP	plus 5 dBA
GI, LI	plus 8 dBA
* If the noise is not smooth and continuous or is present only during daytime hours, one or more of the corrections, in Figure 12.13(2) below shall be added to or subtracted from each of the decibel levels given in this figure.	

**Figure 12.13(2): Adjustment Factors for Maximum Noise Levels**

Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
* Apply only one of these corrections.	

**Section X.12.14: Air Pollution Standards**

- (1) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on a property, or by incidental traffic, parking, loading, maintenance, or agricultural operations.
- (2) The emission, from all sources within any lot, of particulate matter containing a section diameter larger than 44 microns is prohibited.
- (3) Emission of smoke or particulate matter of density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.
- (4) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. This standard shall not apply to allowable agricultural uses within an agricultural zoning district.
- (5) All uses shall comply with all applicable State and Federal standards.
- (6) The Zoning Administrator may require the owner or operator of any use, facility, or operation suspected of being in violation of this Section to verify compliance at his, her, or its own expense.

**Section X.12.15: Odor Standards**

No land use shall cause any odor that is offensive to a person of reasonable sensibilities detectable at any lot line of any lot in a residential district for periods exceeding a total of 15 minutes of any day.

**Section X.12.16: Glare and Heat Standards**

- (1) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of a principal use, or by incidental traffic, parking, loading, maintenance, or agricultural operations.
- (2) No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at any lot line of a property shall be permitted. Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar Energy Systems regulated by Wisconsin Statutes 66.0401 shall be entitled to the protection of its provisions.

**Section X.12.17: Fire and Explosion Standards**

- (1) Any use involving materials that could detonate shall locate such materials not less than 400 feet from any residentially zoned property, except that this standard shall not apply to the storage or usage of liquefied petroleum, diesel, or natural gas for normal on-site purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the State of Wisconsin.
- (2) All materials that have capabilities ranging from “active” to “intense” burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings that have incombustible exterior walls and an automatic fire extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed that in Figure 12.17.

**Figure 12.17: Maximum Aboveground Storage of Materials with Flammable or Explosive Vapors**

Closed Cup Flash Point (degrees Fahrenheit)	Gallons
Over 187	40,000
105—187	20,000
Below 105	10,000

**Section X.12.18: Toxic or Noxious Material Standards**

- (1) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
- (2) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

**Section X.12.19: Waste Material Standards**

- (1) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
- (2) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources.

### **Section X.12.20: Hazardous Materials Standards**

- (1) **Compliance with Statutes.** All hazardous materials shall be regulated in accordance with the relevant Wisconsin Statutes:
  - (a) Micro-Organism Cultures subject to Wisconsin Statutes 94.65;
  - (b) Pesticides subject to Wisconsin Statutes 94.67(25);
  - (c) Biological Products subject to Wisconsin Statutes 95.39;
  - (d) Hazardous Substances subject to Wisconsin Statutes 100.37(1)(c);
  - (e) Toxic Substances subject to Wisconsin Statutes 101.58(2)(j);
  - (f) Infectious Agents subject to Wisconsin Statutes 101.58(2)(f);
  - (g) Any material for which the State of Wisconsin requires notification of a local fire department; or
  - (h) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related, materials regulations.
- (2) **Notification of Use of Hazardous Materials.** All land uses involving hazardous materials listed in this Section, except for agricultural uses, shall submit a written description of such materials and the operations involving such materials conducted on their property as part of any required site plan submittal.
- (3) **Risk Management and Emergency Response Program.** As part of any permit review process under this Chapter, the Village may require such operator to prepare and submit a process safety management, risk management, containment, and emergency response program for approval by the Fire Chief. In the event of any spill or other accident involving toxic, hazardous, or radioactive materials, the responsible party shall immediately notify the Fire Department and HazMat team, and shall follow procedures specified in any approved process safety management, risk management, containment, and emergency response program.

### **Section X.12.21: Electromagnetic Emission Standards**

No activity shall emit electrical, radioactive or other electromagnetic disturbances outside its premises that are dangerous to plant or animal life as determined by applicable federal or state regulation or which adversely affect the use of neighboring premises such as by interfering with the use or enjoyment of common household and business equipment such as radio, television, telephone, computer or facsimile operations.

## **Article 13: SIGNS**

### **Section X.13.01: Purpose**

The purpose of this Article is to establish standards for signage that protect public health and safety, advance aesthetic and community character objectives; promote compatible business development and activity; and ensure the effective and flexible use of signage for commercial, community, and individual expression.

### **Section X.13.02: Sign Permits**

- (1) **General Requirements.** Except as otherwise provided in Section X.13.02(9), no sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit.
  - (a) A sign permit shall be required for a change of copy on any sign, but not for repainting or replacement of a sign face with the same sign copy, cleaning, repair, or other normal maintenance.
  - (b) No new sign permit is required for signs that are in place as of [insert effective date of Chapter], and such signs may remain as legal nonconforming structures if legally established under applicable sign regulations at time of installation and are subject to Section X.13.11.
  - (c) Any sign permit granted hereunder may not be assigned or transferred to any other sign.
  - (d) The applicant may include all signs at one premise under one permit, if applied for at the same time.
- (2) **Application Procedure.** Each application for a sign permit shall be filed with the Zoning Administrator on a form provided by that office prior to sign installation or modification. Each complete application shall include the following:
  - (a) The name and address of the permit applicant.
  - (b) A site plan for the property showing, at a minimum, the location of the proposed sign; the location of all existing signs on the property; all property lines and buildings on the property; and parking areas, driveways, public roads, and buildings within 50 feet of the proposed sign.
  - (c) A diagram of the proposed sign, drawn to a recognized scale, and listing and depicting the type, height, width, total sign square footage, square footage of each sign component, method of attachment, structural support, method of illumination, and sign materials.
  - (d) The property's zoning district designation.
  - (e) A summary of existing signage on the property, including quantity, location, type, and area of all signs on the property both before and after the installation of the proposed sign.
  - (f) Evidence that the structural design requirements of Section X.13.09 will be met. The footing and related supporting structure of each freestanding sign including bolts, flanges, and brackets shall be concealed by the sign exterior or shall be surrounded by landscaping, included on a landscape plan submitted with the application.
  - (g) Proof of payment of the appropriate sign permit fee, per the Village's fee schedule.
  - (h) A line marking a distance equal to 660 feet from the nearest right-of-way from any U.S. Highway, State Highway, or Interstate. Any sign on property within a U.S. or State Highway right-of-way or setback jurisdiction may also require approval from the Wisconsin Department of Transportation.
- (3) **Granting and Issuance.**
  - (a) Upon the receipt of a complete application, in cases where the requested sign does not require an approval or recommendation from another body under this Chapter, the Zoning Administrator shall

review said application and shall, in writing, approve or deny a sign permit within 10 working days of acceptance of the complete application.

- (b) Upon the receipt of a complete application, and in cases where the requested sign requires an approval or recommendation from another body under this Chapter, such as a conditional use permit, the Zoning Administrator shall within 10 working days of the acceptance of the complete application notify the applicant of such additional action and schedule the item on the appropriate meeting agenda(s). Following all necessary approvals, the Zoning Administrator shall then, in writing, approve or deny a sign permit based on the submitted application and such additional body's action within 10 working days of action by the body with final approval authority.
- (c) Denial of a sign permit shall not result in total or partial reimbursement of permit fees paid.
- (4) **Basis for Granting.** In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Article; whether the sign is in compliance with all provisions of this Chapter, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity; and whether a conditional use permit or other required Village approval has or has not be granted for the sign.
- (5) **Enforcement and Revocation.**
  - (a) Any sign permit may be revoked by the Zoning Administrator in the event that the applicant has failed to comply with the provisions of this Chapter, the submitted sign permit application, or any conditions that may have accompanied the permit at the time of granting.
  - (b) Any sign permit granted by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within 180 days from the date of the issuance of such 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) The sign(s) subject to any revoked permits shall be removed by the licensee, sign owner, or property owner within 45 days of such revocation.
  - (d) Revocation shall not result in total or partial reimbursement of permit fees paid.
- (6) **Appeals.** Any person affected by a decision of the Zoning Administrator may petition for a hearing before the Zoning Board of Appeals under the provisions of Section X.16.14. The filing of such petition automatically stays removal of any sign involved and already legally erected until the Zoning Board of Appeals decides whether to sustain, modify, or withdraw the notice.
- (7) **Removal of Defective or Dangerous Signs by the Village.**
  - (a) If the Zoning Administrator determines that any sign exists in violation of this Article, then the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located that such violation must be corrected within 10 days of receipt of such notice on penalty of automatic revocation of any sign permit previously granted.
  - (b) If the Zoning Administrator causes such notice to be sent and the violation is not corrected within 10 days, the Zoning Administrator shall revoke any sign permit for the defective or dangerous sign. Any failure to remove such sign shall be a violation of this Chapter and shall be subject to enforcement under Section X.16.19.
  - (c) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator, and without any payment or return of the sign to its installer or owner.

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- (8) **Signs Allowed without Permit.** The following signs are permitted without the need for a sign permit, in cases where they are beneath any size limitations provided herein. Such signs shall not count as part of the maximum permitted sign area in the zoning district in which they are located per Section X.13.05 or X.13.07 below, unless they are above any size limitations provided herein and therefore requiring a sign permit.
- (a) **Addresses.** Address numerals and other sign information required to identify a location by law or governmental order, rule, or regulation, provided that such sign does not exceed one square foot in area per address; or the size required by any law, order, rule or regulation; whichever is greater.
  - (b) **Architectural Elements.** Integral decorative or architectural elements of buildings or works of art, so long as there is no commercial message, trademark, moving parts, or moving lights.
  - (c) **Auxiliary Signs.** Auxiliary signs less than one square foot placed in store windows regarding hours of operation, accepted charge cards, warnings, or similar information.
  - (d) **Bulletin Boards.** Bulletin boards, not exceeding 12 square feet in sign area and 8 feet in height, for public, philanthropic, or religious institutions located on the premises of said institutions.
  - (e) **Business Nameplates.** A single non-illuminated nameplate, not exceeding two square feet mounted on the building face, denoting the name of a business legally conducted on the premises.
  - (f) **Commemorative Signs.** Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure denoting the name of that structure or its date of erection.
  - (g) **Construction or Project Identification Signs.** Per temporary sign requirements of Section X.13.08.
  - (h) **Farm Field Signs.** Freestanding signs located in a farm field that identify the crop or product used in the field, provided that no such sign exceeds 12 square feet in area and 8 feet in height.
  - (i) **Flags.** Flags, standards, emblems, and insignia of governmental, civic, philanthropic, religious, or educational organizations, when not displayed in connection with a commercial promotion or as an advertising device.
  - (j) **Garage Sale Signs.** Per the temporary sign requirements of Section X.13.08.
  - (k) **Historical Markers.** Commemorative plaques, memorial tablets, or emblems of historical bodies, not exceeding two square feet, placed flat against a building, monument, or other permanent surface.
  - (l) **Holiday Decorations.** Temporary displays of a primarily decorative nature, in connection with traditionally accepted civic, patriotic, or religious holidays.
  - (m) **Interior Signs.** Signs that are located on the interior of a premise and that are primarily oriented to persons within that premises.
  - (n) **Management Signs.** Signs not exceeding four square feet that designate the real estate management agent for the premises on which they are located.
  - (o) **Menu Board Signs.** One menu board sign for a drive-in or drive-through restaurant exclusive of any two-way microphone/speaker devices, provided that the sign does not exceed 40 square feet in area or 8 feet in height.
  - (p) **Model Home Signs.** Per the temporary sign requirements of Section X.13.08.
  - (q) **“Open” Signs.** Signs that advertise a premise as open for business or inspection, with no more than one sign per street on which the property has frontage and no more than 4 square feet per sign.
  - (r) **Political/Election Signs.** Per the temporary sign requirements of Section X.13.08.
  - (s) **Real Estate Signs.** Per the temporary sign requirements of Section X.13.08.

- (t) **Regulatory and Government Information Signs.** Signs erected by or on behalf of a duly constituted governmental body and for regulatory and other basic government informational purposes, including but not limited to legal notices; handicap parking signs; and traffic signs or other regulatory, directional, or warning signs. Any other sign for broader governmental purposes shall require a permit.
- (u) **Residential Signs.** Signs customarily associated with residential use and not of a commercial nature that do not exceed a total of 4 square feet in residential and N zoning districts and 12 square feet in all other zoning districts. Such signs include property identification names and numbers, names of occupants, signs relating to private parking, signs warning the public against trespass or danger of animals, signs indicating a particular farm, and Neighborhood Crime Watch signs.
- (v) **Required Signs.** Signs required by State or Federal statute or regulation that do not exceed 110 percent of the minimum legal size requirements.
- (w) **Site Information Signs.** Signs of no more than 4 square feet that, without including advertising of any kind, provide direction or instruction to facilities intended to serve the public, such as rest rooms, public telephones, walkways, parking, and similar facilities.
- (x) **Special Displays/Event Banners.** Per the temporary sign requirements of Section X.13.08.
- (y) **Temporary Signs, except for Temporary Commercial Signs and Banners.** Per the temporary sign requirements of Section X.13.08. Temporary Commercial Signs and Banners shall require a sign permit.

### **Section X.13.03: General Signage Standards**

- (1) **Sign Purposes.** The following are definitions of the different purposes that signs regulated under this Article may have:
  - (a) **Advertising sign, off-premise.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on a premise other than the premise where the sign is displayed. Off-premise advertising signs include off-premise “billboards,” but do not include Community Information Signs described below.
  - (b) **Auxiliary sign.** A sign that provides special information such as price, hours of operation, parking rules, or warnings, and that does not include brand names or information regarding product lines. Examples of such signs include directories of tenants in buildings, “no trespassing” signs, menu boards, drive-through ordering stations, and signs that list prices of gasoline, up to one price listing sign per type of fuel, which must all be displayed on a single structure.
  - (c) **Business sign, on-premise.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured on the premises where the sign is located.
  - (a) **Community information sign.** An on-premise or off-premise permanent sign that is limited to the display of information of interest to the general community regarding public events, public activities, and public facilities; or for community identification and directions to destinations in the community. Includes Specific Information Signs (small blue advertising signs) approved by WisDOT along U.S. and State Highways. Also includes similar signs installed or authorized by the Village along those and other roadways, provided that they contain only the name, logo, and/or direction to the business or other destination.
  - (d) **Directional sign, on-premise.** A sign that indicates only the name (or logo or symbol) of a specific business/department/use area/destination within a development or premises, and a directional arrow or symbol to that destination. For purposes of an on-premise directional sign, the premises

shall include all lots that are contiguous, either under unified single ownership and intended to remain so, or within a unified business park or group development.

- (e) **Group development sign.** An on-premise sign displaying the collective name of a group of uses (such as an industrial park or multitenant retail center) and/or the names and/or logos of the individual occupants of a group of uses. For purposes of a group development sign, the premises shall include all lots that are contiguous, either under unified single ownership and intended to remain so, or within a unified business park or group development.
- (f) **Identification sign.** A sign indicating the name and/or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed.
- (g) **Parking area sign, on-premise.** A sign used to state parking restrictions and/or conditions, not including handicap parking signs.
- (h) **Temporary sign.** A sign or advertising display (including festoons, pennants, banners, flags, feather signs, pinwheels and similar devices) intended to be displayed for a certain limited period of time. Included in the definition of “temporary signs” are retailers’ signs temporarily displayed for the purpose of informing the public of a “sale” or special offer, and personal greeting or congratulatory signs. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered temporary, but instead shall be considered permanent. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose.

(2) **Sign Configurations.** The following are definitions of the different configurations (methods of placement or mounting) that signs regulated under this Article may have:

- (a) **Advertising vehicle sign.** A vehicle or trailer parked so as to be seen from a public right-of-way, that attached to or located thereon is any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity. Business vehicles that contain typical business signage and that are actively used for business purposes are not considered advertising vehicle signs or regulated as signs under this Article.
- (b) **Arm/post sign.** A type of small-scale freestanding sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.
- (c) **Awning sign.** A sign that is directly affixed via sewing, painting, or similar method to a non-rigid removable awning or canopy that is legally mounted to the facade of a building. Text and/or logos shall not project below or above the canopy surface and shall not exceed 50 percent of the awning/canopy area.



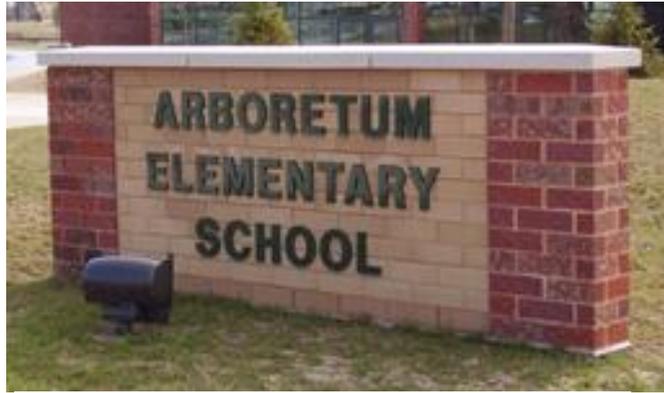
*Example of arm/post sign*



*Example of awning sign*

(d) **Freestanding sign.** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes arm/post signs, monument signs, and pylon signs.

(e) **Marquee sign.** A sign mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance and/or entrance approaches to a building, such as traditional movie theater signs. Marquee signs shall be mounted parallel to the vertical surface of the marquee and not project more than 18 inches beyond the vertical surface of the marquee. No part of a marquee sign shall extend beyond the top, bottom, or side edges of the vertical face of the marquee surface.



*Example of monument sign*

(f) **Mobile sign.** 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, including portable message board signs.

(g) **Monument sign.** A type of freestanding sign with a bottom edge located within one foot of a ground-mounted pedestal or the ground surface.

(h) **On-building sign.** A type of sign permanently affixed to an outside wall of a building. This type of sign includes, awning signs, marquee signs, projecting signs, and wall signs, but not window signs.



*Examples of projecting signs*

- (i) **Projecting sign.** A type of on-building any angle other than parallel to the wall on which it is mounted and/or extends beyond 18 inches from the wall. No projecting sign shall project more than 5 feet from the wall on which it is mounted. No portion of a projecting sign shall have less than 8 feet of ground clearance or extend higher than 20 feet above the ground, measured from the grade immediately below the sign.

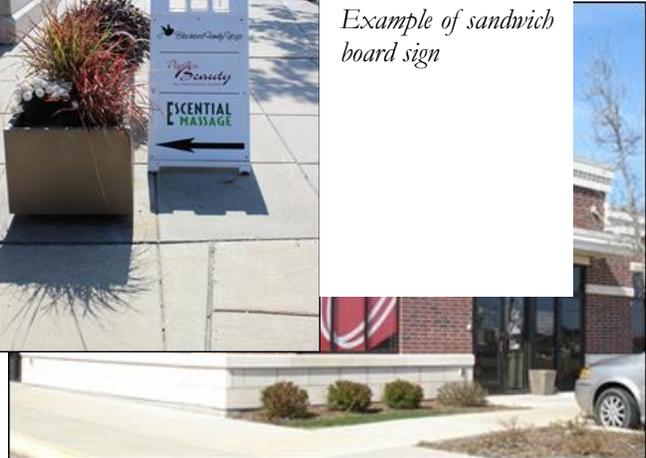


sign that is mounted at

*Example of sandwich board sign*

- (j) **Pylon sign.** A type of freestanding sign erected upon one or more pylons, poles, or posts, generally of a scale that is larger than an arm/post sign.

- (k) **Sandwich board/pedestal sign.** A movable, on-premise sign placed by hand outside the building while the business is open; removed at the time the business closes each day; self-supporting and stable even on windy days because of its design; and meeting all applicable size, placement, and other requirements of Section X.13.04(6). Does not include “mobile signs” as described above.



- (l) **Wall sign.** A type of on-building sign mounted parallel to and directly on a building facade or other vertical building surface. Wall signs shall not project more than 18 inches beyond the edge of any wall or other surface to which they are mounted. The top of the sign shall not extend above the top edge of the vertical wall or above the lowest edge of a roof line of the portion of the building to which it is mounted.

- (m) **Window sign.** A type of sign mounted on or within an exterior window with a primary intent to advertise a business or product within the premises.

- (n) **Variable message sign (VMS).** An on-building or freestanding sign that displays words, lines, logos, graphic images, or symbols that can automatically or by computer program change to provide different information, including computer signs, electronic reader boards with changeable letters, LCD and other video display signs, and time and temperature signs.

*Examples of wall and window signs*

(3) **Sign Measurement.**

- (a) **Sign height.** The height of a freestanding sign shall be measured from the average ground level adjacent to the sign to the top of the sign. The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.

- (b) **Sign area.** Sign area shall be measured in the following manner:

- 9. In the case of an on-building sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed.

10. In the case of an on-building sign on which the message is fabricated together with the background that borders or frames that message, sign area shall be the total area of the entire background.
11. In the case of an on-building sign on which message is applied to a background that provides no border or frame (such as individual letters applied to a building face or awning), sign area shall be the combined areas of the smallest rectangle that can encompass the complete message (e.g. business name, business logo, etc.) of the subject sign.
12. In the case of a freestanding sign, sign area shall consist of the total area of the smallest rectangle that can enclose all structural elements of the sign, including the area in which copy can be placed, and all surrounding borders, decorative frames, etc. Where a freestanding sign has two or more display faces, the total area of all of the display faces that can be viewed from any single vantage point shall be considered the sign area. Freestanding sign area shall exclude any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign elements listed above. Examples of supporting structures excluded from freestanding sign area calculations include the masonry base of a monument sign, the supporting post(s) to the side of or below an arm/post sign, or supporting pole(s) or pylons of a pylon sign.

#### **Section X.13.04: General Signage Regulations Applicable to All Zoning Districts**

##### **(1) Sign Prohibitions and Limitations.**

- (a) No sign shall be erected at any location where it may, by reason of its position, shape, color, or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, nor shall such sign make use of words such as “stop,” “look,” “drive-in,” “danger,” or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse users of streets or highways.
- (b) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, fire lane, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (c) No sign shall be erected that violates the visibility and clearance requirements of Section X.12.08(13).
- (d) No private sign shall be attached to or painted on any public utility pole, public light pole, or traffic regulatory structure.
- (e) No fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, feather flags, feather banners, or other moving decorations shall be permitted.
- (f) No illuminated flashing or animated signs shall be permitted. Variable message signs meeting the definition and requirements of this Article shall not be considered illuminated flashing or animated signs.
- (g) No illuminated sign/bulb shall be permitted unless the illumination of the sign is so designed that the lighting element (except for neon signs) is not visible from any property within a residential or RR zoning district.
- (h) No sign other than a regulatory or government information sign shall be permitted within or extend into a public right-of-way, except where otherwise specifically allowed in this Article.
- (i) Except via site plan approval, no sign shall be mounted or displayed on, or extend above the top edge of a roof or extend above the top-most edge of an exterior wall.
- (j) No mobile or portable signs shall be permitted. Sandwich board/pedestal signs as defined and regulated in this Article shall not be considered mobile or portable signs.
- (k) No inflatable signs shall be permitted.

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- (l) No advertising vehicle signs shall be permitted.
  - (i) No off-premise advertising signs shall be permitted after [insert effective date of this Chapter]. Off-premise advertising signs legally installed before [insert effective date of this Chapter] but made nonconforming by this Article shall be permitted to continue as legal, nonconforming structures, subject to the requirements of Section X.15.04. This provision does not prohibit the use of Community Information Signs under Section X.13.04(3) or on-premise business signs allowed in Section X.13.07 that are accessory to established on-premise principal uses for constitutionally protected free speech, provided all messages are in accordance with the time, place, and manner requirements of this Article and other provisions of this Chapter, the Village Municipal Code, and other applicable laws.
- (2) **Sign Location Requirements.**
- (a) Relationship to Regulatory and Government Information Signs. 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 may not locate within required vision clearance areas under Section X.12.08(17), nor otherwise impede traffic or pedestrian visibility.
  - (b) Setbacks. The permitted locations and setbacks of all freestanding signs shall be as stated in this Article. Sign setback shall be the shortest distance between the vertical plane extending from the property line (or other specified basis for the setback point) to the nearest structural element of the sign, whether said sign element is attached to the ground or suspended above ground.
  - (c) Minimum Ground Clearance. All pylon signs, projecting, marquee, and awning signs shall have a minimum clearance from grade of 8 feet to the bottom of the sign and shall not project into any vehicle circulation area, beyond a public street curb line, or beyond any public street pavement edge if no curb is present.
  - (d) Spacing Between Freestanding Signs. No permanent freestanding signs shall be placed any closer than 100 feet from another permanent freestanding sign, except where lot sizes, lot frontages, or other condition beyond the reasonable control of the applicant prevent such spacing in the determination of the Zoning Administrator.
- (3) **Community Information Signs.** On-premise and off-premise community information signs shall be allowed subject to the following regulations:
- (a) Is a permanent sign that shall only display information in accordance with Section X.13.03(1)(d). Temporary signs serving similar functions are listed and regulated under Section X.13.08.
  - (b) May be located on public property or rights-of-way if approved by the Zoning Administrator.
  - (c) May have changeable copy.
  - (d) Shall conform to the visibility requirements of this Article and of Section X.12.08(17).
  - (e) Shall not be counted as adding to the area of signage on the property on which it is placed for the purposes of regulating sign area.
  - (f) Shall not exceed 16 square feet in sign area per business or other destination, up to a maximum of 32 square feet if two or more businesses or other destinations are included on the same sign.
  - (g) Shall not exceed 10 feet in height, except where the sign is installed by a unit of government such as the Village or WisDOT.
  - (h) No more than one Community Information Sign is allowed per business, except where the sign is installed by a unit of government such as the Village or WisDOT.

- (i) No Community Information Sign advertising or providing directions to a business shall be located within a residential or RR zoning district.

**(4) Variable Message Signs (VMS).**

- (a) Allowable Districts and Land Uses. No VMS shall be allowed within any agricultural, rural, open space, residential, B-1, or N district, or for any residential use regardless of district.
- (b) Length of Cycle. Messages and non-text images shall not change appearance more than once every 10 seconds and transitions between messages shall be via instantaneous change. Use of variable message signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered prohibited flashing or animated signs. No scrolling messages are permitted.
- (c) Brightness Adjustment. All VMS shall be equipped with photosensitive equipment that automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. Light output shall not exceed that allowed under Section X.12.11.
- (d) Dimensions. The illuminated or message display area of the VMS is subject to the same height and area requirements as other on-premise business signs in the zoning district. All variable message signs shall be included in the calculation of total permitted sign area for the type of on-premise business sign (wall or freestanding) and the zoning district in which the sign is located.
- (e) Maintenance. Each VMS shall be maintained so as to be able to display messages in a complete and legible manner.
- (f) Location. In addition to standard setback requirements for the applicable sign type, no VMS shall be positioned to be visible from any permitted residential use unless the sign is located at least 100 feet from said use.

**(5) Window Signs.**

- (a) Area. Window signage shall not cover more than 30 percent of the combined area of first floor windows on any façade and 10 percent of any upper story window.
- (b) Installation. Window signs shall be confined within the transparent area of the window and shall not encroach upon the frame, mullions, or other supporting features of the glass. All permanent window signs that have their lettering or graphic elements directly on the surface of the glass shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the exterior building window or door.
- (c) Maintenance. All window signs shall be maintained so as to be able to display messages in a complete and legible manner.
- (d) Area Calculations. The area of window signs shall be calculated in the same manner as other on-building signs, but shall now count against the maximum number and area for on-building business signs as specified in Section X.13.07.

**(6) Sandwich Board/Pedestal Signs.**

- (a) There shall be a maximum of one sandwich board/pedestal sign per business.
- (b) Height shall not exceed 6 feet (as measured when such sign is properly placed directly on the ground or sidewalk surface), width shall not exceed 3 feet, and sign area shall not exceed 6 square feet per side.
- (c) All sandwich board/pedestal signs shall be designed to be self-supporting and in such a manner to withstand the elements, including the ability to remain upright on windy days.

- (d) No sandwich board/pedestal sign shall be illuminated in any manner (except via cordless power for not more than 30 days in any calendar year), have more than two sides, be placed off-premise (except where allowed on a sidewalk immediately adjacent to the business lot to which it relates), or be designed to resemble a public regulatory sign (such as a stop sign).
- (e) All sandwich board/pedestal signs shall be placed directly on a paved or private walkway surface.
- (f) No sandwich board/pedestal sign shall be placed on a public sidewalk or shall otherwise extend onto or into a public right-of-way.
- (g) Placement of all sandwich board/pedestal signs shall meet all vision clearance requirements in Section X.12.08(17), and shall otherwise not impede traffic visibility in the determination of the Zoning Administrator.
- (h) All sandwich board/pedestal signs must be kept in good condition, as determined by the Zoning Administrator and per the maintenance requirements of Section X.13.10.
- (i) Sandwich board/pedestal signs shall not count against the maximum area or number of business signs allowed per Section X.13.07.

**Section X.13.05: Regulations for Residential and RR Zoning Districts**

In all residential and RR zoning districts, signage shall be permitted per the following and all other applicable requirements of this Article:

**(1) Identification Sign.**

- (a) For each single-family and two-family residential principal use:
  - 1. Permitted Sign Types: Wall Signs, Arm/post signs.
  - 2. Maximum Permitted Number per Lot: One sign
  - 3. Maximum Permitted Area per Sign: Two square feet.
  - 4. Minimum Setback from All Property Lines: Three feet.
- (b) For a multi-family residential structure containing three or more dwelling units:
  - 1. Permitted Sign Types: Wall Signs, Monument Signs, Arm/post signs.
  - 2. Maximum Permitted Number per Lot: One Wall Sign or one Monument Sign.
  - 3. Maximum Permitted Area per Sign: 12 square feet.
  - 4. Minimum Setback from All Property Lines: Three feet.
- (c) For each multi-structure residential group development, residential subdivision, institutional use, or “Community Garden” land use:
  - 1. Permitted Sign Type: Wall Sign, Monument Sign, or Arm/post Sign.
  - 2. Maximum Permitted Number: One per public street or driveway entrance, up to a maximum of three per lot.
  - 3. Maximum Permitted Area per Sign: 32 square feet.
  - 4. Minimum Setback from All Property Lines: Three feet.

**(2) Auxiliary Sign.** (such as “Beware of Dog” or “No Trespassing”):

- (a) Permitted Sign Types: Wall Signs, Freestanding Signs.

- (b) Maximum Permitted Number of Freestanding Signs per Lot: Two, or more if allowed by site plan approval.
  - (c) Maximum Permitted Area per Sign: Two square feet.
  - (d) Minimum Setback from All Property Lines: Three feet.
- (3) **On-Premise Parking Area and Directional Sign.** (for multi-family residential use, multi-building development, or institutional use):
- (a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/post Signs.
  - (b) Maximum Permitted Number per Lot: One directional sign for each vehicular entrance and each vehicular exit, and one parking restrictions/conditions sign for each parking area.
  - (c) Maximum Permitted Area per Sign: Nine square feet.
  - (d) Minimum Setback from All Property Lines: Three feet.
- (4) **Temporary Sign.** Temporary signs are allowed per the requirements of Section X.13.08.
- (5) **On-Premise Home Occupation, Residential Business, or Bed and Breakfast Sign.** These shall be in lieu of the allowances in subsection (1)(a) above.
- (a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/Post Signs.
  - (b) Maximum Permitted Number per Lot: One Wall Sign, or one Monument Sign, or one Arm/Post Sign.
  - (c) Maximum Permitted Area per Sign: Six square feet.
  - (d) Minimum Setback from All Property Lines: Three feet.
- (6) **On-Premise Business Sign.** For legal, non-conforming businesses only, signs shall comply with the provisions for signs applicable to the B-3 Neighborhood Commercial district.
- (7) **Community Information Sign.** Shall comply with the provisions of Section X.13.04(3), except that no Community Information Sign advertising or providing directions to a business shall be located within a residential or RR zoning district.

**Section X.13.06: Signage for Residential Uses in Non-Residential Districts**

Regardless of zoning district, signage for all principal residential land uses within non-residential zoning districts shall comply with provisions of Section X.13.05 and all other applicable provisions of this Article.

**Section X.13.07: Regulations for Non-Residential, Agricultural, PR, and N Zoning Districts**

Except for residential uses within non-residential zoning districts (instead see Section X.13.06), signage within non-residential, agricultural, and PR zoning districts shall be permitted per the following and all other applicable provisions of this Article. Signage standards for the N district are exclusively encompassed in subsection (8).

- (1) **Auxiliary Sign.** (such as “open”, business hours, "no trespassing", and required gas pump price signs):
  - (a) Permitted Sign Types: Wall Signs, Freestanding Signs.
  - (b) Maximum Permitted Number per Lot: Per approved sign plan.

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- (c) Maximum Permitted Area per Sign: Combined area of all auxiliary signs on any lot shall not exceed 50 percent of the permitted freestanding or on-building sign area for the lot, whichever is greater.
  - (d) Minimum Setback from All Property Lines: For freestanding auxiliary sign, same as for all other freestanding signs in district.
- (2) **On-Premise Parking Area and On-Premise Directional Signs.**
- (a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/post Signs.
  - (b) Maximum Permitted Number per Lot: One directional sign for each vehicular entrance/exit, and one parking restrictions/conditions sign for each parking area.
  - (c) Maximum Permitted Area per Sign: Nine square feet
  - (d) Minimum Setbacks from All Property Lines: Three feet or the height of the sign, whichever is greater.
- (3) **On-Premise Group Directional Signs.** Within non-residential developments in which two or more separate establishments, agencies, and/or use areas occupy different buildings or occupy the same building but are accessed from different driveways, parking areas, and/or sides of a building, on-premise directional signage may be combined on a monument sign in accordance with subsections (a) through (e) below. Examples of eligible uses include multi-agency institutional buildings with separate building entrances and parking areas; hospitals with separate entrances or vehicle accommodation areas for distinctive functions (emergency rooms, visitor parking, clinics) or campuses with multiple buildings; sites or business parks with multiple, individual businesses; and large business or industrial principal structures with separate use area entrances (e.g. customer, employees, and/or shipping). Content of such signs shall be limited to destination name/logo and directional arrows or words.
- (a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/Post Signs.
  - (b) Maximum Permitted Number per Lot: One, or as otherwise specified on an approved site plan.
  - (c) Maximum Permitted Area per Sign: Five square feet per establishment, agency, or entrance. Area allowance shall not be combined and allotted in a manner that allows the directional sign for a specific destination to exceed five square feet in area. Maximum total area per freestanding Group Directional Sign shall be 50 square feet.
  - (d) Maximum Height: Eight feet.
  - (e) Minimum Setback from All Property Lines: Three feet or the height of the sign, whichever is greater.
- (4) **Sandwich Board/Pedestal Signs.** Per the requirements of Section X.13.04(6).
- (5) **Temporary Signs.** Per the requirements of Section X.13.08.
- (6) **Community Information Signs.** Per the provisions of Section X.13.04(3).
- (7) **On-Premise Business Signs.** (also see summary in Figure 13.07)
- (a) **For the FP Farmland Preservation, AR Agricultural Residential, and PR Parks and Recreation Zoning Districts.**
    - 1. Permitted Sign Type: Wall Sign
      - a. Maximum Permitted Number per Lot: One sign.

- b. Maximum Permitted Area per Sign: 48 square feet.
2. Permitted Sign Type: Freestanding Sign (Monument Sign or Arm/Post Sign only)
    - a. Maximum Permitted Number per Lot: One sign.
    - b. Maximum Permitted Area per Sign: 32 square feet for all combined sign faces seen from a single vantage point.
    - c. Maximum Permitted Sign Height: Eight feet.
    - d. Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or three feet.
- (b) For the INT Institutional and B-1 Neighborhood Business Districts.**
1. Permitted Sign Type: On-Building Sign (Wall, Awning, Marquee, or Projecting sign)
    - a. Maximum Permitted Area: 1 square foot of on-building sign area per 1 linear foot of exterior length of each signable wall, up to a maximum 50 square feet per business per signable wall. For buildings with multiple tenants, the building owner(s) shall be responsible for assignment of allowable sign area to individual businesses within the building.
    - b. Maximum Permitted Number. 1 on-building sign per signable wall per business.
    - c. Permitted Location: On any signable wall visible from a public street, except signable walls which are adjacent to a residentially zoned property. On-building signs shall not be located on any portion of upper stories. Sign placement shall be integrated with, and not cover, architectural elements and details.
  2. Permitted Sign Type: Freestanding Sign (Monument or Arm/Post only)
    - a. Maximum Permitted Number per Lot: 1 per lot.
    - b. Maximum Permitted Area Per Sign: 48 square feet for all combined sign faces seen at one time.
    - c. Maximum Permitted Sign Height: 8 feet.
    - d. Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet.
- (c) For the B-2 Highway Business, B-3 General Business, BP Business Park, and I Industrial Districts.**
1. Permitted Sign Type: On-Building Sign (Wall, Marquee, or Awning sign).
    - a. Maximum Permitted Area per Sign: One square foot of on-building sign area for every one linear foot of signable wall length (for the subject wall), not to exceed a maximum total sign area of 200 square feet per signable wall. For buildings with multiple tenants, the owner(s) shall be responsible for assignment of allowable sign area to individual businesses within the building.
    - b. Maximum Permitted Number: One on-building sign per signable wall per individual business or establishment on the lot.
    - c. Permitted Location: On any signable wall that is visible from a public street, except signable walls that are adjacent to a residentially zoned property.
  2. Permitted Sign Types Freestanding Sign (Monument or Pylon Sign).
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- a. Maximum Permitted Area per Sign: 200 square feet for each sign located within 660 feet of the Interstate or State Highway 29 right-of-way, 64 square feet in other locations. Sign area shall be for all combined sign faces seen at one time.
  - b. Maximum Permitted Number per Lot: One per public street frontage per lot.
  - c. Maximum Permitted Sign Height: 40 feet for each sign located within 660 feet of the Interstate or State Highway 29 right-of-way, 20 feet in other locations.
  - d. Minimum Permitted Sign Setback from All Property Lines: A distance equal to sign height. The Zoning Administrator may approve a lesser setback in the following instances: sign at least 10 feet from any vehicular, bicycle, or pedestrian travel way; safe relationship to pedestrian and vehicular traffic movement and safety; sign designed and installed to prevent or make extremely unlikely its collapse; lesser setback does not conflict with Village's adopted aesthetic standards for the area (including any design overlay district); and lesser setback does not conflict with Village and utility use and operations.
3. Permitted Sign Type: Freestanding Group Development Sign
- a. Except within 660 feet of any Interstate or Highway 29, freestanding Group Development Signs shall be allowed only in lieu of and not in addition to freestanding signs for individual establishments allowed under subsection 2. above, and any existing or subsequent freestanding sign shall count against the maximum number of freestanding Group Development Signs allowed for the property or site.
  - b. Maximum Permitted Area per Sign: 50 square feet per individual business or establishment on the Group Development site, to a maximum area of 200 square feet per freestanding Group Development Sign regardless of the number of business establishments located within the development (400 square feet if located within 660 feet of the Interstate or State Highway 29 right-of-way). The property owner(s) shall be responsible for apportionment of allowable freestanding business sign area to individual businesses or establishments within the Group Development.
  - c. Maximum Permitted Number per Group Development: One per group development of 5 acres or less; two per each larger group development.
  - d. Maximum Permitted Sign Height: 50 feet for each sign located within 660 feet of the Interstate or State Highway 29 right-of-way, 25 feet in other locations.
  - e. Minimum Permitted Sign Setback from All Property Lines: A distance equal to sign height. The Zoning Administrator may approve a lesser setback in the following instances: sign at least 10 feet from any vehicular, bicycle, or pedestrian travel way; safe relationship to pedestrian and vehicular traffic movement and safety; sign designed and installed to prevent or make extremely unlikely its collapse; lesser setback does not conflict with Village's adopted aesthetic standards for the area (including any design overlay district); and lesser setback does not conflict with Village and utility use and operations.
- (8) **For the N Zoning District.** Permitted sign types, number, area, location, and other characteristics shall be per an approved Specific Implementation Plan per Article 14. Unless otherwise addressed in the Specific Implementation Plan, the types, number, area, location, and other characteristics of allowable signs on individual lots approved exclusively for residential use shall be those for the corresponding type of residential uses in other districts in Section X.13.05. For non-residential uses, no signage not shown on an approved Specific Implementation Plan or otherwise specifically addressed in the Specific Implementation Plan approval documents, or an amendment thereto, shall be located on any site or lot in an N district. Any sign erected after the approval that was not

Section X.13.07: Regulations for Non-Residential,  
Agricultural, PR, and N Zoning Districts

*through*

Section X.13.07: Regulations for Non-Residential,  
Agricultural, PR, and N Zoning Districts

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specifically reviewed and approved as part of the Specific Implementation Plan, but instead allowed under the development agreement with the Village per Article 14, shall be subject to the permit requirements of Section X.13.02.

**Figure 13.07: SUMMARY of Maximum Dimensions and Number of On-Premise Business Signs (For Non-Residential, Agricultural, and PR Districts—See Section X.13.05 for Residential and RR District Standards)**

Zoning District	Maximum Sign Area and Height		Maximum Number of Signs
	On-Building	Freestanding	
FP AR PR	Wall only: 48 SF	Monument or Arm- post only:  Maximum Area: 48 SF  Maximum Height: 8 ft	1 on-building sign and freestanding sign per lot
INT B-1	Wall, Awning, or Projecting:  1 SF of sign area per linear foot of wall length on that wall, up to a maximum of 50 SF per business per signable wall	Monument or Arm/post only:  Maximum Area: 48 SF  Maximum Height: 8 ft	1 on-building wall sign per signable wall per business  1 monument or arm/post sign per lot
B-2 B-3 BP LI GI	Wall, Awning, or Projecting:  1 SF of sign area per linear foot of exterior wall length on that wall, up to a maximum of 200 SF total per signable wall	Monument or Pylon:  Maximum Area: 64 SF (200 SF if within 660 feet of Interstate or Highway 29)  Maximum Height: 20 ft (40 ft if within 660 feet of Interstate or Highway 29)	2 on-building signs per signable wall per business  1 pylon or monument sign per lot; 2 for lots with more than one street frontage where each frontage is at least 200 ft
NOTE: This table is only a summary of the sign regulations applicable to nonresidential uses. Section X.13.07 contains more specific requirements, including allowances for other signs in these districts such as group development signs and sign setbacks. In the event of any conflict, the text in Section X.13.07 controls.			

**Section X.13.08: Temporary Signs**

The following are allowable temporary sign types and unique requirements for each type:

- (1) **Real Estate Signs.** Within each residential and rural and open space zoning district, only one on-premise real estate sign is permitted. Such sign shall be removed within 30 days of the sale or lease of the single space it is advertising or of the sale or lease of 90 percent of the total land or space available for sale or lease on the property. Such signs shall not be located in the public right-of-way, shall not exceed 12 square feet in area and 6 feet in height in residential, rural and open space zoning districts, and 64 square feet in area and 12 feet in height in all other districts. No off-premise real estate signs, such as “open house” signs, are permitted.
- (2) **Construction or Project Identification Signs.** Such signs shall be erected no sooner than the beginning of work for which a valid building or demolition permit has been issued, and shall be removed within 30 days of completion of such work. Construction or project identification signs shall not exceed 64 square feet in area and 12 feet in height.

- (3) **Temporary Commercial Signs and Banners.** For sales, limited time offers, grand openings, or other special events only, with such signs not greater than 8 feet in height if ground-mounted, nor extending above the roof line if building mounted. Except as may be allowed below or by site plan approval under Section X.16.09, no single lot is permitted to display more than two temporary commercial signs and banners at a single time. No temporary commercial sign or banner shall be placed on a lot for greater than 30 consecutive days, up to five times per calendar year. A mobile, portable, or advertising vehicle sign is not a permitted temporary sign.
- (4) **Temporary Individual Residential Signs.** Not larger than 6 square feet each, to advertise garage sales, yard sales, or similar merchandise sales during the time the sale is taking place. Such signs shall not be erected more than 1 day before the event and shall be removed within 1 day after the event.
- (5) **Temporary Signs for Events of Public Interest.** For a temporary event of public interest hosted by and/or held at a governmental entity, community organization, or institutional facility (e.g., farmers market, fair operated by a nonprofit organization), two signs of up to 32 square feet each may be located upon the site of the event. Additional off-premise signs shall be allowed, up to one per premise, and up to 9 square feet per sign. Temporary Signs for Events of Public Interest shall not be erected more than 30 days before the event and shall be removed within 7 days after the event.
- (6) **Over-street Banners for Events of Public Interest.** Banners promoting public events of Village-wide interest displayed over a public street, alley, or highway, when approved by the Zoning Administrator. Such signs shall not be erected more than 30 days before the event and shall be removed within 7 days after the event. The Zoning Administrator may require the sponsoring person, firm, organization, or corporation to provide a certificate of liability insurance with the Village named as an additional insured.
- (7) **Political/Election Signs.** Temporary political signs are permitted without restriction so long as they locate per the requirements of this Article, including not being allowed within the public right-of-way. Signs promoting a candidate or position on an issue for an upcoming election may not be placed in a manner that would impede vehicular or pedestrian safety, must be outside of required vision triangles, and must meet the requirements of Chapter 12, Wisconsin Statutes. Signs related to an election or referendum may be erected no earlier than the first day of circulation of nomination papers for candidates for office, in the case of an election; or the date on which a referendum question is submitted to the electors, in the case of a referendum. All such signs must be removed within 7 days after any election or referendum to which they relate.
- (8) **Personal Greeting or Congratulatory Signs.** Permitted for up to 7 days, with such signs not greater than 8 feet in height if ground-mounted, nor extending above the roof line if building mounted.
- (9) **Temporary Window Signs.** Signs temporarily affixed to the inside of a window that advertise commercial situations relating to goods or services sold on premises shall be allowed, provided that the total of all signs in the window area, including temporary and permanently mounted signs, does not exceed 30 percent of the combined area of first floor windows on any façade and 10 percent of the combined area of upper story windows on any facade.

### **Section X.13.09: Structural Requirements**

- (1) All signs shall be constructed and mounted so as to comply with State Building Codes.
- (2) No sign or any part thereof, anchor, brace, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe.
- (3) All temporary signs shall be anchored and supported in a manner that reasonably prevents the possibility of the signs becoming hazards to public health and safety.
- (4) No sign or any part thereof, anchor, brace, or guide rod shall be attached, erected, or maintained that may cover or obstruct any door, doorway, or window of any building that may hinder or prevent ingress or egress through such door, doorway, or window, or that may hinder or prevent the raising or placing of ladders against such building in the event of fire.
- (5) No signs shall, in any instance, create a traffic visibility or other safety hazard. No sign shall be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation.
- (6) No sign not designed and constructed to withstand winds during typical Wisconsin storm events shall be erected at any location.
- (7) All freestanding signs erected in any location shall be designed and constructed with footings for support of such sign that extend not less than 42 inches below the existing ground level. The base or support(s) shall be securely anchored to a concrete base or footing, except for signs legally installed in public rights-of-way. The footing and related supporting structure of each freestanding sign including bolts, flanges, and brackets shall be concealed by the sign exterior or shall be surrounded by landscaping.
- (8) All signs attached to buildings and that are permitted to project away from the building wall shall be designed and constructed such that the attachment to such wall does not extend above a point of bearing with the roof rafters.
- (9) All illuminated signs erected at any location shall be designed and constructed to meet the following requirements:
  - (a) All signs shall be constructed and maintained to conform with State Electrical Codes and shall bear UL labels. All sign permit applications in which electrical wiring and connections are proposed shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications submitted for the proposed sign and may require additional information relating to the proposed electrical installation from the applicant. If the Electrical Inspector determines that the proposed installation complies with local ordinances relating to the electrical wiring and construction, then the Electrical Inspector shall approve the application and submit the approved application to the Zoning Administrator. The Zoning Administrator may not approve a sign permit application for an illuminated sign unless and until approval is received from the Electrical Inspector.
  - (b) Unless an illuminated sign bears the label of approval of a recognized testing laboratory, all illuminated signs shall be inspected and approved by the Electrical Inspector on the site prior to the erection of the sign. No illuminated sign, despite issuance of a sign permit, shall be erected until the site inspection has been made or waived by the Electrical Inspector and the sign permit initialed or stamped to show the Electrical Inspector's approval.
  - (c) All illuminated signs shall be equipped with a watertight safety switch, located where electric current enters the sign. All parts covering service openings to the electrical supply shall be securely fastened.

- (d) No illuminated sign shall be connected to an electric power source except by an electrical contractor, unless the only connection to the electric power source is through a grounded three-prong heavy duty plug.
- (e) All freestanding illuminated signs shall be supplied power only by underground wiring or internal batteries.

#### **Section X.13.10: Maintenance Requirements**

- (1) All signs and structures appurtenant thereto shall be maintained in a neat and proper state of appearance.
- (2) Proper maintenance shall be the absence of loose materials (including peeling paint, paper, 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.
- (3) The repainting, changing of parts, and preventive maintenance of signs that completely conform to the requirements of this Article, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- (4) 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.
- (5) The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements, if not shielded by a decorative portion of the sign.
- (6) A sign that is improperly maintained, is abandoned, is unsafe, or otherwise exists in violation of this Chapter, shall be removed by the sign permit holder or the owner of the property on which the sign is located within three months from the date of disrepair, abandonment, or unsafe condition unless the sign permit holder or owner receives actual notice from the Zoning Administrator of the problem.
- (7) If the business of other destination to which a sign relates ceases operation, the property owner shall be responsible for removing the sign or sign face related to such business within 30 days of the cessation of operations, or sooner if the Zoning Administrator determines that the signs do not meet the maintenance requirements of Section X.13.10.
- (8) Signs shall also be maintained in accordance with Section 50.102 . The Village may utilize abatement procedures in Chapter 50 to achieve compliance with this Section.

#### **Section X.13.11: Nonconforming Signs**

- (1) **Generally.** Any signs lawfully existing at the time of the adoption or amendment of this Article may be continued although the use, size, or location does not conform to the provisions of this Article. However, such sign shall be deemed a nonconforming structure, and the provisions of Section X.15.04 shall apply.
- (2) **Maintenance and Alteration of Nonconforming Signs.** Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered, extended, enlarged, converted, or moved to a new location without being brought into compliance with the requirements of this Article, except that sign face copy or materials may be repaired or replaced provided that sign area is not increased or reconfigured. Alteration of a sign is considered to be any other change to the exterior appearance of any part of the sign, frame, supporting structure, lighting, material, height, location, or any other alterations as determined by the Zoning Administrator.
- (3) **Removal of Nonconforming Signs.** Nonconforming signs shall be removed per Section X.13.11(2). All nonconforming signs found not to be in compliance with the provisions of this Article shall be removed

within 30 days of receiving written notice of noncompliance and removal from the Zoning Administrator, except as otherwise provided for in Section X.13.02(6).

- (4) **Change of User of Nonconforming Signs.** Whenever there is a change in the user of a nonconforming sign (excluding off-premise signs), sign owner, or owner of the property on which the sign is located, the new sign user, sign 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. The sign will continue to be considered a legal, nonconforming structure.
- (5) **Signs Related to Nonconforming Uses.** Business signs on the premises of a nonconforming use or structure may be continued, but new signs for such uses shall not be allowed, nor shall expand in number, area, height, or illumination.

## Article 17: DEFINITIONS

### **Section X.17.01: Introduction to Word Usage, Abbreviations and Definitions**

The purpose of this Article is to define words, terms, and phrases contained in this Chapter that are essential to the understanding, administration, and enforcement of this Chapter, and that may not be part of common English usage or may have a different definition for purposes of this Chapter than common English usage suggests.

### **Section X.17.02: Word Usage**

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words “shall,” “must,” and “will” are mandatory.
- (5) The words “may,” “can,” “should,” and “might” are permissive.
- (6) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (7) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

### **Section X.17.03: Abbreviations**

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

Abbreviation	Meaning
2F	2F Two Family Residential (standard zoning district)
Ac	Acre
AH	AH Airport Height (overlay zoning district)
AR	AR Agricultural and Residential (standard zoning district)
B-1	B-1 Neighborhood Business (standard zoning district)
B-2	B-2 Highway Business (standard zoning district)
B-3	B-3 General Business (standard zoning district)
BP	BP Business Park (standard zoning district)
Db	Decibel
DNR	Wisconsin Department of Natural Resources (also “WisDNR”)
DOT	Wisconsin Department of Transportation (also “WisDOT”)
D	D Design (overlay zoning district)
Du	Dwelling unit (also “housing unit”)
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
Ft	Foot

Abbreviation	Meaning
FP	FP Farmland Preservation (standard zoning district)
GFA	Gross Floor Area
GI	GI General Industrial (standard zoning district)
GSA	Gross Site Area
HUD	U.S. Department of Housing and Urban Development
INT	INT Institutional (standard zoning district)
ISR	Impervious Surface Ratio
LI	LI Limited Industrial (standard zoning district)
LSR	Landscape Surface Ratio
Max	Maximum
MF	MF Multiple Family Residential (standard zoning district)
MGD	Maximum Gross Density
MH	MH Mobile Home (standard zoning district)
Min	Minimum
MLA	Maximum Lot Area
MSA	Minimum Site Area
N/A or NA	Not applicable
N	N Neighborhood (refers both to a special zoning district and each unique development within such a district)
PSC	State of Wisconsin Public Services Commission
RR	RR Rural Residential (standard zoning district)
SF or sq. ft.	Square feet
SF-L	SF-L Single Family Residential – Large Lot (standard zoning district)
SF-S	SF-S Single Family Residential – Small Lot (standard zoning district)
UDC	Uniform Dwelling Code
WHP	WHP Wellhead Protection Area (overlay zoning district)
-	Or fewer (as in “8-“)
+	Or more (as in “9+”)

#### **Section X.17.04: Definitions**

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section.

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

**Access:** A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

**Access, direct:** A condition of immediate physical connection resulting from a highway, alley, or private road abutting a property.

**Access, secondary:** A means of providing vehicular or non-vehicular ingress to or egress from a property and a source other than a street or alley (e.g., easement, common driveway).

**Access standards:** See Section X.12.07.

**Acre:** 43,560 square feet.

**Accessory dwelling unit (land use):** See Section X.4.09.

**Accessory land use or structure:** A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto.

**Accessory residential use or dwelling unit:** For purposes of this Chapter, a dwelling unit that is accessory to one or more principal land uses. Includes “In-Home Suites,” “Accessory Dwelling Units,” and similar uses.

**Active outdoor public recreation (land use):** See Section X.4.04.

**Addition:** Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls shall be considered new construction.

**Address and/or identification sign:** An accessory wall sign containing only the name and/or address of the premises on which it is located.

**Adjacent:** Abutting a separate lot.

**Adult entertainment or adult-oriented establishment (land use):** See Section X.4.05.

**Agricultural-related use (land use):** See Section X.4.03.

**Agricultural use (land use):** See Section X.4.03.

**Agricultural (zoning) district or agriculturally zoned:** Either or both the FP Farmland Preservation zoning district or AR Agricultural and Residential zoning district.

**Air dome:** An enclosed building, or portion of an enclosed building, where either the shape of the building or portion of said building is maintained either by elevated air pressure within the usable area or by air pressurization of cells or tubes to form a barrel vault over the useable area. Not the same as a “Hoop Building,” which is separately defined and regulated.

**Air pollution standards:** See Section X.12.14.

**Airport or heliport (land use):** See Section X.4.07.

**Alley:** A public right-of-way which normally affords a secondary means of access to the side or rear of an abutting property, and which is not intended for through traffic.

**Amateur radio antenna:** Any combination of materials or equipment located outside of a principal structure on a premises used exclusively for the purpose of sending and/or receiving electromagnetic waves for amateur radio service, including any towers, support structures, guy wires, foundations or similar components of a support structure.

**Amateur radio service:** The transmission and reception of electromagnetic signals for non-commercial purposes, by an amateur radio operator licensed by the Federal Communications Commission.

**Animal confinement facilities:** Locations of confinement of livestock at a density exceeding three of such livestock animals per acre, except as applies to dairy production facilities which incorporate areas for manure application (at rates not to exceed the nutrient requirements of the crops grown thereon) as an integral part of the operation.

**Animal fancier (land use):** See Section X.4.09.

**Animal unit:** A term which has the meaning that was given in NR 243.03(3), Wis. Admin. Code. Animal units are not the same thing as the number of animals on a farm. A conversion factor is used for each different animal type (beef, dairy, swine) and size (mature or immature) to determine animal units. Example: a mature dairy cow is equal to 1.4 animal units. The Wisconsin Department of Agriculture, Trade and Consumer Protection has created Worksheet 1 – Animal Units to determine the number of animal units.

**Apartment:** See definition of Multi-Family Residence.

**Appeal:** A means for obtaining review of a decision, determination, interpretation, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section X.16.14.

**Aquifer:** A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

**Arterial street:** See Street, Arterial.

**Artisan studio (land use):** See Section X.4.05.

**Artwork:** Means a sculpture, monument, or structure erected solely for aesthetic purposes, which in no way identifies a product or business or is used for commercial purposes.

**Auction yard (land use):** See Section X.4.06.

**Awning:** A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework.

**Banner:** A sign made of fabric or any non-rigid material with no enclosing framework.

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

**Bed and breakfast (land use):** See Section X.4.05.

**Bedroom:** A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

**Billboard:** An off-premise advertising sign that directs attention to a business, product, or service offered at a location other than on the premises on which the sign is located.

**Blanket variance:** A variance that is automatically granted by a provision of this Chapter in order to reduce the creation of legal nonconforming sites (see Section X.15.05).

**Board of Trustees:** See "Village Board."

**Boarding house (land use):** See Section X.4.05.

**Bufferyard:** Any permitted combination of distance, vegetation, fencing, and/or berming that results in a reduction of visual and other interaction with an adjoining property, as required for certain land uses and activities and specified in Section X.11.02(3)(d).

**Building:** A structure having a roof and intended for the shelter, housing, or enclosure of persons, animals or chattels.

**Building, accessory:** A building that meets the following criteria:

- (1) Is subordinate to and serves a principal structure and/or principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (3) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and
- (4) 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 coverage:** The percentage of a lot covered by all principal and accessory buildings, including all structures with a roof.

**Building front:** That exterior wall of a building that faces the front lot line of the lot.

**Building height:** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof; the deck line of a mansard roof; or to the average height of the highest gable of an umbral, hip, or pitched roof.

**Building Inspector:** The employee or contractor of the Village officially designated to administer the Building Code.

**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.

**Building separation:** The narrowest distance between two buildings. See Minimum Building Separation.

**Building size:** The total gross floor area of a building. See Maximum Building Size.

**Bulk (of a building):** The combination of building height, size, and location on a lot.

**Campground (land use):** See Section X.4.05.

**Camping cabin:** A camping unit that is a hard sided tent or shelter less than 400 square feet in area whose foundation is not part of the cabins structure that is designed to be moveable which may or may not have an inside water connection or water using sanitary fixtures.

**Camping unit:** Any structure, equipment or vehicle intended for temporary sleeping accommodations for recreation or travel, not more than 400 square feet in area, including recreational vehicles (RV's), pick-up trucks with sleeper attachments, motor homes, camping trailers, tents, park models, yurts, camping cabins, and similar equipment.

**Camp site:** A clearly signed piece of land within a camp ground that provides a location for camping units (s), with its location delineated on a campground site plan map.

**Camping trailer:** A camping unit that is a vehicle with a collapsible or folding structure and towed upon a highway by a motor vehicle.

**Canopy (building):** A rigid multisided structure covered with fabric, metal, or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

**Canopy (freestanding):** A rigid multisided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground.

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

**Certificate of Occupancy:** See Section X.16.10.

**Collector street:** See Street, Collector.

**Commercial animal establishment (land use):** See Section X.4.05.

**Commercial indoor lodging (land use):** See Section X.4.05.

**Commercial land use(s):** See Section X.4.05.

**Common ownership:** Any combination of contiguous parcels singly owned by one uniquely named entity as identified by deed. Such an entity includes, but is not necessarily limited to, an individual person, a married couple or family trust, or a partnership or corporation.

**Communications tower (land use):** See Section X.4.08.

**Community character:** The impression an area makes in regard to the type, intensity, density, quality, appearance, and age of development.

**Community garden (land use):** See Section X.4.03.

**Community living arrangement (land use):** See Section X.4.04.

**Company cafeteria (land use):** See Section X.4.09.

**Company provided on-site recreation or child care (land use):** See Section X.4.09.

**Comprehensive Plan:** The adopted Comprehensive Plan of the Village, as may be from time to time amended.

**Conditional use:** A land use that requires a conditional use permit in order to develop.

**Conservation neighborhood design:** A technique of designing neighborhoods in which the preservation of natural resources is central to the overall design.

**Construction, start of:** The installation of foundation footings and/or materials for road construction.

**Contractor's on-site equipment storage facility (land use):** See Section X.4.10.

**Contractor's project office (land use):** See Section X.4.10.

**County:** Marathon County, Wisconsin.

**Cul-de-sac:** A local street having one end open to traffic and the other end permanently terminated in a vehicular turnaround meeting Village standards.

**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 and is considered part of a building or structure.

**Dedication:** The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee-simple interest, including an easement.

**Density:** A term used to describe the number of dwelling units per acre.

**Detached accessory structure (for non-residential use) (land use):** See Section X.4.09.

**Detached accessory structure (for residential use) (land use):** See Section X.4.09.

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

**Development:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; 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.

**Disposal land use(s):** See Section X.4.06.

**Distribution center (land use):** See Section X.4.07.

**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.

**Drive-in or drive-through sales or service (land use):** See Section X.4.05.

**Drive-in theater:** See “Outdoor Commercial Entertainment.”

**Dwelling:** A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and campgrounds.

**Dwelling, attached:** A dwelling joined to another dwelling at one or more sides by a shared wall or walls.

**Dwelling, detached:** A dwelling 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 family. Also “housing unit.”

**Dwelling unit separation:** The narrowest distance between two dwelling units. See Minimum dwelling unit separation.

**Earth filling/excavating:** See Section X.12.02.

**Easement:** Written authorization, recorded in the Register of Deeds' office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.

**Encroachment:** Any fill, structure, building, use, or development that advances beyond proper limits.

**Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

**Essential services:** Facilities that meet the following criteria:

- (1) Are owned or maintained by public utility companies or public agencies;
- (2) Are located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way;
- (3) Are reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers, and;
- (4) Do not include any cross-country line on towers.

**Existing Facilities and Land Uses:** Pertaining to the wellhead protection regulations of this Chapter, those facilities, practices, or activities existing as of the date that the WHP Wellhead Protection Area overlay

zoning district is first mapped in that area and in continuous operation since that date, which may cause or threaten to cause environmental pollution within the WHP district. Existing facilities and land uses include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form, incorporated herein as if fully set forth.

**Explosion standards:** See Section X.12.17.

**Exterior storage standards:** See Section X.12.06.

**ETZ Area:** The area outside of the Village municipal limits in which the Village exercises joint zoning authority with the Town of Weston, under extraterritorial zoning authority granted by Wisconsin Statutes. Also "extraterritorial zoning area."

**Extraterritorial Area:** The area outside of the Village municipal limits in which the Village may exercise extraterritorial powers of planning, land division, official mapping, and/or zoning under Wisconsin Statutes.

**Extraterritorial Zoning Committee:** The committee formed under Wisconsin Statutes to make and advise zoning decisions within the ETZ Area. Also referred to as the "Joint Committee" or "Joint Extraterritorial Committee."

**Façade:** The entire building front including the parapet.

**Family:** An individual or two or more persons, each related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit; or a group of not more than four persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

**Family day care home (land use):** See Section X.4.09.

**Farm:** A parcel or parcels of land (a) where the majority of the land is used for growing farm products—such as vegetables, trees, and grain—and/or for the raising of the farm animals, (b) from which at least \$6,000 of gross farm revenue in the prior full calendar year (or \$18,000 total over the last 3 years) have been earned or where the land is enrolled in a farm commodity or conservation program, and (c) in common ownership as defined in this Section. Also referred to as a "farm operation."

**Farm animal:** Any animal that is customarily raised for a profit on a farm and/or to supplement household food supplies or income, and that has the potential for causing a nuisance or public health concerns if not properly maintained. Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites, farm raised fish, and bees, but does not include pigmy goats or pot-bellied pigs. Refer to Wisconsin Administrative Code ATCP 51 for applicable definition related to certain livestock facilities covered by those rules. Also referred to as "livestock" for purposes of this Zoning Ordinance.

**Farm residence:** The only single-family residence located on a farm.

**Fencing standards:** See Section X.9.03.

**Fire and explosion standards:** See Section X.9.17.

**Flag:** Any fabric, plastic, or similar material containing distinctive colors, patterns, or symbols used as a symbol or emblem of any corporation, nation, organization of nations, state, Village, or religious, fraternal, educational or civic organization displayed for noncommercial purposes.

**Flashing sign:** A directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

**Flicker:** The moving shadow created by sun shining on the rotating blades of the wind turbine.

**Floor area:** The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements, 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 (decks are not included in this measurement). Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

**Floor area ratio (FAR):** The ratio calculated by dividing the Gross Floor Area of all buildings on a site by the Gross Site Area.

**Footcandle:** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

**Freight terminal (land use):** See Section X.4.07.

**Garage:** A detached accessory building or a portion of the principal building, including a carport, which is used primarily for storing vehicles. See also “Detached Accessory Structure (for Residential Use).”

**Gas station:** See “Drive-In or Drive-Through Sales or Service.”

**Geothermal energy system (GES) (land use):** See Section X.4.09.

**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.

**General temporary outdoor sales (land use):** See Section X.4.10.

**Glare:** The brightness of a light source that causes eye discomfort.

**Glare standards:** See Section X.12.16.

**Green space:** Includes all landscape surfaces, in ground stormwater management facilities, woodlands, and permanently protected natural resource areas that allow ground water infiltration.

**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 floor area on all levels of a building.

**Gross site area (GSA):** The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development.

**Group day care center (land use):** See Section X.4.05.

**Group development:** Any unified non-residential or mixed use development that consists of two or more separated, individual business spaces within one or more buildings, or a collection of buildings and businesses on separate lots or building pads developed as a unified project, including industrial parks, health care complexes, and shopping centers.

**Habitable building:** Any building, or portion thereof, used for human habitation.

**Hazardous materials:** See Section X.12.20.

**Heat standards:** See Section X.12.16.

**Heavy industrial (land use):** See Section X.4.08.

**Height of structure:** See Building Height.

**Historic structure:** Any building or portion of a building that is (a) listed or eligible for listing on the National or State Registers of Historic Places or (b) identified as having historic or architectural significance by a comprehensive survey of historic resources conducted by or with authorization of the Village.

**Hoop building:** A steel or plastic framed and fabric material covered building. Also known as and including a hoop shed, hoop house, hoop barn, hoop shelter, canvas building, tarp shed, arch building, fabric tensioned structure, and tent garage. Not permitted outside of agricultural zoning districts, except on a temporary basis for a maximum of five consecutive days within a 30 day period for a special event such as a sale or on the property. Does not include an “Air Dome,” which is separately defined and regulated under this Chapter.

**Home occupation (land use):** See Section X.4.09.

**Hotel:** See “Commercial Indoor Lodging.”

**Ice shanty:** A portable shed placed on a frozen lake to provide shelter during ice fishing. Also called an ice shack, ice house, fishing shanty, fish house, fish coop, or ice hut. Where placed or stored outside of another

fully enclosed building on land, an ice shanty shall be classified and regulated as a “recreational vehicle” if it has wheels and as a “detached accessory structure” if it does not have wheels.

**Impervious surface:** Areas designed and installed to prohibit infiltration of stormwater. Homes, buildings, and other structures, as well as concrete, brick, asphalt, and similar paved surfaces are considered impervious. For the purposes of this Chapter, gravel areas and areas with “landscaped pavers” and “pervious pavement” that are intended for vehicular traffic shall be considered impervious.

**In-home suite (land use):** See Section X.4.09.

**Indirectly (externally) illuminated sign:** A sign that is illuminated from a source outside of the actual sign.

**Indoor commercial entertainment (land use):** See Section X.4.05.

**Indoor institutional—general (land use):** See Section X.4.04.

**Indoor institutional—intensive (land use):** See Section X.4.04.

**Indoor repair and maintenance (land use):** See Section X.4.05.

**Indoor sales incidental to storage or light industrial land use (land use):** See Section X.4.09.

**Indoor sales or service (land use):** See Section X.4.05.

**Indoor storage or wholesaling (land use):** See Section X.4.06.

**Institutional and recreational land use(s):** See Section X.4.04.

**Institutional residential (land use):** See Section X.4.04.

**Intensity:** A term used to describe the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

**Intermediate day care home (land use):** See Section X.4.09.

**Internally illuminated sign:** A sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within such sign.

**Interpretations:** See Section X.16.12.

**Joint Extraterritorial Committee:** See Extraterritorial Zoning Committee.

**Junkyard or salvage yard (land use):** See Section X.4.08.

**Keeping of farm animals on residential lots (land use):** See Section X.4.09.

**Landscape points:** See Section X.8.02(4).

**Landscaped area:** The area of a site that is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters. Landscaped areas do not include stormwater detention ponds unless the Zoning Administrator deems that the design of the facility also meets the aesthetic, screening, or other open space requirement applicable to the use or site.

**Landscaped surface area ratio (LSR):** The percentage of the gross site area or lot area that is preserved as permanently protected landscaped area.

**Landscaping:** A deliberately designed collection of living plants installed and maintained on a lot, generally including a combination of trees, shrubs, and perennial plantings.

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

**Large exterior communication device (land use):** See Section X.4.09.

**Lawn care:** Any activity involving the preparation, installation, and maintenance of vegetative ground cover, including but not limited to grass.

**Light industrial (land use):** See Section X.4.08.

**Light industrial activities incidental to indoor sales or service (land use):** See Section X.4.09.

**Lighting standards, exterior:** See Section X.12.11.

**Livestock or farm commodity trucking (land use):** See Section X.4.07.

**Loading standards:** See Section X.12.09.

**Local collector street:** See “Street, Collector.”

**Local residential street:** See “Street, Local Residential.”

**Local street:** See “Street, Local.”

**Lot:** A parcel of land that: (a) is undivided by any street or private road; and (b) has frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other provisions of this Chapter and the Village Subdivision Ordinance.

**Lot area:** The area contained within the exterior boundaries of a recorded lot, excluding public streets and land under bodies of water.

**Lot, corner:** A lot situated at the junction of and abutting two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

**Lot depth:** The average distance between the front lot line and the rear lot line of a lot.

**Lot frontage:** Lot width measured at the front lot line.

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

**Lot line:** A lot line is a property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for purposes of this Chapter.

**Lot line, front:** A lot line that abuts a public or private street right-of-way. For corner lots, the lot line along the street from which the house is addressed shall be the front lot line. (See also lot line, street side).

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

**Lot line, rear:** In the case of rectangular or most trapezoidal shaped lots, the lot line that is opposite and most distant from the front lot line of the lot is the rear lot line. 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 a double frontage lot, there shall be no rear lot line.

**Lot line, street side:** For corner lots, the lot line that abuts a public or private street right-of-way but that is not the front lot line.

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

**Lot, through:** A lot that 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).

**Lot width:** The maximum horizontal distance between the side lot lines of a lot, measured at a location of the lot that is (a) parallel to the front lot line and at (b) at the minimum required front yard. Such minimum required front yard shall be per this Chapter for the associated zoning district, or further towards the rear lot line if so delineated on an approved subdivision plat or certified survey map. See also “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.

**Manufactured home:** A home built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. A manufactured home may be constructed of single or multiple Sections.

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

**Maximum floor area ratio (FAR):** The largest amount of floor area permitted on a lot. See also “floor area ratio.”

**Maximum gross density (MGD):** The maximum number of dwelling units permitted per acre of Gross Site Area. See also “gross density.”

**Maximum height:** The maximum height of the highest portion of any structure. See also “height.”

**Minimum building separation:** The narrowest permitted building separation for buildings on the same building lot or site.

**Minimum dwelling unit separation:** The narrowest permitted dwelling unit separation on the same building lot or site.

**Minimum landscape surface ratio (LSR):** The lowest permitted landscape surface ratio. See also “landscape surface ratio.”

**Minimum lot area (MLA):** The minimum size lot permitted within the specified zoning district and development option.

**Minimum lot width:** The smallest permissible lot width within the applicable zoning district.

**Minimum setback:** The narrowest distance permitted from a front, street side, interior side, or rear property line to a building or structure as specified in this Chapter.

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

**Mixed use:** Some combination of residential, commercial, industrial, office, institutional, or other land uses within a district or development, except as may otherwise defined in the standards for an N district.

**Mixed use dwelling unit (land use):** See Section X.4.02.

**Mobile home community (land use):** See Section X.4.02.

**Modular home:** Includes homes that are built to State, County, and Village building code standards and consist of one or more modules, panels, and pre-cut sections that are manufactured off-site and are transported to the site for final assembly.

**Multi-family residence (land use):** See Section X.4.02.

**Navigable water:** All natural lakes, rivers, streams, ponds, sloughs, flowages, and other waters that 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 and Co., Inc. v. Department of Natural Resources, 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 United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

**Noise standards:** See Section X.12.13.

**Non-metallic mineral extraction (land use):** See Section X.4.08.

**Nonconforming lot:** See “Substandard Lot.”

**Nonconforming sign:** A sign that was legally constructed under the regulations in place at the time, but does not conform to the regulations of this Chapter.

**Nonconforming site:** Any development that was lawfully established prior to [insert effective date of this Chapter] or subsequent amendments thereto, but that would not conform to one or more current site, building, landscape, lighting, or other design regulations within this Chapter. See Section X.15.05.

**Nonconforming structure:** Any building, or other structure, that was lawfully established prior to [insert effective date of this Chapter] or subsequent amendments thereto, but that would not conform to one or more current density, intensity, or bulk regulations within this Chapter. See Section X.15.04.

**Nonconforming use:** An active and actual use of land, building(s), or structure(s) that was lawfully established prior to [insert effective date of this Chapter] or subsequent amendments thereto, that has continued as the same use to the present, and that does not comply with all the applicable use regulations of this Chapter. See Section X.15.03.

**Non-Residential and Mixed Use (Zoning) Districts:** The INT, B-1, B-2, B-3, BP, LI, and GI districts, and any property within an N district approved for non-residential use.

**Non-residential land use(s):** All uses that are not intended for long term or permanent use as a dwelling unit. Commercial lodging and similar land uses intended for short-term occupancy are considered non-residential land uses.

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

**Noxious materials standards:** See Section X.12.18.

**Odor standards:** See Section X.12.15.

**Office (land use):** See Section X.4.05.

**Official map:** A map adopted and designated by the Village as being the “Official Map,” pursuant to Section 66.23(6) of Wisconsin Statutes, which shows current and proposed municipal sites, rights-of-way, and/or drainageways.

**Official Overlay Zoning Map:** The map adopted and designated by the Village as being the “Official Zoning Map” that includes all lands within the Village municipal limits and ETZ Area, and that visually represents the location of overlay zoning districts under this Chapter.

**Official Zoning Map:** The map adopted and designated by the Village as being the “Official Zoning Map” that includes all lands within the Village municipal limits and ETZ Area, and that visually represents the location of zoning districts under this Chapter.

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

**On-site agricultural retail (land use):** See Section X.4.03.

**On-site real estate sales office (land use):** See Section X.4.10.

**Opacity:** The degree to which vision is blocked by a bufferyard. Opacity is a measure of complete visual obstruction measured as the percentage of a bufferyard's vertical plane to a height of six feet above ground level measured from the property or land use to be screened.

**Operational plan:** A plan describing the basic characteristics and approach for operating a proposed use.

**Outdoor assembly or special event (land use):** See Section X.4.10.

**Outdoor commercial entertainment (land use):** See Section X.4.05.

**Outdoor display (land use):** See Section X.4.05.

**Outdoor institutional (land use):** See Section X.4.04.

**Outdoor solid fuel furnace (land use):** See Section X.4.09.

**Outdoor storage of firewood standards:** See Section X.12.05.

**Outdoor storage or wholesaling (land use):** See Section X.4.06.

**Outdoor vehicle repair and maintenance (land use):** See Section X.4.05.

**Overlay zoning district:** A zoning district that imposes uniform restrictions on all properties within its area that are in addition to the restrictions specific to standard zoning districts and the general restrictions of this Chapter. See Article 6.

**Owner:** The person, persons, or other legal entity having the right of legal title to a lot or parcel of land.

**Parapet:** The extension of a false front or wall above the roofline.

**Parcel:** The area within the boundary lines of a lot.

**Parking requirements:** For minimum parking requirements associated with individual land uses refer to Article 4. For parking space and lot design standards, see Section X.12.08.

**Passive outdoor public recreation (land use):** See Section X.4.04.

**Penalty:** See Section X.16.19.

**Pennant:** A sign made of fabric, plastic, or similar material, which may or may not contain distinctive colors, patterns or symbols of a corporation or business, often in series, and usually mounted without a frame and hung from poles and structures to allow movement by air. Such attention-getting displays not specifically defined as a flag or banner are considered pennants.

**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.

**Permitted by right, use:** A particular type of land use that is allowed as a matter of right within an associated zoning district, provided that all other requirements of this Chapter are met.

**Personal or professional service (land use):** See Section X.4.05.

**Personal storage facility (land use):** See Section X.4.06.

**Plan commission:** The Plan Commission of the Village, also commonly referred to as the Planning Commission. See Section X.16.16.

**Pole building:** A building with sides consisting of corrugated steel or aluminum panels supported by vertical poles secured in the ground to serve as both the foundation and framework.

**Porch:** A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

**Portable sign:** A sign not permanently attached to the ground that is designed to be moved from one location to another.

**Predatory bird:** An owl, hawk, falcon, eagle or similar bird that feeds principally by catching living prey.

**Principal building:** See Building, principal.

**Principal use:** Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use).

**Prohibited sign:** A sign that is not allowed to be erected within the jurisdiction of this Chapter.

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

**Public sanitary sewer:** Includes the Village sanitary sewer system and other forms of sanitary sewer systems approved by the State Department of Natural Resources and maintained by a public agency authorized to operate such systems.

**Public service or utility (land use):** See Section X.4.04.

**Railroad right-of-way:** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**Real estate sign:** A sign that is used to offer for sale, lease, or rent the property upon which the sign is placed.

**Recorded lot:** See “Lot of record.”

**Recreational vehicle:** For purposes of this Chapter, includes any of the following pieces of equipment or vehicles designed for human habitation and/or recreation: all-terrain motorized vehicles (e.g., “four-wheelers”); golf carts; snowmobiles; water craft (e.g., boats, jet-skis, canoes and kayaks 19 feet or longer); towed, motorized, or truck-mounted campers; motor homes; travel trailers; roof mounted cargo carriers; ice shacks or shanties on wheels, any trailer whether flat-bed or with a chassis-mounted container and for any purpose; or any vehicle or vehicle trailer similar to the above as determined by the Zoning Administrator.

**Relocatable building (land use):** See Section X.4.10.

**Residential agriculture (land use):** See Section X.4.09.

**Residential business (land use):** See Section X.4.09.

**Residential (land) use(s):** A land use intended for use as a long-term residence or dwelling, whether owner or renter occupied, including “institutional residential” and “community living arrangement” land uses in any district and accessory residential land uses. Excludes commercial lodging, tourist lodgings, and campgrounds.

**Residentially zoned or residential (zoning) district(s):** The SF-L, SF-S, 2F, MF, and MH zoning districts, and any property within an N district approved for residential use.

**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:** A type of “Indoor Commercial Entertainment” land use in which food and beverages are sold to paying customers for on-site consumption.

**Restaurant, fast food:** A type of “Drive-In or Drive-Through Sales or Service” use in which food and beverages are sold to customers ordering and/or picking up such food or beverages in vehicles, with or without an option to eat and drink in the premises instead.

**Roof sign:** A sign erected upon or over the roof or parapet of any building.

**Rural and open space (zoning) district:** The FP, AR, RR, and PR zoning districts.

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

**Seasonal outdoor sales of farm products (land use):** See Section X.4.10.

**Sedimentation:** The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

**Septic systems:** State enabled, County approved private on-site waste treatment systems.

**Setback:** The shortest distance between a building’s or structure’s exterior and the nearest point on the referenced lot line. See also “minimum setback.”

**Shadow:** The outline created on the surrounding area by the sun shining on the wind energy system.

**Shrub:** A low-lying deciduous or evergreen plant.

**Sign:** An emblem, name, identification, description, or illustration that is affixed to or appears directly or indirectly upon a building, structure, or piece of land and that directs attention to an object, product, place, activity, person, institution, organization, or business. Definitions, descriptions, and regulations for various types and configurations of signs are found in Article 13.

**Sign, abandoned:** A business sign that is no longer being used in connection with an ongoing business on the lot; a sign that is no longer being used because the business is discontinued; and/or a sign that has not been maintained in a manner that renders it legible.

**Sign, gross area of:** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**Signable wall:** A front wall, street side wall, or interior or rear side wall with a customer building entrance facing a customer parking lot. No individual wall shall count as more than one signable wall for purposes of determining the allowable number and area of business signs.

**Signal receiving antenna (satellite dishes) standards:** See “Small Exterior Communication Device” and “Large Exterior Communication Device.”

**Single-family detached residence (land use):** See Section X.4.02.

**Site area:** See Gross site area.

**Site plan:** See Sections X.3.03(10) and X.16.09.

**Skylight:** A window or other paned area located on the ceiling or roof of a structure.

**Small exterior communication device (land use):** See Section X.4.09.

**Small solar or wind energy system (land use):** See Section X.4.09.

**Solid waste disposal, composting, and/or recycling facility (land use):** See Section X.4.06.

**Spreading of municipal waste/compost (land use):** See Section X.4.10.

**Standard zoning districts:** Zoning districts that primarily regulate the use of land and intensity or density of such use, as opposed to “overlay” or “special” zoning districts.

**Start of construction:** The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. 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. Permanent construction does not include land preparation, such as clearing, grading, or 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 the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

**State:** The State of Wisconsin.

**Steep slope:** Steep slopes are areas that contain a gradient of 12 percent or greater.

**Stormwater management structure/facility:** Includes in ground detention/retention ponds, basins, swales, ditches, stormwater drains, and similar site features or structures. See Section X.12.02.

**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. Neither a basement nor a cellar shall be counted as a story.

**Street:** Unless specifically designated otherwise by the Village, any public or private way that is dedicated or permanently open to pedestrian and vehicular use.

**Street, arterial:** A public street that serves longer intra-urban trips and traffic traveling through the Village, has limited to no direct access for abutting land uses, and has measured or projected traffic volume of over 3,000 vehicles per day; or as otherwise may be designated as an arterial street within the Comprehensive Plan or by the Village Board.

**Street, collector:** A public street that collects and distributes internal traffic within the Village (such as within a residential neighborhood), provides access between local and arterial streets and limited access for abutting

land uses, and has a measured or projected traffic volume of between 750 and 3,000 vehicles per day; or as otherwise may be designated as a collector street within the Comprehensive Plan or by the Village Board.

**Street side lot line:** See “Lot line, street side.”

**Street, local:** A street designed to provide access to abutting land uses and leading into a collector or occasionally into an arterial street, but which is not designed to carry through traffic from outside the neighborhood where it is located. Not an arterial street or a collector street.

**String of lights:** Lighting used to enhance or decorate store fronts, displays, or signage and associated only with decoration.

**Substandard lot:** A lot of record that lawfully existed prior to this Chapter that would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See Section X.15.02.

**Structure:** Anything constructed 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, excepting public utility fixtures and appurtenances.

**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.

**Swimming pool standards:** See Section X.12.04.

**Swimming pool:** Either an above ground or in-ground outdoor structure that contains a body of water in a receptacle or other container having a depth for water at any point greater than 18 inches below the adjacent ground or deck elevation; used or intended to be used solely by the owner, operator, or lessee thereof and his family and invitees; and including all structural facilities, appliances, appurtenances, equipment, and other items intended to be used for the operation and maintenance of the swimming pool. Includes hot tubs, spas, and any other structure meeting the above definition. For the purposes of the associated regulations in Section X.12.04, a swimming pool does not include any pond or any pool that is designed to be readily and/or seasonally disassembled, stored, and reassembled to its original integrity, provided that pool wall height does not exceed 48 inches.

**Temporary portable storage container (land use):** See Section X.4.10.

**Temporary shelter (land use):** See Section X.4.10.

**Temporary vehicle shelter:** A structure typically supported by poles, having a fabric roof and/or sides, and usually used to cover automobiles, boats, or recreational vehicles. See Section X.4.10.

**Temporary unscreened outdoor storage accessory to an industrial use (land use):** See Section X.4.10.

**Temporary use:** A land use that is present on a property for a limited and specified period of time. See Section X.4.10 for temporary uses, and X.16.07 for applicable procedures.

**Tent:** A portable easily collapsible sleeping shelter made of canvas, plastic, or other woven or foldable materials and supported by poles or framework.

**Terrace area:** The land within a public street right-of-way between the street curbing and the sidewalk on the same side of the street. Where no sidewalk exists, the area within six feet from the pavement edge (or within six feet from curb if curb exists) shall be deemed to be a terrace area for the purpose of this Chapter.

**Throat length:** The centerline length of a driveway that accesses a public road and that serves an off-street parking lot, as measured between the nearest public street right-of-way and the point where the driveway merges into the off-street parking lot.

**Total height (for wind turbine):** The distance measured from ground level to the blade extended at its highest point.

**Tourist rooming house (land use):** See Section X.4.05.

**Toxic materials standards:** See Section X.12.18.

**Tower:** The monopole or freestanding structure on which a cellular communication device, wind turbine, and accessory equipment are mounted.

**Townhouse (land use):** See Section X.4.02.

**Turf grass:** Grass commonly used in regularly-cut lawns or play areas such as, but not limited to, bluegrass, fescue, and ryegrass blends.

**Two-family residence (land use):** See Section X.4.02.

**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 the Chapter.

**Urban development:** Development that is connected to public sanitary sewer and water services.

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

**Use, accessory:** See Accessory Use.

**Use, conditional:** See Conditional Use.

**Use, principal:** See Principal Use.

**Variance:** Permission to depart from the literal requirements of this Chapter granted pursuant to Section X.16.11.

**Vehicle course or track (land use):** See Section X.4.09.

**Vibration standards:** See Section 2.9.12.

**Violation:** See Section X.16.19.

**Village:** The Village of Weston [Kronenwetter], Wisconsin.

**Village Board:** The Board of Trustees of the Village.

**Visibility and vision clearance standards:** See Section X.12.08(13).

**Waste materials standards:** See Section 2.12.19.

**Well field:** A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

**Well recharge area:** The land area that contributes water to a well by infiltration or water into the subsurface and movement towards the well, regardless of the municipal or zoning jurisdiction of such land area.

**Wetland:** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

**Wind turbine:** The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

**Working days:** Monday, Tuesday, Wednesday, Thursday, or Friday; excluding holidays recognized by the Village. Also referred to as “business days.”

**Yard:** A required open space on a lot that 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:** The yard between the side lot lines extending from the front lot line to the nearest part of the nearest principal building. For corner lots and other double frontage lots, the yard abutting the street on which the lot is addressed shall be the front yard.

**Yard, interior side:** The yard between the front and rear lot lines extending from the interior side lot line to the nearest part of the nearest principal building.

**Yard, rear:** The yard between the side lot lines extending from the rear lot line to the nearest part of the nearest principal building.

**Yard, street side:** For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest principal building.

**Zero lot line structure:** A structure that is built over the property line, where walls separating occupancy units follow lot lines, such as a zero-lot-line duplex or townhouse.

**Zoning Administrator:** The person authorized and charged by the Village with the administration of this Chapter. See Section X.16.15.

**Zoning Board of Appeals:** See Section X.16.17. Also commonly referred to as “Board of Zoning Appeals” or “Board of Appeals.” Not the same as the Village Board or Board of Trustees.

**Zoning district:** A designation for a portion of the community designated for certain types of land uses and/or with certain standards for land development that are different than other portions.

**Zoning map:** See “Official Zoning Map.”

## Revised Project Timeline, Weston/Kronenwetter Zoning Ordinance Update

Project	Task #	Task Description	Apr '13	May '13	Jun '13	Jul '13	Aug '13	Sep '13	Oct '13	Nov '13	Dec '13	Jan '14	Feb '14	Mar '14	Apr '14	May '14	Jun '14	Jul '14	Aug '14	Sep '14	Oct '14	Nov '14
<b>Project 1: Zoning Ordinance Text Updates</b>	1.1	Steering Committee and Technical Team Meetings #1	TT		SC																	
	1.2	Preliminary Ordinance Directions Memo																				
	1.3	Steering Committee and Technical Team Meetings #2				SC																
	1.4	Drafts #1/2 of Zoning District Text (Part 1 of draft)																				
	1.5	Steering Committee and Technical Team Meetings #3								TT SC												
	1.6	Drafts #1/2 of Performance & Process Standards Text																				
	1.7	Steering Committee and TT Meetings #4 (Part 2)										TT	TT	TT SC								
	1.8	TT Member Support for Plan Commission Reviews																				
	1.9	Draft #3 of Zoning Ordinance Text/Support Materials																				
	1.10	Steering Committee Meeting #5 (Part 3 of draft)														SC						
	1.11	Public Hearing Draft of Ordinances/Customization																				
	1.12	Village Public Hearing/Adoption Meetings																		V	V	
	1.13	Adopted Ordinances and Application Forms																				
<b>Project 2: Zoning Map Updates</b>	2.1	Draft #1 of Amended Zoning Maps																				
	2.2	Draft #2 of Zoning Maps																				
	2.3	Final Version of Zoning Maps																				

# Overview of Proposed Zoning Ordinance Update

INITIAL DRAFT: February 12, 2014



TOWN OF WESTON

**Proposed Key Changes to the Village Zoning Ordinances  
(Based on Draft Zoning Ordinance as of \_\_\_\_\_ 2014)**

	<b>Current Zoning Ordinances</b>	<b>Proposed Zoning Ordinances</b>
<b>1.</b>		
<b>2.</b>		
<b>3.</b>		
<b>4.</b>		
<b>5.</b>		
<b>6.</b>		
<b>7.</b>		
<b>8.</b>		
<b>9.</b>		
<b>10.</b>		

\*\*\* To be completed following further discussions with staff and the committee \*\*\*

## **How Proposed Zoning Ordinances Will Improve the Villages' Regulatory Structure (Based on Draft Zoning Ordinance as of \_\_\_\_\_ 2014)**

1. Important to remember that all land in Villages is currently subject to zoning rules. Zoning has been in place for decades and every property is already zoned into a particular zoning district.
2. Improved organization compared to current zoning ordinance, following and improving upon a format that has been tested in other area communities. Current ordinance is out of date, has been band-aided with various amendments over the past two decades, and doesn't always reflect expectations for new development.
3. Greater clarity—including more definitions, explanations, and illustrations—to help minimize later arguments and different interpretations over time.
4. More pre-set "performance standards" for complex and challenging types of land uses will minimize the amount of back-and-forth with the Plan Commission, help make sure all projects are treated equally, and allow a number of current conditional uses to become permitted-by-right uses.
5. Includes information in easy-to-use formats, including the tables that show allowable land uses in the different districts. Updated application forms and users guides are to come.
6. Reduced number of zoning districts—particularly for Weston—simplifies understanding and administration. Unified zoning districts and standards between the two Villages will ease use by the overlapping development community.
7. Allowable land uses by zoning district are fewer than the current ordinances, anticipate a broader range of modern land uses , and provide a greater likelihood that the current and future universes of possible land uses can be appropriately categorized.
8. Streamlines development review processes for site plans and conditional use permits, without compromising the quality of the review. Provides greater certainty and limits on Village review timeframes and criteria for and rezoning review.
9. Implements of Village comprehensive plans and design guidelines.
10. Addresses perpetually challenging issues like signs; garage sizes; screening/buffering; ATV, snowmobile, RV parking; upgrading of older properties; residential density; transitional and mixed use zoning districts; tourist rooming houses; keeping of animals; and bio-mass storage.
11. Mainly designed to apply to new and expanded land uses; will have little impact on existing land uses.

# A Tour of the Draft Zoning Ordinance

The draft Zoning Ordinance is divided into several articles, with the following names and purposes:

**Article 1: Introduction.** Establishes the purpose of the Zoning Ordinance.

**Article 2: Establishment of Standard Zoning Districts.** Lists and describes each of the zoning districts shown on the zoning map. The zoning map divides different lots into different zoning districts. These include a variety of residential, commercial, and industrial zoning districts, mapped in locations that follow the recommendations of the Village Comprehensive Plan and that often reflect current land uses. The purpose statement for each zoning district sets the groundwork for allowed land uses and development standards.

**Article 3: Land Uses Allowed in Zoning Districts.** Includes tables that list the permitted uses, conditional uses, and temporary uses allowed in each zoning district. Permitted uses are allowed by right in the associated zoning district, provided that all zoning requirements are met. Conditional uses may be allowed in the associated zoning district, following a public hearing, a comparison of the proposed use versus conditional use standards in Article 16 of the Ordinance, and approval by the Village Plan Commission. The following is an excerpt of one of those “allowable use” tables in Article 3.

P = Permitted Use		C = Conditional Use		T = Temporary Use			Empty Cell = Prohibited Use			
Land Use Category		Zoning District (see key at end of figure)								
(#)	Land Use Type	FP	AR	RR	PR	SF-L	SF-S	2F	MF	MH
<b>Residential Land Uses</b> (see Section X.4.02 for descriptions and standards for each land use)										
(1)	Single-Family Detached Residence	C	P	P		P	P	P	P	P
(2)	<b>Two-Family Residence</b>							<b>P</b>	<b>P</b>	
(3)	Multi-Family Residence (3-8 unit building)								P	
(4)	Multi-Family Residence (9+ unit building)								C	
(5)	Mobile Home Community									P
(6)	Mixed Use Dwelling Unit								C	

The highlighted text in the above table means that “two-family residences” would be allowed by right in the 2F Two Family Residential and MF Multiple Family Residential zoning districts, but would not be allowed in the FP, AR, RR, PR, SF-L, SF-S, or MH zoning districts.

**Article 4: Land Use Descriptions and Standards.** Includes a description and “performance standards” for each of the land uses listed in the tables in Article 3. The description usually includes examples of specific types of uses that fit into each broader use category. The performance standards are a unique list of pre-set standards for each type of land use, which would apply to new and expanded uses of that type except where otherwise indicated. Continuing with the example, users interested in seeing a description of what constitutes a “two-family residence” land use or learning what unique standards might apply to this use are directed to Section X.4.02 in Article 4. That section includes the following description and specific standards for this type of land use:

**(1) Two-Family Residence.**

A single structure containing two separate dwelling units, each unit having a private individual exterior access, and with no shared internal access within the building. Two-Family Residences can be constructed as attached side-by-side units each with a ground floor and roof (duplex), or as a two-story structure with one unit above the other (flats). Where side-by-side, both dwelling units may either share the same lot or be on separate lots as a “zero lot line” structure, such as that depicted in the top panel of Figure 4.02.

**Performance Standards:**

1. Each Two-Family Residence constructed after [insert date of adoption of chapter] shall meet performance standards 1 through 8 in subsection (1) above, except where otherwise allowed by conditional use permit.
2. The structure must be in compliance with the Wisconsin Uniform Dwelling Code (UDC).
3. Where side by side, a building code-required, fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
4. Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
5. The minimum gross floor area of each dwelling unit shall be 700 square feet, exclusive of attached garages, carports, and open decks/porches.
6. If in a subdivision platted after [insert date of adoption of chapter], shall meet the single-family and two-family housing variety standards in Section X.10.02.

**Article 5: Density, Intensity, Bulk Regulations.** Includes tables with dimensional standards for each of zoning district. These standards included minimum setbacks from lot lines, maximum building heights, minimum lot area and lot width, maximum building coverage, and minimum landscape percentage. Continuing the example, this section from one of those tables shows setbacks if someone wanted to build or expand a “two-family residence” or a detached garage or paved area in the 2F district:

Zoning District	Minimum Setbacks (ft) (b)							
	Principal Residential Building including Attached Garage				Detached Accessory Building (a)		Pavement (d)	
	Front (a)	Street Side (a)	Interior Side	Rear	Interior Side (c)	Rear	Interior Side or Rear	Front or Street (a)
<b>2F</b>	30	30	8	20	6	6	6	10

**Article 6: Overlay Zoning Districts.** Overlay zoning districts apply additional requirements on certain properties that are within one of the overlay zones. Article 6 includes those associated with areas where the Villages may wish to apply unique development design standards, protect the quality of water supplying municipal wells, and limit building heights near airports. The zoning map shows locations where overlay districts and associated regulations apply.

**Article 7: Floodplain Overlay Districts.** A unique, state-mandated set of overlay districts intended to limit development within floodplain areas mapped by the Federal Emergency Management Agency.

**Article 8: Shoreland Overlay Zoning District.** Another state-mandated overlay zoning district that establishes special rules within pre-set distances of navigable waterways, notably a 75 foot minimum building setback.

**Article 9: Shoreland-Wetland Overlay Zoning District.** Another state-mandated overlay zoning district that establishes local wetland protection within the same shoreland zoning areas as established in Article 8. DNR and/or Army Corps wetland rules apply to disturbance of all wetlands throughout the Village.

**Article 10: Building and Site Design Standards.** Includes standards to assure high quality design of new residential and non-residential buildings and sites. These include housing variety standards for new single-family residential development, illustrated building design and material standards for commercial and industrial buildings, and unique standards for developments that contain 25,000+ square feet of retail or commercial service space.

**Article 11: Landscaping and Preservation Standards.** Establishes landscape planting requirements for new and expanded commercial, industrial, institutional, and multiple-family residential developments. These are not applicable to single-family houses.

**Article 12: General Performance Standards.** Includes requirements for stormwater management, earth filling/excavating, fences, swimming pools, firewood storage, other exterior storage, RV storage, vehicle access, parking and circulation, off-street loading, exterior lighting, vibration, noise, air pollution, odors, glare, heat, fire and explosion, toxic and noxious materials, waste materials, and hazardous materials. Often, these standards do not apply to or are modified for single-family residential and agricultural uses.

**Article 13: Signs.** Includes rules for the placement of business and other signage. Typical residential signage is usually allowed without a sign permit, while business signs generally require a permit. Figure 13.07 of the Zoning Ordinance provides a summary of business sign regulations.

**Article 14: N Neighborhood District.** Lays out the process and standards for the “Neighborhood” zoning district. This is a special zoning district mapped on a neighborhood-by-neighborhood basis according to a unique plan and set of standards prepared by a developer and approved by the Village via a public process.

**Article 15: Nonconforming Lots, Uses, Structures and Sites.** Provides procedures and standards where a particular land use or building does not match requirements of the proposed Zoning Ordinance, such as an old house that does not meet the setback standards of the zoning district it is within. Non-conforming land uses and buildings—in other words, those uses and buildings that do not meet new Zoning Ordinance requirements—may continue. However, where expansions or other substantial work to a non-conforming building or site are proposed, the Ordinance includes certain limitations.

**Article 16: Procedures and Administration.** Lays out the processes, application requirements, and standards for getting land rezoned, obtaining a conditional use permit, and receiving other development approvals. Easy-to-understand applications form will accompany this Article.

**Article 17: Definitions.** Helps understand the meaning of a variety of terms used throughout the Zoning Ordinance. Users who encounter a term in the proposed Zoning Ordinance that they don’t understand are encouraged to refer to Article 17 for a definition. The proposed Ordinance was written in such a way to reduce different interpretations of what it means later.

**Proposed “Allowable Use” Tables  
(Based on Draft Zoning Ordinance as of \_\_\_\_\_ 2014)**

\*\*\* To be inserted later, once tables refined \*\*\*

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INSERT PROPOSED ZONING MAPS ONCE PREPARED

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