



TOWN OF WESTON

MEETING AGENDA

Meeting of the: **INTERGOVERNMENTAL ZONING STEERING COMMITTEE**
Date/Time: **Thursday, May 22, 2014 @ 5:30 P.M. – 7:30 P.M.**
Location: **Weston Municipal Center (5500 Schofield Avenue) – Board Room**
Village of Weston
Members: President, Loren White, Plan Commission Member, Mike Stenstrom, 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 13 – 17**
- 2) **Public Comment**
- 3) **Next Steps / Next Meeting**

This Notice was posted at Village of Weston Municipal Center and faxed to the Wausau Daily Herald newsroom on 05/09/2014 @ 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: May 7, 2014

Re: Draft "Part Three" of Updated Zoning Ordinance

At the Committee's last meeting in February, we reviewed "Part Two" of the ordinance. Part Two lays out overlay zoning districts, building and site design standards, landscaping standards, and general performance standards. This followed the October meeting, in which the Committee provided advice on "Part One," which was focused on the standard zoning districts and the land uses allowed within them.

Now, in the Committee's packet, you have a May 2014 draft of "Part Three" of the ordinance. Mercifully, Part Three is the last part of the ordinance, covering the following articles:

- [Article 13](#): Signs (this is slightly revised from the January 2014 version, with revisions highlighted in yellow)
- [Article 14](#): N Neighborhood District
- [Article 15](#): Nonconforming Lots, Uses, Structures and Sites
- [Article 16](#): Procedures and Administration
- [Article 17](#): Definitions (this is slightly revised from the January 2014 version, with revisions highlighted in yellow)

We will walk through this Part Three at our next meeting on May 22nd, focusing on some issues where Committee input would be particularly beneficial. This is scheduled to be the Committee's last meeting, after which the ordinance will be reviewed and further adjusted by the respective Villages and their Plan Commissions.

through

Section X.13.00: Signs

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 been 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.16.18.
 - (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.
- (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, Yard, Estate, and In-Home 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 as indicated in Section X.13.08.**

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.
 - (d) **Community information sign.** A sign that displays information of interest to the general community regarding scheduled public events, public activities, and public facilities and is located either on-premise or off-premise; serves as an identification, entrance, or wayfinding sign for the community; or is located on public lands and advertises sponsors of public events, activities, or facilities thereon.
 - (e) **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.
 - (f) **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.

- (g) **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.
- (h) **Parking area sign, on-premise.** A sign used to state parking restrictions and/or conditions, not including handicap parking signs.
- (i) **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.

(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 truck trailer parked so as to be seen from a public right-of-way, which attached to or located on is any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity or event. Not considered advertising vehicle signs are mobile signs or business vehicles that contain typical business signage;

are actively used for business purposes; and are parked in an approved parking space that either serves the advertised business or another property where actively receiving or providing goods or services.

- (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.



Example of arm/post sign

- (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 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. Does not include any advertising vehicle 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



Examples of projecting signs

includes, awning signs, marquee signs, projecting signs, and wall signs, but not window signs.

- (i) **Projecting sign.** A type of on-building sign that is mounted at 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.



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.

(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:

1. 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.
2. 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.
3. 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.
4. 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 any 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) 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 or parapet.
- (j) Mobile or portable signs shall be permitted only as a type of temporary sign for events of public interest or as a type of temporary business sign or banner, both as described under Section X.13.08, but shall be prohibited for any other purpose. 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.
- (l) No advertising vehicle signs as defined in Section X.13.03(2)(a) shall be permitted.
- (a) No off-premise advertising signs or structure supporting such sign(s) shall be permitted to be installed or expanded in area or number of signs after [insert effective date of this Chapter]. 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, other chapters of the Village Municipal Code, and other applicable laws. 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.

(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 or seasonal 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 or if the sign is placed in public parkland (such as on an outfield fence).
- (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) If off-premise, may total not more than one per business, except where the sign is installed by a unit of government such as the Village or WisDOT.
- (i) If advertising or providing directions to a product or business, shall not be located within any residential or RR zoning district, except where such copy is associated with public event, public facility, or public activity sponsors or where such copy is integral to a community entrance or wayfinding sign.
- (j) May be subject to restrictions on lighting, color, duration of placement (e.g., seasonal limitations) as part of sign permit approval, provided that such restrictions are consistent with the purposes of this Article and Chapter.

(4) Variable Message Signs (VMS).

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- (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) 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.
 - (b) Area and Quantity. Window signage that advertise commercial situations relating to goods or services sold on premises shall be allowed without restriction on quantity or coverage, provided that they do not interfere with other State and Federal code requirements or public, health, safety, or welfare.
 - (c) Structural Design and Maintenance. All window signs shall be designed and maintained so as to be able to display messages in a complete and legible manner, and otherwise in accordance with Sections X.13.09 and X.13.10.
- (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 and Arm/Post Signs.
 - (b) Maximum Permitted Number per Lot: One Wall 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.
 - (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).
 - 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 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. An advertising vehicle sign is not a permitted temporary commercial sign. A sign permit shall be required for a temporary sign serving this purpose.

- (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. A sign permit shall be required for a temporary sign serving this purpose.
- (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. A sign permit shall be required for a temporary sign serving this purpose. The Zoning Administrator may also 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 without restriction on quantity or coverage, provided that they do not interfere with other State and Federal code requirements or public, health, safety, or welfare.

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 14: N NEIGHBORHOOD DISTRICT



Section X.14.01: Purpose

The N Neighborhood district is intended to facilitate cohesive planned neighborhood developments that include desirable and innovative variations in the mix and relationship of uses, structures, and open spaces, consistent with proven principles of high-quality neighborhood design including traditional neighborhood design and conservation neighborhood design. Further, this zoning district:

- (1) creates an environment that promotes human interaction, walkability, and a sense of place;
- (2) provides a mix of uses where possible, including residential, commercial, civic, and open space uses in close proximity to one another;
- (3) provides a mix of housing styles, types, and sizes where possible;
- (4) incorporates a system of interconnected streets with sidewalks or paths; and
- (5) incorporates significant environmental features into the design.

Section X.14.02: Minimum N District Size

Each mapped N zoning district shall be a minimum of 10 acres in area, except that an individual N projects may be smaller than 10 acres if it is anticipated in the Comprehensive Plan to be part of a contiguous N-zoned area of 10 acres or greater.

Section X.14.03: Allowable and Required Uses in a N District

Any land use that is permitted by right use, conditional use, or temporary use in any of the other zoning districts in this Chapter, or mix of uses, may be permitted within a particular N district subject to the criteria listed below. Subject to the following specifications, all Specific Implementation Plans associated with an N district shall list the range of approved land uses in that particular N district, which when approved shall be enforced as part of this Chapter.

- (1) **Residential use area(s).** Each N district shall include at least one area intended for predominately residential use. Such residential use area(s) shall include Single-Family Detached Residences.
- (2) **At least one mixed-use area.** Mixed-use areas are intended to serve as pedestrian-friendly gathering places and focal points for the project. The highest development density within the N district shall occur in and adjacent to the mixed-use area(s). Figure X.14.03(1) shows examples of a mixed-use areas. Each N district shall include at least one mixed-use area, unless the Comprehensive Plan identifies the location of a mixed-use area on a nearby site. The mixed-use area shall include sites to accommodate the appropriate mix of at least two of the following:
 - (a) Neighborhood commercial uses, such as services, retail, restaurants, and accommodations. The total area in each N district that is devoted to commercial uses shall not exceed 25 percent of the area of that entire N district.
 - (b) Attached residential dwellings, such as duplexes, townhouses, or multiple-family residences.
 - (c) Civic or institutional uses, such as a place of worship or educational facility.
- (3) **At least one common green space area.** At least 15 percent of the area of each N district must remain as permanently protected common green space. Permanently protected common green space areas include public parks, environmental corridors, trails, protected natural areas, and private parks that are permanently restricted from non-recreational development, but do not include private yards, stormwater management basins, or stormwater conveyance channels. Where the Village's adopted Comprehensive Plan or comprehensive outdoor recreation plan recommends a park, trail, or other recreational facility for

the proposed N district area, the developer shall make reasonable accommodation for the recommended facility.

Figure X.14.03(1): Example of Mixed-Use Area Design



Section X.14.04: N District Density, Intensity, and Bulk Requirements

The following represent minimum and maximum standards for lot area, lot width, building setbacks, and building separation in the N district. Each individual N district shall either utilize these standards or establish other lot area, lot width, building setbacks, and/or building separation standards via its approved Specific Implementation Plan that are consistent with the purpose statement in Section X.14.01.

- (1) **Minimum Lot Area and Width.** A variety of lot sizes shall be provided to facilitate housing choice and meet the requirements of people with different housing needs. Minimum lot areas and widths shall be as follows:
 - (a) For Single-Family Detached Residences:
 1. Minimum lot area shall be 5,000 square feet.
 2. Minimum lot width shall be 50 feet.
 3. Total building coverage shall not exceed 80 percent of the lot.
 - (b) For Two-Family Residences:
 1. Minimum lot area shall be 7,000 square feet per dwelling unit.

2. Minimum lot width shall be 70 feet per dwelling unit.
 - (c) Multiple Family Residences:
 1. Minimum lot area shall be 2,500 square feet per dwelling unit.
 2. Minimum lot width shall be 25 feet per dwelling unit, not greater than 100 feet.
 - (d) Minimum lot areas and widths for all other uses shall be as specified in the approved Specific Implementation Plan for the particular project.
- (2) **Building Setbacks and Separation.** The N district shall include buildings placed relatively close to the street to promote interaction, enclose space along the street, and direct less attractive site features to less visible yards.
- (a) The minimum front and street side yard shall be five feet.
 - (b) The maximum front and street side yard shall be 25 feet where a sidewalk is proposed or required along the adjacent street frontage.
 - (c) The minimum interior side yard shall be five feet, except for approved zero-lot line buildings.
 - (d) The minimum rear yard and building separation shall be ten feet.

Section X.14.05: N District Circulation and Parking Requirements

- (1) **Circulation System.** The circulation system shall allow for different modes of transportation; provide functional and visual links among the residential area(s), mixed-use areas, and open space areas; connect to existing and proposed developments outside the N while controlling through traffic; provide adequate traffic capacity; provide connected pedestrian and bicycle routes; limit direct lot access on streets with higher expected traffic volumes; and promote safe and efficient mobility. More specific design standards are as follows:
- (a) Block size. Street layouts shall provide for perimeter blocks that are a maximum of 800 feet long, unless expressly permitted through Specific Implementation Plan approval.
 - (b) Pedestrian circulation. Convenient and continuous pedestrian circulation systems to minimize conflicts between pedestrians and motor vehicles shall be provided. All streets, except for alleys, shall be bordered by sidewalk or shared-use path in accordance with Village, unless expressly permitted through Specific Implementation Plan approval. Clear and well-lit walkways shall connect non-residential and multiple-family residential building entrances to the adjacent public sidewalk/path and to associated parking areas. Between-lot walkways or paths may be required where necessary to maintain the continuity of the pedestrian circulation system.
 - (c) Bicycle circulation. Facilities for bicycle travel shall be included in the project and installed at the developer's expense, unless otherwise approved by the Village. Such facilities may include off-street bicycle and multi-use paths, striped bicycle lanes on streets, signed bicycle routes, or some combination. Any existing bicycle routes through the site shall be preserved, enhanced, or relocated if necessary. Bicycle routes and facilities shall implement the recommendations in the Village Comprehensive Plan or comprehensive outdoor recreation plan. All businesses, civic uses, and multi-family dwelling units shall provide adequate bicycle parking areas and facilities per Section X.12.09(14).
 - (d) Motor vehicle circulation. Motor vehicle circulation shall be designed to efficiently move motor vehicle traffic via multiple routes and to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, medians, and on-street parking along local streets are encouraged to slow traffic speeds. Any arterial and collector streets shall be identified in the approved Specific Implementation Plan and shall be subject to access controls as part of said

approved Plan. Minimum street design standards within the N district shall be in accordance with Figures X.14.05(1) through (3).

- (e) Street layout. The project shall maintain the existing street grid, where present, and restore any disrupted street grid where feasible. The orientation of streets shall be consistent with the Village Comprehensive Plan, enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, minimize street gradients, and minimize the use of double frontage lots. All streets shall extend through the project or terminate at other streets, except streets may temporarily “dead end” when such streets will connect to future phases or other sites outside the N district, and local streets may permanently terminate in a cul-de-sac only where site conditions require a cul-de-sac and there will be a through connection via a walkway or path at the end.
- (f) Parking and loading requirements. All N districts shall meet the parking and loading requirements found in Article 12, except that the Village may allow adjacent on-street parking to apply toward the minimum parking requirements. For multi-family residential buildings and in mixed-use areas, shared use parking lots and structures are encouraged, off-street parking lots may not be adjacent to or opposite from a street intersection, and parking lots and structures shall be located to the rear or interior sides of buildings (see Figure X.14.05(4) for examples). The edges of parking lots, landscaped islands, and all other areas not used for parking or vehicular circulation shall be landscaped per the requirements in Article 11. Reduction of impervious surfaces through the use of pervious pavement, interlocking pavers, and similar techniques is encouraged, particularly for remote parking lots and parking areas for periodic uses.

Figure X.14.05(1): Minimum Street Design Requirements in the N Planned Neighborhood District

Street Classification	Street Width, curb-face to curb-face (feet)	Curb & Gutter	Street Terrace	Sidewalks	Bicycle Lanes
Collector Street	30 (two-sided parking) 26 (one-sided parking) 24 (no parking)	Both sides, 1.5 feet wide	Both sides, minimum 8.5 feet wide	Both sides, minimum 5 feet wide and 1 foot from lot line	Where required, add two 5 foot wide lanes
Local Street	28 (two-sided parking) 24 (one-sided parking) 20 (no parking)	Both sides, 1.5 ft wide, ribbon curb may be permitted	Both sides, minimum 7 feet wide	Both sides, minimum 5 feet wide and 1 foot from lot line	None
Alley	12 (no parking)	1.5 foot flat ribbon	None	None	None

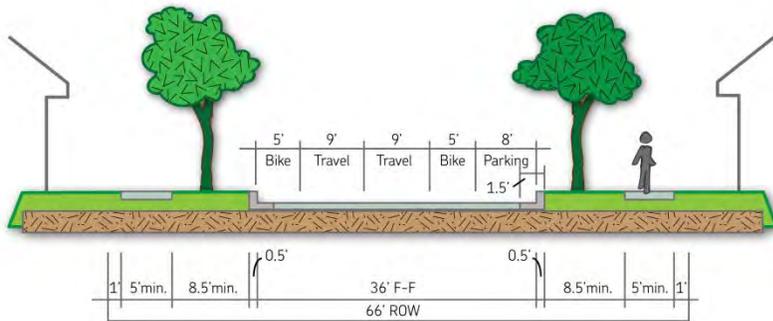


Figure X.14.05(2): Schematic sketch of a typical collector street cross-section with one-sided parking and bike lanes.

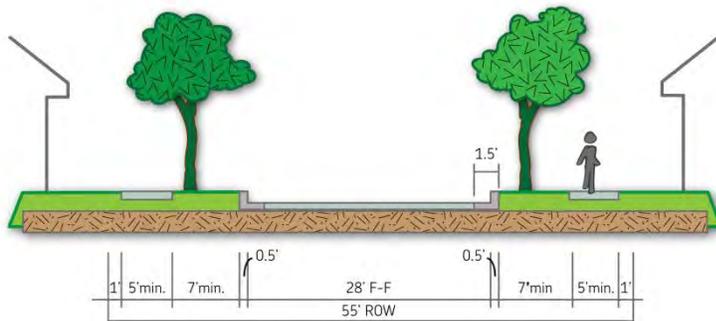


Figure X.14.05(3): Schematic sketch of a typical local street cross-section with two-sided parking.

Figure X.14.05(4): Examples of Required N Parking Lot Placement and Landscaping



Section X.14.06: Architectural Requirements.

In addition to meeting applicable requirements of Article 10, a variety of architectural features and building materials are encouraged to give each building or group of buildings a distinct character, while maintaining a compatible design theme throughout the N district. More specific design requirements are included in Figures X.14.06(1) through (3), and as follows:

Figure X.14.06(1): N District Architectural Requirements, Single-Family Residences

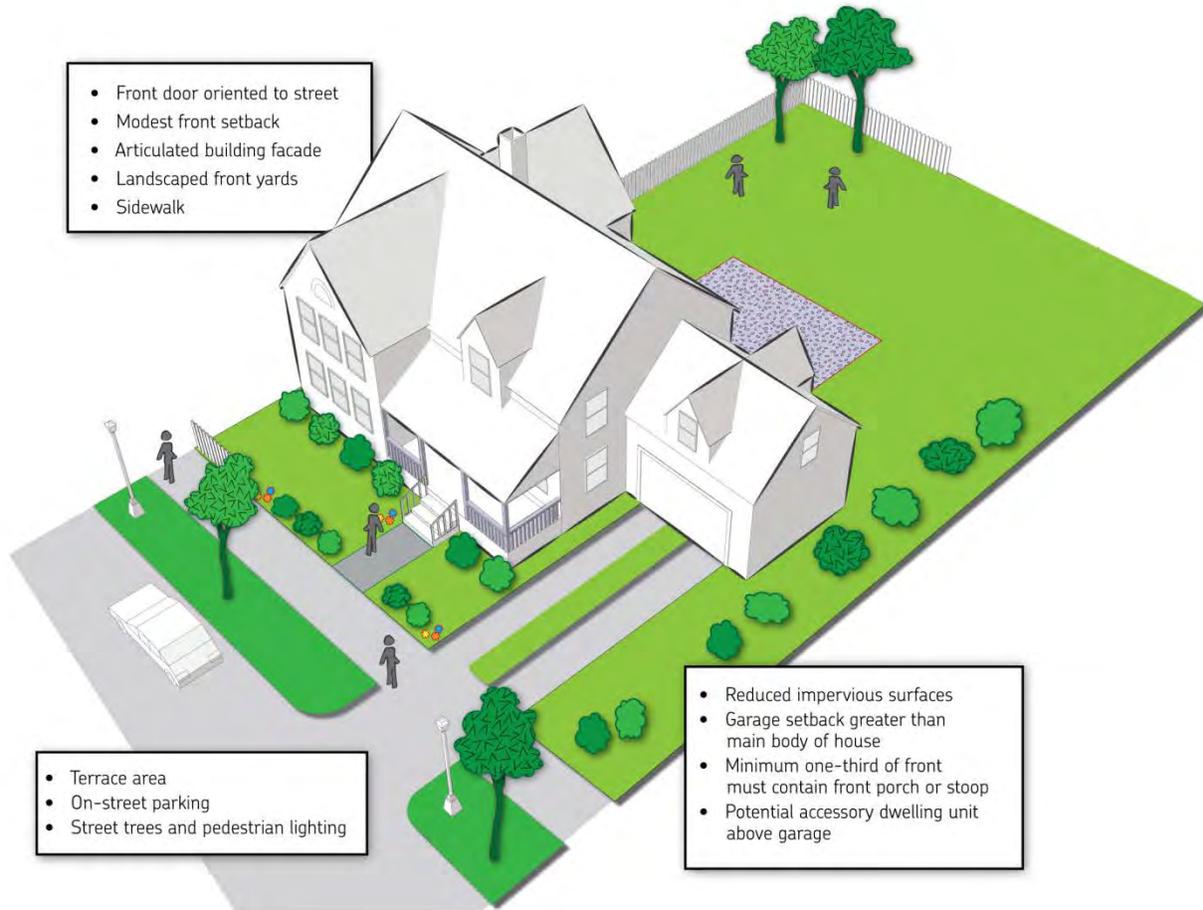
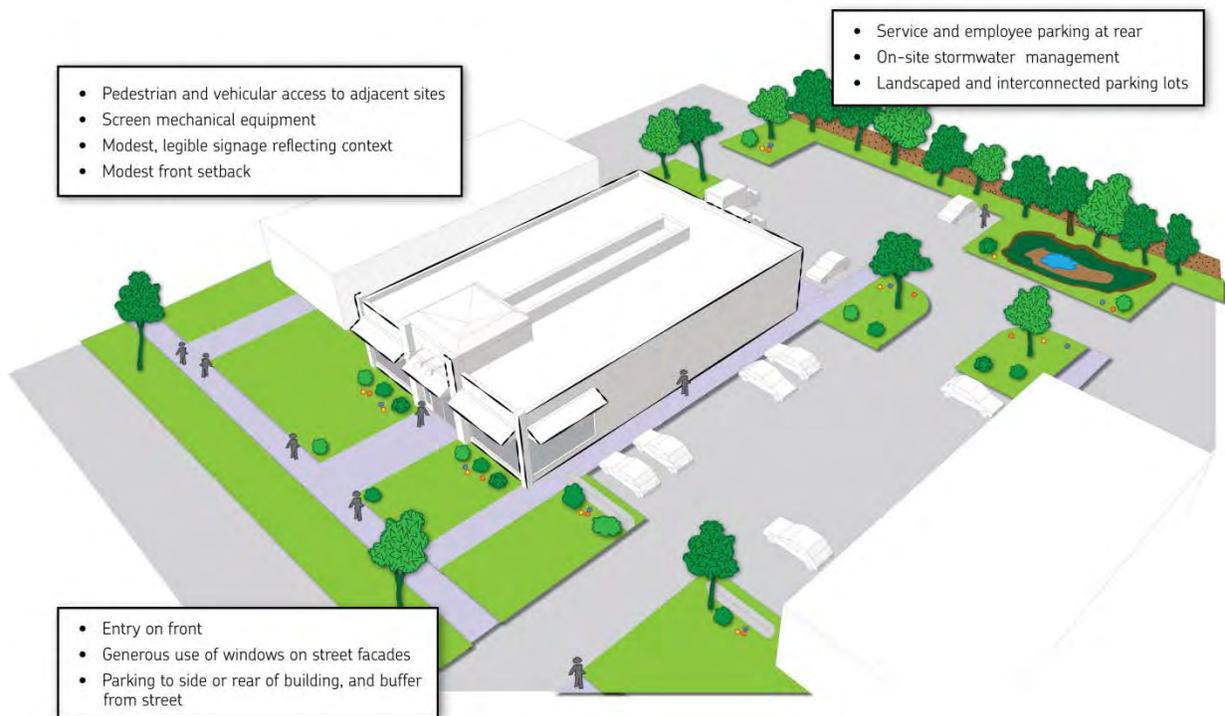


Figure X.14.06(2): N District Architectural Requirements, Multiple-Family Residences



Figure X.14.06(3): N District Architectural Requirements, Neighborhood Business Uses



- (1) **General Design.** New buildings shall be of consistently high and lasting quality throughout the project. The bulk and height of each building shall relate to and flow from surrounding buildings, and shall be in proper proportion to the size of the lot on which it is to be placed. Design monotony shall be avoided (see Figure X.14.06(4) example).

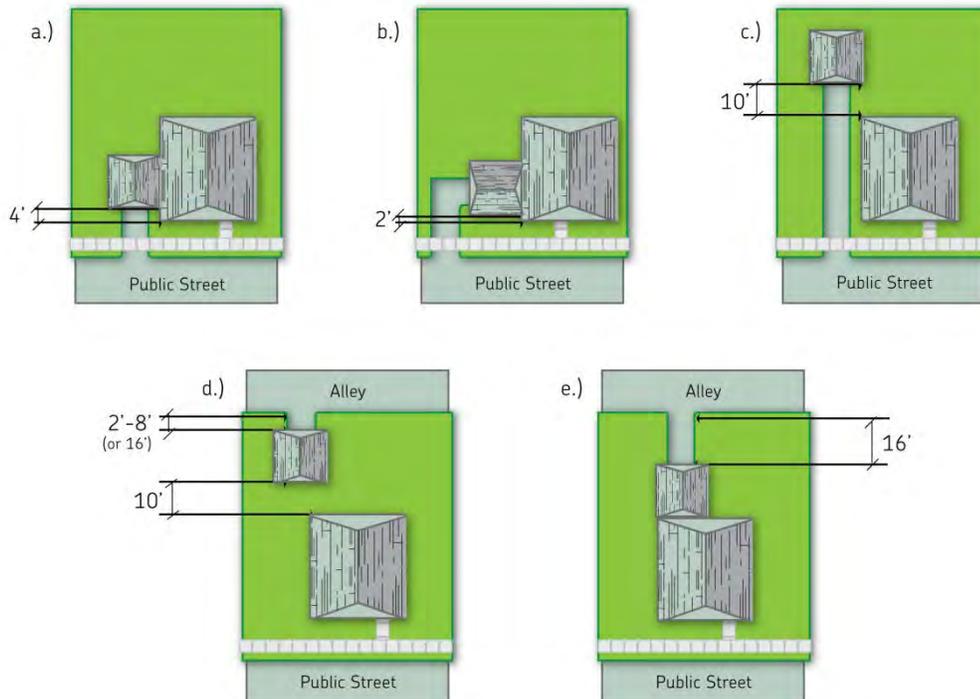
Figure X.14.06(4): Example of Design Variation with Consistent Form



- (2) **Maximum Height.** New structures within an N district shall be no more than five stories.
- (3) **Entries and Facades.** Similar architectural features, materials, and the articulation of a building façade shall be continued on all sides visible from a public street. The front façade of the principal building shall face onto the front of street side yard of a public street and shall parallel the line of the street to create a continuous edge. Porches, entry bays, covered walkways or stoops, hooded front doors, or other similar architectural elements shall define the front entrances to all dwelling units; such features shall generally be closer to the street than the remainder of the dwelling. Porches shall be a minimum of six feet deep to enhance aesthetics and function. For nonresidential buildings, a minimum of 50 percent of the public street façade(s) on the ground floor shall be transparent, consisting of window or door openings, and entries shall face the public street. Figures X.14.06(1) through (3) provide examples of required treatments of entries and front facades.
- (4) **Garages.** Garages accessed from the public street, where garage doors face a public street, shall occupy no more than 50 percent of the front façade of the house. Residential garages shall be set back a minimum of 2 feet to the rear of the main front façade of the dwelling structure (not including porches or other projections) to ensure that the garage does not dominate the view from the street. Where the house does not include a front porch or similar projection from the main living area of the house, garages shall be set back a minimum of four feet to the rear of the main front façade. Garage setbacks along alleys shall either be between two and eight feet from the alley right-of-way to allow proper turning radii but no driveway parking, or at least 16 feet to allow driveway parking without encroaching into the alley. Garage placement alternatives and standards are illustrated in Figure X.14.06(5).

Figure X.14.06(5): Alternative garage locations on a N residential lot:

- Attached garage is accessed from a street (street-loaded garage). 4' min setback required if no front porch or similar front yard building projection; 2' with front porch.
- Attached garage is accessed from a street (side-loaded garage). 2' min setback required.
- Detached garage, behind the house, is accessed from a street. 10' separation between house and garage.
- Detached garage is accessed from an alley. Either 2' to 8' setback from alley right-of-way, or 16' minimum setback from alley right-of-way. 10' separation between house and garage.
- Attached garage is accessed from an alley. 16' minimum setback from alley right-of-way to enable parking between garage and alley.

**Section X.14.07: Additional N District Requirements**

- Street Trees.** Shall be required in accordance with Section X.11.02(3)(a), except where alternate standards of comparably quality are included as part of an approved Specific Implementation Plan.
- Landscaping.** Shall be required in accordance with Article 11, except where alternate standards of comparable quality are included as part of an approved Specific Implementation Plan.
- Natural Resource Protection.** Shall be required in accordance with all local, state, and federal laws. Additionally, natural resources shall be integrated into the development design as aesthetic and conservation landscape elements. The development shall identify and provide for the permanent preservation of environmentally sensitive areas, including wetlands, floodplains, slopes of 20 percent or greater, areas of rare or endangered plant or animal species, land areas mostly covered by a mature woodland, and historic and archaeological sites. Permanent preservation of these areas shall be achieved through the implementation of techniques such as conservation easements, restrictive covenants, deed

restrictions, dedication to the public or an appropriate non-profit organization, and/or the establishment of buildable or “no build” areas on the subdivision plat.

- (4) **Stormwater Management.** Stormwater management and erosion control shall be accordance with the Village’s Municipal Code. Additionally, each N district shall include stormwater management systems that focus on Best Management Practices (BMPs). BMPs may include overland water transfer, natural landscape planting and restoration to increase infiltration and reduce runoff, bio-infiltration systems, natural stormwater basin design, residential roof runoff directed to yard areas, and rain gardens.
- (5) **Performance Standards and Signage.** Shall be in accordance with Articles 12 and 13 accordingly, except where alternate standards of comparably quality are included as part of an approved Specific Implementation Plan. Additionally, features such as lighting and signs may be required to adhere to a design theme throughout the N district, as specified in an approved Specific Implementation Plan.
- (6) **Land Division.** Shall comply with the Village’s Municipal Code, except as waivers and variations may be granted to respond to the particular design of the N project.

Section X.14.08: Procedural Requirements for the N Neighborhood District

- (1) **Pre-application Conference.** Prior to the official submission of a petition for the approval of rezoning to an N district, the owner or the owner’s agent shall meet with the Plan Commission to discuss the scope and proposed nature of the contemplated development.
- (2) **Petition for Rezoning Approval.** Following the pre-application conference, the owner or the owner’s agent may file a petition with the Zoning Administrator for approval of a rezoning to the N district. Such petition shall be accompanied by payment of the required fee. The procedure for rezoning to a N district shall be as required for any other zoning district change as set forth under Section X.16.03, except that, in addition thereto, an easily reproducible electronic copy of a General Development Plan (GDP), along with hard copies in a quantity and size determined by the Zoning Administrator, shall be filed by the applicant along with the petition for rezoning, together including the following information:
 - (a) A cover letter summarizing the request and the nature of the project in no more than two pages.
 - (b) Total area to be included in the N and a site inventory and analysis map with topography at two foot intervals to identify site assets, resources, and constraints, including but not limited to floodplains, wetlands, soils with limitations for building construction, utility easements, slopes greater than 12 percent, and existing mature trees and woodlands.
 - (c) Overall conceptual development plan for the entire site showing proposed areas to be retained in open space, residential density, number and type of dwelling units, projected population, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - (d) A general outline of the organizational structure of a property owners’ or management association, which may be proposed to be established for the purpose of providing any necessary private services.
 - (e) The expected date of commencement of physical development as set forth in the proposal and also an outline of any proposed development staging.
 - (f) A location map and a legal description of the boundaries of the property proposed to be included in the N district.
 - (g) A conceptual neighborhood development plan and/or preliminary plat, drawn to scale, that indicates existing and proposed public streets and paths; different land use areas by proposed type and density; and proposed recreational, open space, and generalized storm water management areas and facilities.

- (h) Adequate information to present the relationship of the proposed improvements to surrounding properties.
 - (i) A preliminary analysis and map showing the general locations of proposed public utility connections, and anticipated upgrades of public utilities to serve the project.
 - (j) A conceptual landscape plan showing general locations and types of proposed landscaping, including maintenance of existing vegetation where appropriate.
 - (k) A proposed schedule for the implementation of the project, including conceptual phasing plan, if the applicant intends to phase construction of the project.
 - (l) Schematic architectural plans showing the character of the proposed buildings, along with a generalized program of proposed signage and lighting.
 - (m) A preliminary list of land uses that are proposed to be allowed within the N district as permitted-by-right, conditional, and/or temporary uses.
 - (n) A written report that provides general information about the site; the project vision, objectives, themes, and images; its economic feasibility and financing; target markets; and relationship of the project to surrounding land uses, the Comprehensive Plan, and other applicable Village plans.
- (3) **Plan Commission Recommendation.** In considering the petition and General Development Plan, the Plan Commission shall apply the criteria in Sections X.14.09 and X.16.03(7). Upon submission of a complete rezoning petition and the General Development Plan, the Plan Commission shall hold a public hearing on the application and the General Development Plan and thereafter recommend to the Village Board that the petition and plan be approved as submitted, approved with modifications and/or conditions, referred for further consideration, or denied approval.
- (4) **Village Board Authorization.** Upon receipt of the recommendation of the Plan Commission, the Village Board may take such action thereon as it deems reasonable and appropriate. If the petition and General Development Plan are approved, said plan shall establish the basic right for use of the lands in conformity with the plan as approved. Such development shall be conditioned upon approval of a Specific Implementation Plan and shall not make permissible any of the uses as proposed until a Specific Implementation Plan is submitted and approved for all or a portion of the General Development Plan.
- (5) **Recording.** The General Development Plan, if approved, shall be recorded by the applicant within 90 days following such approval, in the Marathon County Register of Deeds' office. Within 30 days of its recording, the applicant shall provide the Village with three copies of the recorded General Development Plan, a copy in an easily reproducible and editable format, and proof of its recording.

Section X.14.09 Criteria for General Development Plan (GDP) Approval

Each General Development Plan application shall meet the following criteria to obtain approval:

- (1) **Character and Integrity of Land Use.** The uses proposed and their intensity and arrangement on the site will be of a visual and operational character that meets the following criteria:
 - (a) Is compatible to the physical nature of the site and surrounding land uses.
 - (b) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, community sustainability, and practicality compatible with the Comprehensive Plan.
 - (c) Would not adversely affect the anticipated provision of municipal services.
 - (d) Would not create traffic or parking demand incompatible with facilities designed to serve it.
- (2) **Economic Feasibility and Impact.** The project will not adversely affect the economic prosperity of the Village or the values of surrounding properties.

-
- (3) **General Engineering Standards.** The proposed general plans for utilities, storm water management, and transportation systems follow required standards and are necessary to ensure the public safety and welfare as determined by the Village Engineer.
- (4) **Preservation and Maintenance of Open Space.** Adequate provisions are made for the permanent reservation or dedication to the public as follows:
- (a) For private reservation, the open area to be reserved shall be protected against building development minimally by conveying to the Village as part of the conditions for General Development Plan approval an open space easement over such open areas, restricting the area against any future building or use except as consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding area.
 - (b) The care and maintenance of such open space reservations shall be ensured by establishment of appropriate management organization(s) for the project. The manner of ensuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Village and shall be included in the title to each property.
 - (c) Ownership and tax liability of private open space reservations are established in a manner acceptable to the Village.
- (5) **Implementation Schedule.** A reasonable schedule has been established for the implementation of the development, including suitable provisions for assurance that each phase shall be brought to completion in a manner that would not result in an adverse effect upon the Village as a result of termination at that point.
- (6) **Considerations for Residential Components of an N District.** The Village, in its review of the residential components of a General Development Plan, shall further consider whether:
- (a) Such development will create an attractive residential environment of sustained desirability, including structures designed in relation and with respect to terrain; consideration of safe, convenient, and interconnected bicycle, pedestrian, and automobile flow; and ready access to recreation space.
 - (b) The density and design within the development will be consistent with the recommendations of the Comprehensive Plan as applicable to the N district area, and the community's capacity to provide needed municipal services and facilities..
 - (c) Provision has been made for the installation of adequate public facilities, fire and police protection, and parking, and the continuing maintenance and operation of such facilities.
 - (d) Such development will contribute to the goal of environmental sustainability and energy efficiency through the proper arrangement, density, orientation, and design for development; transportation access; natural area preservation and enhancement; and other features unique to the project.
- (7) **Considerations for Non-residential Components of an N District.** The Village, in its review of the non-residential components of a General Development Plan, shall further consider whether:
- (a) The proposed development will be adequately served by parking, loading, and truck service facilities.
 - (b) The proposed development will be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage, and maintenance of public areas.
 - (c) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and the development will not create any adverse effect upon the general traffic pattern of the surrounding area.

- (d) The architectural design, landscaping, control of lighting, and general site development will result in an attractive area not adversely affecting the property values of the surrounding neighborhood.

Section X.14.10 Specific Implementation Plan (SIP) Approval

- (1) **Specific Implementation Plan Application.** After approval and recording of the General Development Plan and the zoning change to the N district, the applicant shall file with the Zoning Administrator one easily reproducible and editable copy of a Specific Implementation Plan (SIP), hard copies in a quantity and size determined by the Zoning Administrator, and associated fee. Unless and until a Specific Implementation Plan has been approved by the Plan Commission and recorded, no building permit shall be issued for any construction within the N district. Further, construction shall be limited to only those parts of the N that have an approved SIP. Each SIP application shall include the following information:
- (a) A cover letter summarizing the request and the nature of the project.
 - (b) A location map and a legal description of the boundaries of the subject property included in the proposed SIP area and the approved GDP area (if different).
 - (c) A precise description of the type, number, and size of dwelling units; a description of the type and amount of square feet devoted to non-residential uses; the estimated number of employees; and character and volume of truck and automobile traffic generated by the site.
 - (d) Site summary data including gross site area, area and lineal feet of street rights-of-way, net area proposed for development and common open space uses, net subdivided area, total number of building sites, and average or typical lot and building site sizes.
 - (e) A detailed neighborhood development plan showing the precise mix of land uses; densities of use areas and development sites; building setbacks and massing; main driveways and parking areas; parks, squares, and other common open spaces; civic buildings; street trees and other natural elements; the street and block structure; and paths and other pedestrian ways.
 - (f) For all sites within the SIP where final plan approval is being sought, except for single- and two-family dwellings, detailed site and building plan(s) meeting the requirements of Section X.16.09 and signage plan meeting the requirements of Article 13.
 - (g) Detailed signage plan and lighting plan, each demonstrating a unified or compatible sign and lighting theme throughout the SIP area.
 - (h) For single- and two-family dwellings, architectural design guidelines contained within a declaration of covenants, deed restrictions, or other similar document, in lieu of reviewing the plans for each individual dwelling.
 - (i) A final plat of the area included within the SIP that shows, at a minimum, detailed lot layout and the intended use of each lot or parcel of land, public dedications, public and private streets, driveways, storm water management facilities, easements, and walkways.
 - (j) Detailed public street, sidewalk, and path design plans.
 - (k) Existing and proposed topography on the site with contours at no greater than two-foot intervals.
 - (l) Detailed grading plan, storm water management plan, public utility plan, and erosion control plan, meeting all State, County, and Village requirements and consistent with the Village's storm water management plan.
 - (m) If the site has any environmental contamination, a detailed plan of remediation.
 - (n) A development schedule indicating the following:

1. The approximate date when construction of the project is expected to begin;
 2. The stages in which the project will be built and the approximate date when construction of each stage is expected to begin;
 3. The anticipated pace of development and types and quantities of development in each stage; and
 4. The approximate date when the development of each of the stages will be completed.
- (o) Agreements, bylaws, provisions, or covenants that will govern the organizational structure, use, maintenance and continued protection of the N district.
- (p) A written report describing the proposed SIP, including specific project themes and images (e.g., drawings, photos, simulations), a specific list of permitted-by-right, conditional, and temporary land uses, specific densities and dimensional standards for residential and nonresidential uses, the specific treatment of open space areas, and an evaluation of the proposed SIP in relationship to the previously approved General Development Plan (including an explanation if the SIP does not include the full area of the approved GDP).
- (q) Any other plans, documents, or schedules required by the Village.
- (2) **Plan Commission Review and Approval.** Upon submission of the Specific Implementation Plan(s), the Plan Commission shall review the same to determine if the plan(s) is in compliance with the approved General Development Plan, applicable provisions of this Article, and any other provisions of this Chapter that are applicable to the proposed development. The Plan Commission shall thereafter act to approve the Specific Implementation Plan(s) as submitted, approve with modification and/or conditions, or deny approval. The Village Board may still be required to approve any final plat associated with the SIP(s).
- (3) **Recording.** If the Specific Implementation Plan is so approved it shall be recorded at the Marathon County Register of Deeds office within 30 days thereafter by the developer. Within 30 days of its recording, the applicant shall provide the Village with three copies of the recorded Specific Implementation Plan, along with proof of its recording.

Section X.14.11 Amendment of General Development Plan or Specific Implementation Plan

Any subsequent change or modification of the approved GDP or SIP shall first be submitted to the Village for approval. If, in the opinion of the Zoning Administrator, such change or modification constitutes a substantial alteration of the original GDP and/or SIP, the procedures described in Sections X.14.08 and/or X.14.10, as appropriate, shall be followed before the modified Plan(s) may take effect. If the Zoning Administrator determines that such change or modification does not constitute a significant alteration, then he or she may approve such change or modification. All such modified Plan(s) shall be re-recorded by the applicant within 30 days of approval.

Section X.14.12 Building Permit

Once a Specific Implementation Plan has been recorded at the Marathon County Register of Deeds Office, building permits may be issued within all parts of the N district for which a Specific Implementation Plan has been approved, provided that said permits are for buildings that are in accordance with the approved SIP and any applicable conditions of approval.

Section X.14.13 Delayed Effective Dates, Construction Required

- (1) In the event that a Specific Implementation Plan is not approved by the Village Board within 12 full calendar months following the date of the Village Board's approval of the General Development Plan, no N district shall be effective therefore and the lands included within the N district shall revert to the zoning district in effect for the subject lands prior to the approval of the GDP and N zoning.

- (2) Within 18 months following Plan Commission approval of the Specific Implementation Plan, the basic right of use for the areas included within that particular Specific Implementation Plan area, when in conformity with such approved plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If said building permit once issued, expires in accordance with the provisions of this Chapter, with no completed construction having occurred, then a new petition and approval process shall be required to obtain a Specific Implementation Plan approval.

Section X.14.14 Incorporation of New N Districts

When the Plan Commission approves the Specific Implementation Plan for a particular N district, such Specific Implementation Plan shall become part of this Chapter and shall be enforceable as part of this Chapter, as it may from time to time be amended.

Article 15: NONCONFORMING LOTS, USES, STRUCTURES AND SITES

Section X.15.01: Purpose

The purpose of this Article is to establish requirements for nonconforming and substandard lots, nonconforming uses, nonconforming structures, and nonconforming sites created legally prior to [insert effective date of this Chapter]. Nonconforming signs are also addressed in Article 13.

Section X.15.02: Nonconforming and Substandard Lots

- (1) **New Lots Meet New Lot Standards.** After [insert effective date of this Chapter], no lot shall be created that does not meet the lot width, lot area, or lot frontage requirements of each zoning district, per Article 5.
- (2) **Development of Nonconforming Lots—Residential, RR, and AR Zoning Districts.** Within such zoning districts as mapped on [insert date of adoption of chapter], a lot of record lawfully created but not meeting one or more of the minimum lot width, lot area, or lot frontage for the zoning district may not be utilized for a new permitted-by-right use in that district, except where such use does not include or require the erection of any building. Such lots shall become buildable only in one of the following circumstances:
 - (a) The lot is combined with all or part of an adjoining lot(s) to meet all the minimum width, area, and frontage requirements for the zoning district,
 - (b) The lot is rezoned to another zoning district in which all width, area, and frontage requirements are met, or
 - (c) The owner of the lot obtains a variance from the Board of Appeals meeting the requirements and subject to the limitations of Section X.16.11.
- (3) **Development of Nonconforming Lots—All Other Zoning Districts.** Within all other zoning districts as mapped on [insert date of adoption of chapter], a lot of record lawfully created and not designated as an unbuildable outlot, but that does not meet one or more the minimum lot dimensional requirements for the zoning district, may be utilized for a new permitted-by-right use in that district, provided the measurements of such lot area, dimensions, and setbacks are equal to or greater than 67 percent of the minimum requirements of the district. Said lot shall not be more intensively developed unless combined with one or more abutting lots (or portions thereof) so as to create a lot that meets the requirements of this Chapter.

Section X.15.03: Nonconforming Uses

- (1) **Continuance of a Nonconforming Use.**

Any nonconforming use lawfully established prior to the date it became prohibited by this chapter may be continued without expansion and in a manner of operation existing upon such date, except as specified for nonconforming uses in this section.

- (2) **Modification of a Nonconforming Use.**

A nonconforming use shall not be expanded, enlarged, extended, or reconstructed unless the use qualifies under subsection (5).

- (3) **Discontinuance of a Nonconforming Use.**

When any nonconforming use of any structure or land is discontinued for a period of twelve consecutive months, or is changed into different use, any future use of said structure or land shall be in complete conformity with the provisions of this chapter.

- (4) **Maintenance and Repair of a Nonconforming Use.**

The ordinary maintenance and repair of a nonconforming use is permitted, including necessary repairs and incidental alterations that do not exacerbate the adverse impacts of the nonconforming use in relation to the intent and purpose of this chapter. Except as otherwise provided in this section, whenever a nonconforming use is damaged to the extent of more than 50 percent of the then-current equalized assessed value of the use and associated structure, such use shall not be restored except in conformity with the regulations of the district in which it is located. Notwithstanding the previous sentence, the structural repairs or alterations in a conforming structure containing a nonconforming use shall not during its lifetime exceed 50 percent of the equalized assessed value of said structure at the time of the first known structural repair or alteration, unless the use within said structure is permanently changed to a conforming use.

Section X.15.04: Nonconforming Structures

(1) Continuance of a Nonconforming Structure.

Any structure lawfully established may be continued at the size and in a manner of operation existing upon such date, except as provided for nonconforming structures in this section.

(2) Expansion of a Nonconforming Structure. Any lawful nonconforming structure may be extended, enlarged, reconstructed, moved, or structurally altered, provided that said extension, enlargement, reconstruction, movement or alteration does not create any new violation of any setback or building requirements of the zoning district, nor increase the degree of the existing nonconformity except as:

- (a) permitted under subsection (3),
- (b) required by law or governmental order,
- (c) required to comply with the provisions of this chapter, or
- (d) in accordance with a variance granted by the Zoning Board of Appeals.

(3) Damaged or Destroyed Nonconforming Structure. A damaged or destroyed nonconforming structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, without any limits on the costs of the repair, reconstruction, or improvement, if all of the following apply:

- (a) The nonconforming structure was damaged or destroyed on or after March 2, 2006.
- (b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(4) Unsafe Structures.

Nothing in this Chapter shall preclude the Zoning Administrator from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare.

(5) Future Modification of a Nonconforming Structure.

When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure shall be in conformance with the provisions of this Chapter.

(6) Ordinary Maintenance of a Nonconforming Structure.

Ordinary maintenance, repairs (including repairs reasonably necessary to prevent the deterioration of a structure), and remodeling of a nonconforming structure are permitted. Ordinary maintenance, repairs, and remodeling include internal and external painting, decorating, paneling, the addition of acoustical

ceilings, the installation of heating, electricity, plumbing (including fixtures), insulation, and the replacement of doors, windows, and other non-structural components.

(7) **Timing of Building Permit.**

Any structure for which a building permit has been lawfully granted prior to an amendment to this Chapter causing the structure or use to become nonconforming, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit, and construction is completed within the term of the permit. If all such conditions are met, the construction or alteration within the scope of the permit shall not be deemed a change in the use or an expansion of the nonconformity for purposes of this section.

Section X.15.05: Nonconforming Sites

- (1) **Definition.** A nonconforming site is one on which a principal use has been established prior to [insert effective date of this Chapter] and on which one or more site development standards, such as minimum landscape surfaces, bufferyards, plantings, or minimum parking, have not been met or cannot be met owing to the configuration of the site or existing structures whether conforming or nonconforming.
- (2) **Blanket Variance.** A blanket variance for the requirements of this Chapter is hereby granted to all development sites in their configuration existing or as finally approved as of [insert effective date of this Chapter], except in the following circumstances:
 - (a) Where other Articles of this Chapter make a particular requirement applicable to existing development sites or components thereof.
 - (b) Where a particular requirement of this Chapter reflects a condition or requirement of approval for the particular development site.
 - (c) Where the provisions of subsection (3) apply.
- (3) **Proposed Enlargements Require Compliance.** After the [insert effective date of this Chapter], additional site development that results in enlargement, expansion, or extension of uses or structures will not be allowed to occur without bringing the site into full compliance with all site development standards in this Chapter, or into compliance to the extent practical as provided in different sections of this Chapter, in accordance with the following:
 - (a) On lots where the site configuration and undeveloped area are sufficient to comply with nonconformities in site design, no enlargement, expansion, or extension of a use or structure shall be permitted if it makes compliance with site regulations of the Chapter impossible, even if said enlargement, expansion, or extension of the use or structure would otherwise be permissible.
 - (b) Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section X.15.11.
 - (c) On lots with adequate configuration and area to bring the site into full or greater compliance with site design standards, said compliance shall be required at the time of any property improvement, modification, enlargement, or expansion requiring site plan approval. The degree to which the property shall be made to comply with substandard site design elements shall be proportional to the degree of property improvement.

Article 16: PROCEDURES AND ADMINISTRATION

Section X.16.01: Purpose

The purpose of this Article is to establish the administrative and enforcement framework for the application of this Chapter.

Section X.16.02: Amendments to Zoning Regulations (Text Amendments)

- (1) **Authority.** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board may, by ordinance, amend the zoning regulations of this Chapter. All such amendments shall first be subject to the review and recommendation of the Plan Commission.
- (2) **Initiation.** An amendment to the zoning regulations may be initiated by the Village Board, Plan Commission, by recommendation of Village staff to either of these two bodies, or by any member of the general public.
- (3) **Application Requirements for Amendment to the Zoning Regulations.** No application for amendment to the zoning regulations shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. Said complete application shall be comprised of all of the following:
 - (a) A copy of the portion of the current provisions of this Chapter that are proposed to be amended, with said provisions clearly indicated in a manner that is clearly reproducible with a photocopier.
 - (b) A copy of the text that is proposed to replace the current text.
 - (c) Written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Comprehensive Plan.
 - (d) Any required fee as stated in the Village's fee schedule.
- (4) **Zoning Administrator Review and Recommendation.**
 - (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator or designee shall inform the applicant if the application is incomplete.
 - (b) If complete, the Zoning Administrator or designee shall prepare a written evaluation of the application based on the criteria for amending the zoning regulations in subsection (7). The Zoning Administrator or designee shall forward a copy of the evaluation to the Plan Commission, Village Board, and applicant.
- (5) **Notice of Public Hearing.** Following acceptance of a complete application, the Village Clerk in coordination with the Zoning Administrator shall schedule a public hearing before the Plan Commission, to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Section 62.23 (7)(d) of Wisconsin Statutes. The Village Clerk in coordination with the Zoning Administrator shall also send said notice to the applicant and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.
- (6) **Public Hearing and Recommendation.** The Plan Commission shall hold a public hearing on all proposed amendments to the zoning regulations. Following the public hearing, and after consideration of comments provided therein, the Plan Commission shall review the proposed amendments to the zoning regulations and shall within 45 days of the public hearing make a recommendation to the Village Board

that the application be granted as requested, modified, or denied. If the Commission fails to make a recommendation within this timeframe, the proposed amendment shall be forwarded to the Village Board without recommendation.

(7) **Review Criteria for Amendments to the Zoning Regulations.**

The Plan Commission and Village Board shall utilize the following criteria when reviewing each application to amend the text of this Chapter:

- (a) Is the proposed text amendment consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
- (b) Does the proposed text amendment further the purposes and intent of this Chapter and section to which the amendment is proposed?
- (c) Does the amendment address any of the following deficiencies or omissions as compared to the current language of this Chapter?
 1. A change has occurred in the land market, or other factors have arisen that require a new form of development, a new type of land use, or a new procedure to meet said change(s).
 2. New methods of development or providing infrastructure make it necessary to alter this Chapter to meet these new factors.
 3. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.
 4. There is an error or internal inconsistency in this Chapter.
- (d) Does the proposed amendment maintain the desired compatibility with allowable land uses, land use intensities, and impact on resources of the affected zoning district(s)?

(8) **Village Board Action.**

- (a) The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. The Village Board shall within 120 days of submittal of a complete application act to approve or reject the proposed amendment, except if extended by written or electronic agreement from the applicant. Failure of the Board to act within such timeframe (unless said deadline is extended by written agreement of the applicant) shall constitute approval of any complete application as presented.
 - (b) The Village Board may approve an amendment by a simple majority of at voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission, the amendment shall require an affirmative vote from three-fourths of the full Village Board.
- (9) **Effect of Denial.** No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (10) **Fee.** A fee may be required for this procedure, per a fee schedule approved by the Village Board.

Section X.16.03: Amendments to the Official Zoning Map (Rezoning)

- (1) **Authority.** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board may, by ordinance, amend the Official Zoning Map of this Chapter. Such amendments, often called “rezonings” or “zoning map amendments,” shall first be subject to the review and recommendation of the Plan Commission.

- (2) **Initiation.** An amendment to the Official Zoning Map may be initiated by any member of the Village Board or Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ area), by recommendation of Village staff to either of these bodies, or by an application by the owner(s) of property proposed for rezoning.
- (3) **Applications for Amendment to the Official Zoning Map.** No application for amendment to the Official Zoning Map shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. A complete application shall be comprised of all of the following:
- (a) A map with a graphic scale and a north arrow showing the entire subject property included in the proposed map amendment including lot boundaries and dimensions of the subject property, and all other lands within 300 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property, the current zoning of all property within 300 feet of the boundaries of the subject property, and the jurisdiction(s) in which the subject and adjacent properties lie.
 - (b) A list of the names and addresses of the owners of all property within 300 feet of the subject property as they appear on the current tax records shall be provided by the applicant, though the Zoning Administrator or Village Clerk may at their discretion instead provide this list.
 - (c) A map, such as the Future Land Use map from the Comprehensive Plan, showing the generalized location of the subject property in relation to the Village as a whole.
 - (d) Written justification for the proposed map amendment, consisting of the reasons why the applicant believes the proposed map amendment is in harmony with recommendations of the Comprehensive Plan and other review criteria of this Section.
 - (e) Any required fee as stated in a fee schedule approved by the Village Board.
- (4) **Zoning Administrator Review and Recommendation.**
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator shall inform the applicant if the application is incomplete.
 - (b) If complete, the Zoning Administrator or designee shall prepare a written evaluation of the application based on the criteria for amending the Official Zoning Map in subsection (7). The Zoning Administrator or designee shall forward a copy of the evaluation to the Plan Commission, Village Board, and applicant.
- (5) **Notice of Public Hearing.** Following acceptance of a complete application, the Village Clerk in cooperation with the Zoning Administrator shall schedule a public hearing before the Plan Commission (or Extraterritorial Zoning Committee if within the ETZ Area) to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Section 62.23 (7)(d) of Wisconsin Statutes. The Village Clerk in cooperation with the Zoning Administrator shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

(6) **Public Hearing and Recommendation.** The Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) shall hold a public hearing on all proposed amendments to the Official Zoning Map. Following the public hearing, and after consideration of comments provided therein, the Plan Commission or Committee shall review the proposed amendment to the Official Zoning Map and shall within 45 days of the public hearing make a recommendation to the Village Board that the application be granted as requested, modified, or denied. If the Commission or Committee fails to make a recommendation within this timeframe, the proposed amendment shall be forwarded to the Village Board without recommendation. Such deadline may be extended by written or electronic agreement from the applicant. Nothing in this Chapter requires Town Plan Commission or Town Board action on proposed amendments to the Official Zoning Map in the ETZ Area.

(7) **Review Criteria for Amendments to the Official Zoning Map.**

The Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) and Village Board shall utilize the following criteria when reviewing each application to amend the Official Zoning Map:

- (a) Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
- (b) Does the rezoning further the purpose and intent of this Chapter?
- (c) Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?
 1. A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from being perpetuated.
 2. Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.
 3. Growth patterns or rates have changed, thereby creating the need for a rezoning.
- (d) Does the proposed zoning district maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

(8) **Village Board Action.**

- (a) The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. After careful consideration of all comments, the Village Board shall within 120 days of submittal of a complete application, act to approve or reject the proposed amendment, unless extended by written or electronic agreement of the applicant. Failure of the Board to act within 120 days of submittal of a complete application (unless said deadline is extended by agreement of the applicant) shall constitute approval of the application as presented.
- (b) The Village Board may approve an amendment by a simple majority of a voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area), and/or an official protest against the requested amendment to the Official Zoning Map meeting the requirements of Wisconsin Statutes is filed, then approval of the amendment to the Official Zoning Map shall require an affirmative vote from three-fourths of the full Village Board.

- (9) **Effect of Denial.** No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (10) **Fee.** The Village may require a fee may for this procedure, per the fee schedule approved by the Village Board.

Section X.16.04: Zoning Permits

- (1) **Applicability:** No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally repaired, or structurally altered; and no other action requiring a zoning permit under this Chapter shall occur, until after the owner or his agent has secured a zoning permit or building permit.
- (2) **Application.** Each application for a zoning permit shall include the following:
 - (a) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
 - (b) Description of the subject site by lot, block, and recorded subdivision, or by metes and bounds (or plat of survey); address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees if related to meeting parking standards in this Chapter; and the zoning district within which the subject site lies. The Zoning Administrator shall require the builder to survey the lot upon which the structure is being built if corner markers are not identified and lot lines cannot be accurately established without a survey.
 - (c) Map showing the location of existing and proposed structures; existing and proposed easements; streets and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, channel floodway, and floodplain boundaries; and existing and proposed street, side, and rear yards.
 - (d) Additional information as may be required by the Zoning Administrator.
 - (e) Any required fee as listed in the fee schedule approved by the Village Board.
- (3) **Granting of Zoning Permit.** A zoning permit shall be granted or denied by the Zoning Administrator (or Building Inspector where the Village combines the zoning permit and building permit) in writing within 20 days of a complete application (unless extended by written or electronic agreement of the applicant), and the applicant shall post such permit in a conspicuous place at the site.
- (4) **Expiration of Zoning Permit.** The zoning permit shall become void unless visible on-site construction is commenced within six months from the date of issuance of the permit or if the building or work authorized by such permit is suspended at any time after work is commenced for a period of 60 days. The period of time may be extended by the Zoning Administrator if the delay was due to conditions beyond the control of the applicant. All permits granted under the terms of this section shall be valid for only 24 months, unless otherwise so regulated by the Wisconsin Administrative Code.
- (5) **Relationship to Building Permit.** Where a building permit is also required for the project per Chapter 14 [Chapter 218 in Kronenwetter], the Village may combine the building permit and zoning permit into a single application and a single approval.
- (6) **Fees.** The Village may require a fee may for this procedure, per the fee schedule approved by the Village Board.

Section X.16.05 Building Permit

No building shall be erected, structurally altered, or relocated until a building permit has been issued by the Building Inspector certifying that such building, as proposed, would be in compliance with the provisions of

this Chapter and with Chapter 14 [Chapter 218 in Kronenwetter]. No building permit shall be issued until zoning compliance is determined.

Section X.16.06: Conditional Use Permits

- (1) **Initiation of Conditional Use Permit.** Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.
- (2) **Application for Conditional Use Permit.** No application for a conditional use permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. A proposed conditional use permit may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. Said complete application shall be comprised of all of the following:
 - (a) A completed conditional use permit application form furnished by the Zoning Administrator.
 - (b) A map of the subject property showing all lands for which the conditional use permit is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - (c) A map, such as the Future Land Use Map from the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.
 - (d) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (e) A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. Said site plan shall conform to any applicable requirements of Section X.16.09. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.
 - (f) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this Section.
 - (g) Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission (or Extraterritorial Zoning Committee if in the ETZ Area) to ensure that the intent of the Chapter is fulfilled.
 - (h) Any required fee per the fee schedule approved by the Village Board.
- (3) **Zoning Administrator Review and Recommendation.**
 - (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator shall inform the applicant if the application is incomplete.

- (b) If complete, the Zoning Administrator or designee shall prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in subsection (7) below. The Zoning Administrator shall forward a copy of the evaluation to the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area).
- (4) **Public Hearing.** Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Section 62.23(7)(d) of Wisconsin Statutes. The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.
- (5) **Review and Action by the Plan Commission or Extraterritorial Zoning Committee.** Within 60 days after the public hearing, or an extension of said period requested in writing or electronic format by the applicant and granted by the Commission or Committee, the Plan Commission or Extraterritorial Zoning Committee shall take final action on the conditional use permit request. The Commission or Committee may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Commission or Committee members in attendance. Nothing in this Chapter requires Town Plan Commission or Town Board action on proposed conditional use permits in the ETZ Area.
- (6) **Appeal to the Village Board.** An appeal of a decision under subsection (5) may be taken to the Village Board by any person, firm or corporation; any officer, department, board, commission or agency of the Village or, in the case of lands within the ETZ Area, the town in which the affected land is located, who is aggrieved by the decision. Such appeal shall be made in writing to the Zoning Administrator within ten days after the date of the Commission's or Committee's decision. In the case of an appeal:
- (a) The Zoning Administrator and Building Inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit, and shall issue a "stop work" order for any such activities already commenced.
- (b) The Zoning Administrator shall immediately notify the applicant and property owner of the appeal in writing, and shall schedule the appeal for Village Board consideration.
- (c) The Village Board shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving and reviewing the Commission's or Committee's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in section (7), and shall have all of the powers of the Commission under this Section. The Village Board's determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.
- (7) **Review Criteria for Conditional Use Permit.** Each requested conditional use permit shall meet the following criteria (achieve "yes" answers) to be approved:
- (a) Is the proposed conditional use in harmony with the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted by the Village?
- (b) Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property

- or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted by the Village?
- (c) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
 - (d) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?
 - (e) Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?
- (8) **Issuance and Recording of Permit.** Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant, and shall make record of the conditional use permit on the Official Zoning Map.
- (9) **Effect of Denial.** No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (10) **Termination of an Approved Conditional Use.** Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter or the approved conditional use permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.
- (11) **Time Limits on the Development of Conditional Use.** The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the associated conditional use permit and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this Section, "operational" shall be defined as occupancy of the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) and shall be based upon a showing of acceptable justification.
- (12) **Discontinuing an Approved Conditional Use.** Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.
- (13) **Change of Ownership.** All requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, without approval by the Plan Commission (or Extraterritorial Zoning Committee), shall be considered a violation of this Chapter and shall be grounds for revocation of said conditional use permit.

- (14) **Uses Now Regulated as Conditional Uses That Were Legal Land Uses (Permitted-by-Right or as Conditional Uses) Prior to the Effective Date of This Chapter.** A use now regulated as a conditional use that was a legal land use--either permitted-by-right or as a conditional use--prior to [insert effective date of this Chapter] shall be considered as a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a new conditional use permit under this Section.

Section X.16.07: Temporary Use Reviews

(1) **Purpose.**

- (a) The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary uses, as described in this Chapter.
- (b) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed on a permanent basis under the general requirements of this Chapter. Owing to their varied nature, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case-by-case basis. In order to prevent undesirable outcomes, all temporary uses are required to meet requirements of this Section, of Section X.4.10, and applicable within the zoning district in which the subject property is located.
- (c) Allowable temporary uses permitted within each zoning district are listed in Article 3 of this Chapter.
- (d) [Weston only] For special events, defined as any planned extraordinary occurrence on the public right-of-way or public premises including, but not limited to, parades, processions, bicycle or foot races, or festivals; the Zoning Administrator may substitute the requirements and procedures of Chapter 67 for the requirements of this Section.

- (2) **Regulations Applicable to All Temporary Uses.** No public hearing is required to review a temporary use that is permitted by right in the zoning district, however, a demonstration that the applicant proposes to meet all temporary use requirements of this Section must be made at time of application. Any temporary use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties.

- (3) **Application Requirements.** All applications for proposed temporary uses shall be approved as complete by the Zoning Administrator prior to certification of the proposed temporary use. Said complete application shall be comprised of all of the following:
- (a) A map of the subject property showing all lands for which the temporary use is proposed. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - (b) A map, such as the Future Land Use Map in the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.
 - (c) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (d) The Zoning Administrator may require a site plan of the subject property. Said site plan shall conform to those requirements of Section X.16.09 deemed necessary by the Zoning Administrator.
 - (e) Any required fee per Chapter 67 or the fee schedule approved by the Village Board.

- (4) **Action on Requested Temporary Use.** Except for those temporary uses that require a conditional use permit under Article 3, action on an allowable temporary use shall be taken by the Zoning Administrator within ten business days of a complete application, except where extended by written or electronic agreement of the applicant. Such action may include approval, conditional approval to meet the requirements of this Chapter, or denial if compliance with this Chapter cannot be achieved. If the temporary use is approved, the Zoning Administrator shall issue a written permit enumerating the details of the temporary use, including what temporary land use(s) and/or development was approved and any conditions of approval. For those temporary uses that are listed as conditional uses under Article 3, a conditional use permit shall first be required.
- (5) **Fee.** The Village may require a fee may for this procedure, per the fee schedule approved by the Village Board or Chapter 67.

Section X.16.08: Sign Permits

Sign permits shall be issued in accordance with the procedures and requirements set forth in Section X.13.02, and other applicable procedures set forth in Article 13.

Section X.16.09: Site Plan Procedures

- (1) **Applicability.** Site plan approval shall be required in advance of construction for all development projects that are listed in Section X.3.03(10) or as otherwise stated elsewhere in this Chapter.
- (2) **Pre-application Conference.** Prior to the official submission of an application for site plan review, the applicant shall confer with the Zoning Administrator or designee. The purpose of this conference will be to discuss the proposed nature of the contemplated development project. The Zoning Administrator or designee may also refer the matter to the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) for concept plan review prior to submittal of a formal application.
- (3) **Application Completeness.** The applicant shall submit a site plan application to the Zoning Administrator. The site plan application shall not be placed on an agenda as an action item unless the application is approved and certified as complete by the Zoning Administrator. The review of a site plan application for completeness shall occur within ten business days of application submittal, or else the application shall be considered complete. The Zoning Administrator shall notify the applicant of the date and time of the applicable Plan Commission or Extraterritorial Zoning Committee meeting, if Commission or Committee review is required. Applications must be complete at least 10 days in advance of a Commission or Committee meeting to be scheduled for action at such meeting (as opposed to the subsequent meeting), except under exceptional circumstances as determined by the Zoning Administrator.
- (4) **Application Contents.** The applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. Except as otherwise allowed below or with the express approval of the Zoning Administrator, the application shall include the following information within the site plan or in supporting documentation to be considered complete:
 - (a) A completed application on a form provided by the Zoning Administrator.
 - (b) A title block that indicates the name, address, and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project.
 - (c) The date of the original plan and the latest date of revision to the plan.
 - (d) A north arrow and a graphic scale.
 - (e) A legal description or plat of survey of the subject property.

- (f) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
- (g) Delineations and labels of floodplains, shoreland-wetlands, shoreland areas, steep slopes, and other natural resource areas.
- (h) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
- (i) All required building setback lines/minimum yards applicable to the zoning district(s), including setbacks from natural resource areas.
- (j) A grading plan at the same scale as the main site plan; showing existing and proposed grades; finish floor elevations of all existing and proposed buildings; elevations of adjacent curbs, property lines, and street center lines; and retention walls and related devices.
- (k) An erosion control plan, meeting applicable state and local requirements.
- (l) The location of existing and proposed stormwater management and structures, along with any technical data required by the Director of Public Works or their designee to determine the adequacy of the proposed facilities.
- (m) Proposed land use or uses, with projected number of employees, residents, and maximum customer capacity.
- (n) All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
- (o) The location and dimension of all access points onto public streets.
- (p) The location and dimension of all on-site parking (and, if applicable, off-site parking), including a summary of the number of parking stalls provided versus required by this Chapter.
- (q) The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.
- (r) The location of all outdoor storage areas including dumpsters and the design and materials for all screening fences, including pre-approval from the contracted hauler on proposed design and location.
- (s) The location of all outdoor areas for daily, seasonal, or longer-term sales, display, and/or collection of merchandise, including but not limited to donation drop-off boxes and vending machines.
- (t) The location, type, height, fixture design, and cut-off angle of all exterior lighting, including a detailed photometric plan showing the distribution of light output across the property to the property lines.
- (u) A detailed landscaping plan for the subject property at the same scale as the main plan showing the location, type, and size of all proposed landscaping.
- (v) Elevation drawings, drawn to a recognized architectural scale, of proposed buildings or proposed remodeling of existing buildings to include exterior or roof mechanical equipment and lighting, and showing finished exterior treatment, with adequate labels provided to clearly depict exterior materials, texture, color, and overall appearance.
- (w) The location, type, height, size and lighting of all existing signage on the subject property, and for proposed signage to the extent practical at the time. Multitenant retail centers and group developments shall provide a sign plan for the project, including proposed signable areas on building facades and a group development sign with space for individual business identification if desired.
- (x) In the site plan map legend, the following additional data for the subject property:

1. Proposed zoning (or existing zoning if no change)
 2. Lot area
 3. Total number and type of residential dwelling units (if applicable)
 4. Total gross floor area of building and outdoor storage space
 5. Landscape surface area, and percentage of site to be covered in green space
 6. Building heights
- (y) Plans and methods for fire control and suppression, which may include hydrants, sprinklers, alarms, and/or access rooms. Compliance with the Fire Code shall be required.
- (z) If hazardous materials are to be kept or stored on site, a written description of such materials and the operations involving such materials conducted on their property. The Village may also require a process safety management, risk management, containment, and emergency response program.
- (aa) Any required fee per the fee schedule approved by the Village Board.
- (5) **Review by Other Local Staff.** Promptly upon his or her approval of a complete site plan application, the Zoning Administrator shall forward the complete site plan application and all associated materials to the following: Village Administrator, Building Inspector, Public Works Director, Village Engineer, Village Parks and Recreation Director, Police Chief, Fire Inspector, Plan Commission members if in the Village, and Chairperson of the associated town if in the ETZ Area. Such persons may review the site plan application, and if so shall provide advice and recommendations to the Zoning Administrator within 12 days of their receipt of such materials to assure consideration in the Zoning Administrator's approval or report to the Plan Commission or Extraterritorial Zoning Committee.
- (6) **Site Plan Review Criteria.** In acting on any site plan approval request, the appropriate site plan approval authority shall review the request against all applicable requirements of this Chapter. Should additional public facilities be needed to serve the proposed site, the approval authority shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.
- (7) **Action by Zoning Administrator; Appeal Procedure.** Except as provided in subsection (8), the Zoning Administrator shall, within 20 days of a complete submittal and following consultation with the Village Administrator, approve the site plan as presented, approve the site plan with conditions, or reject the site plan indicating reasons for rejection, unless this timeframe is extended by written agreement of the applicant. Such deadline may be extended by written or electronic agreement from the applicant. The Zoning Administrator shall notify the applicant of such action in writing on a form designed for that purpose. Within 20 days of such action, the applicant may appeal in writing all or part of the Zoning Administrator's decision to the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area). During the appeal process, the Zoning Administrator and Building Inspector are authorized to hold the issuance of permits to enable commencement or continuation of building and other activities authorized by the Zoning Administrator's decision, and to issue a "stop work" order for any such activities already commenced. The Commission or Committee may affirm, modify, or reverse the Zoning Administrator's decision. The Zoning Administrator shall inform the Commission or Committee of all site plans submitted, reviewed, approved, and rejected under this subsection (7) during each meeting. Nothing in this Chapter requires Town Plan Commission or Town Board action on site plan applications in the ETZ Area.
- (8) **Action by Plan Commission or Extraterritorial Zoning Committee.** The Zoning Administrator shall not determine a site plan application, but shall forward the complete site plan application or components thereof, all associated materials, and a report and recommendation to the Plan Commission or Extraterritorial Zoning Committee in all cases where at least one of the following conditions is present:

- (a) The applicant has indicated on the application form a desire for Commission or Committee action instead of Zoning Administrator action.
- (b) The application is filed concurrently with a rezoning application, conditional use permit application, or both for the same site.
- (c) The site plan is for a Large Retail and Commercial Service Development as described in Section X.10.04.
- (d) The site plan proposes public improvements other than driveway connections to public streets and sanitary sewer or water lateral connections to existing public mains, or in the opinion of the Zoning Administrator requires such improvements.
- (e) The Zoning Administrator is unable to determine whether one or more of the standards for approval within subsection (6) will be met.
- (f) Review under subsection (5) reveals differences that cannot be resolved by the Zoning Administrator, following consultation with the Village Administrator.
- (g) A written agreement between the Village and applicant requires Plan Commission approval of the site plan.
- (h) For projects in the ETZ Area, the town board has adopted a resolution requiring the Extraterritorial Zoning Committee to determine all site plan applications instead of the Zoning Administrator.

In the above instances, the Commission or Committee shall, between ten and 60 days of submittal of a complete application, approve the site plan as presented, approve the site plan with conditions, or reject the site plan including reasons for rejection, unless this timeframe is extended by written or electronic agreement of the applicant. The Zoning Administrator shall notify the applicant of such action in writing on a form designed for this purpose.

- (9) **Modification of an Approved Site Plan.** Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter. An approved site plan shall be revised and approved via the procedures for original approval above, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.
- (10) **Sunset Clause.** All buildings on an approved site plan not fully developed within two years of final site plan approval shall expire, and no additional site development shall be permitted on undeveloped portions of the subject property. The appropriate site plan approval authority may extend this period, if requested by the applicant, based on reasons beyond the reasonable control of the applicant.
- (11) **Fee.** The Village may require a fee may for this procedure, per the fee schedule approved by the Village Board.

Section X.16.10: Certificate of Occupancy Procedures

- (1) **Certificates Required.** No building or addition hereafter constructed or structurally altered shall be used for any purpose, and no addition to a previously existing building shall be occupied, no land (except land used for garden or public recreation purposes and land without buildings or structures), and no change in a use shall occur until a Certificate of Occupancy has been issued by the Zoning Administrator. Every Certificate of Occupancy shall state that the use of occupancy complies with all of the provisions of this Chapter.
- (2) **Application for Occupancy Permits.** Every application for a zoning permit or building permit shall be deemed to be an application for a Certificate of Occupancy. Every application for a Certificate of

Occupancy for a new use or change in use of land or building shall be made directly to the office of the Zoning Administrator.

- (3) **Issuance of Certificate of Occupancy.** No Certificate of Occupancy for a building or portion thereof hereafter constructed or structurally altered shall be issued until construction has been substantially completed and the premises inspected and certified by the office of the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based. The Zoning Administrator may issue a temporary Certificate of Occupancy for a part of a building or site.
- (4) **Termination of a Certificate of Occupancy.** It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to occupy a building in the Village without having first obtained a Certificate of Occupancy. Any Certificate issued upon a false statement of any fact that is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Zoning Administrator, he or she shall forthwith revoke the Certificate of Occupancy by notice in writing to be delivered by him to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing said notice of revocation by certified letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this Chapter.

Section X.16.11: Variance Procedures

- (1) **Purpose.** The purpose of this Section is to provide regulations that enable a hearing and decision on requests for permitted variation from the terms of this Chapter, in accordance with the requirements of this Section and Wisconsin law.
- (2) **Eligible Provisions for Which Variances may be Granted.** Variances from the regulations of this Chapter may be granted only in the following instances and in no others:
 - (a) To permit any setback, principal building separation distance, or landscape surface ratio that is less than the setback, principal building separation distance, or landscape surface ratio required within the applicable zoning district under Article 5.
 - (b) To permit building construction on a lot where otherwise prohibited solely because of the insufficient lot area, lot width, or lot frontage within the applicable zoning district under Article 5. In no event shall the respective lot area, lot width, or lot frontage be less than 75 percent of the required dimension under Article 5.
 - (c) To permit a building, fence, wall, or other structure height that is greater than that required within the applicable zoning district under Article 5, Section X.12.03, or any other provision of this Chapter.
 - (d) To permit a maximum or minimum floor area or density of any building or use so limited by the applicable regulations in this Chapter to vary by not more than 25 percent, where the matter is not otherwise covered by the above eligible variances.
 - (e) To permit variations from an access, driveway, off-street parking, traffic circulation, or loading standard in Sections X.12.08 to X.12.10.
- (3) **Initiation of Request for Approval of a Variance.** Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) or their authorized agent of the subject property.
- (4) **Application Requirements.** All applications for requested variances shall be approved as complete by the Zoning Administrator a minimum of ten days prior to the initiation of this procedure. The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he or she shall return the application to the applicant. If the Zoning

Administrator determines that the application is complete, he or she shall so notify applicant. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. Prior to the submittal of the official notice regarding the application to the newspaper by the Village, the applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (a) A completed application on a form provided by the Zoning Administrator.
- (b) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- (c) A map, such as the Future Land Use Map from the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.
- (d) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
- (e) A site plan of the subject property, including existing conditions and proposed changes. Said site plan shall conform to those requirements of Section X.16.09 to the extent deemed necessary by the Zoning Administrator
- (f) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the criteria set out in subsection (7) below.
- (g) Any fee as may be required under the fee schedule approved by the Village Board.

(5) Review by the Zoning Administrator.

The requested variance shall be reviewed by the Zoning Administrator as follows:

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter.
- (b) When complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance based on the application and the criteria for variance approval.
- (c) The Zoning Administrator shall forward the application and evaluation report to the Zoning Board of Appeals for that Board's review and action.

(6) Review and Determination.

- (a) Within 45 days after filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall hold a public hearing. Notice of the requested variance and the public hearing shall conform to the requirements of Section 62.23(7)(d) of Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed variance. In addition, at least ten days before said public hearing, the Village Clerk shall mail an identical notice to the applicant of the proposed variance to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property, and to all property owners within 300 feet of the

- boundaries of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (b) Within 30 days after the holding of the public hearing or, within an extension of said period approved by the applicant and granted by the Zoning Board of Appeals, that Board shall make its findings based on the criteria in this Section, and its determination regarding the application as a whole. The Board may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The Board may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Board shall make a written report of its findings and determinations following its decision.
 - (c) If the Board fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.
 - (d) Said report shall include a formal findings of fact developed and approved by the Board concerning the requirements of subsection (7).
- (7) **Criteria for Grant of a Variance.** The Zoning Board of Appeals shall determine that all of the following criteria have been met before granting a variance:
- (a) That compliance with the strict letter of the zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. It is not sufficient that a variance applicant show that the zoning regulation(s) prevents or burdens his or her planned activity. Such applicant must show by competent evidence that the regulation unreasonably prevents or unnecessarily burdens the proposed activity.
 - (b) That compliance with the strict letter of the zoning ordinance would create unnecessary hardship due to a unique property condition, meaning a special physical feature or limitation of the property that is not generally shared by nearby land or property within the same zoning district. If a variance applicant fails to prove the existence of a unique property condition and a connection between the condition and the hardship, even if the hardship is great, a variance may not be granted.
 - (c) That the requested variance will not be contrary to the public interest, the intent and purpose of this Chapter, or the Village's Comprehensive Plan.
 - (d) That the requested variance is for a provision of this Chapter authorized for potential variances under Section X.16.11(2), and in no case shall allow a land use that is not listed as a permitted, conditionally permitted, or temporary land use in the associated zoning district.
- (8) **Recording of Variance.** The Zoning Administrator shall record the variance against the property, assigning all costs thereof to the applicant, and shall make record of the variance on the Official Zoning Map.
- (9) **Effect of Denial.** No application for a variance that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (10) **Limited Effect of a Variance.** Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered unique to the variance granted, and shall not be construed as precedent for any other proposed variance.
- (11) **Stay of Proceedings.** An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the applicant is requesting a variance, unless

the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or by a Court of Record on application, on notice to the Zoning Administrator, and on due cause shown.

- (12) **Fee.** The Village may require a fee may for this procedure, per the fee schedule approved by the Village Board.

Section X.16.12: Interpretations

- (1) **Purpose.** The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.
- (2) **General Considerations.** Interpretations of and determinations under this Chapter range from those that can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:
 - (a) Where determinations can be made by the Zoning Administrator using equipment normally available to the Village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
 - (b) Where technical complexity or extraordinary expense makes it unreasonable for the Village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards; for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations; and for protecting the general public from unnecessary costs for administration and enforcement.
- (3) **Initiation of Request for an Interpretation.** Proceedings for an interpretation may be initiated by the Village Board, Plan Commission, or Extraterritorial Zoning Committee for land in the ETZ Area; or by application from an owner(s) or leaseholder of property within the Village or ETZ Area.
- (4) **Application Requirements.** All applications for interpretations, regardless of the party of their initiation, shall be approved as complete by the Zoning Administrator a minimum of ten days prior to the initiation of this procedure. The submittal of an application to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator, with said complete application shall be comprised of all of the following:
 - (a) Indication of the part of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.
 - (b) If the requested interpretation relates to the application of this Chapter to a specific property, the following additional information shall be required:
 1. A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds as provided by the Village. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly

- reproducible with a photocopier. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
2. A map, such as the Future Land Use Map from the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.
 3. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.
 4. An existing site plan that accurately reflects the current conditions of the property, along with any proposed changes, with sufficient details relevant to the inquiry.
- (c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, responses to the following questions:
1. How is the subject land use (in general) in harmony with the Comprehensive Plan and this Chapter?
 2. How is the subject land use in harmony with the purposes, goals, objectives, policies, and standards of the pertinent zoning district for which the interpretation is being sought?
 3. Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?
- (5) **Review by Zoning Administrator.**
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he or she shall return the application to the applicant.
 - (b) Within 30 days of the filing of a complete application, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the proposed interpretation provided in the application. This review shall also take into consideration the standards for review presented in subsection (2).
- (6) **Standards for Review of Requested Interpretations.**
- This Chapter shall be interpreted in a manner that is consistent with the purposes intended by the Village Board as noted in this Chapter. To this end, the Zoning Administrator shall proceed as follows:
- (a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required.
 - (b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public.
 - (c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's proposal.
 - (d) The Zoning Administrator shall not substitute his own judgments for the legislative acts of the Village Board.
 - (e) In addition to the applicant's responses to the questions required by subsection (4) above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:
 1. No interpretation shall allow the establishment of any land use that was previously considered and rejected by the Village Board on an application for an amendment to the text of this

- Chapter, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
2. No interpretation shall allow a land use in any district other than those listed as allowable within each district or permit such use without meeting all review and approval procedures specified for that use.
 3. No interpretation shall permit a land use in a zoning district unless evidence is presented that demonstrates that the land use will comply with any and all regulations applicable to development in the zoning district.
 4. No interpretation shall permit a land use not specifically allowed in the particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other permitted uses than to uses either not permitted in said district, or uses requiring a conditional use permit. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use permit.
- (7) **Effect of a Favorable Land Use Interpretation.** No interpretation finding a particular land use to be allowed or conditionally allowed in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals that may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, conditional use permits, and certificates of occupancy.
- (8) **Limitations on Favorable Land Use Interpretation.** No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period. An interpretation finding a particular land use to be allowed or conditionally allowed in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.
- (9) **Fee.** The Village may require a fee may for this procedure, per the fee schedule approved by the Village Board.

Section X.16.13: Appeals of Zoning Interpretations

- (1) **Scope and Manner of Appeals.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the Village affected by any decision under this Chapter of the Zoning Administrator or other administrative official affecting property within the Village or ETZ Area. Such appeal shall be taken within 30 days of the alleged grievance or judgment in question. Such appeal shall be a notice in writing and filed with the officer from whom the appeal is taken and with the Zoning Board of Appeals, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. The notice of appeal shall specify the grounds of such appeal, and any matter omitted therefrom shall not be considered by that Board. The officer from whom the appeal is taken shall forthwith transmit to that Board all the papers constituting the record upon which the action appealed from was taken.

- (2) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Zoning Board of Appeals that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board of Appeals, or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (3) **Public Hearing for Appeals of Zoning Interpretation.** The Board of Appeals shall conduct at least one public hearing on the proposed appeal. Notice of such hearing shall be given not more than 30 days and not less than 10 days before the hearing in one or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator, and the Plan Commission. At the hearing the applicant may appear in person, by agent, or by attorney. The Board shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Administrator, and Plan Commission.
- (4) **Concurring Vote and Decision.** The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of any applicant on any matter upon which it is required to pass under the zoning ordinance or to effect any variance in such ordinance. The grounds of any such determination shall be stated.

Section X.16.14: Comprehensive Plan Amendments

- (1) **Purpose.** The purpose of this Section is to provide procedures and criteria for amending and updating the Comprehensive Plan. Comprehensive plan amendments may involve changes in the written text or maps of the Comprehensive Plan. Nothing in this Section shall be construed to limit the legislative authority of the Village to consider and adopt amendments and revisions to the Village of Weston Comprehensive Plan or the Village's development regulations.
- (2) **Amendment Procedure—Generally.** The Village shall follow the procedure in Section 66.1001(4) for all amendments to the Comprehensive Plan. The Village will consider Comprehensive Plan amendments only once per calendar year, so that the cumulative effects of all proposed amendments can be analyzed for consistency and the overall effect on the remainder of the Comprehensive Plan. The Village Board may elect to amend the Comprehensive Plan on a more frequent or different cycle for amendments that the Board determines necessary to:
 - (a) Address changes in state or federal law.
 - (b) Address an emergency situation.
 - (c) Resolve a court decision or challenge to the Comprehensive Plan that may result in court action.
 - (d) Capture a unique economic development opportunity.
 - (e) Address rapidly changing land use or other needs or circumstances.
- (3) **Annual Amendment Cycle and Procedure.**
 - (a) By August 1st of each year, the Zoning Administrator shall obtain Plan Commission approval of a Comprehensive Plan amendment schedule, with the intent to adopt any Comprehensive Plan amendments in that annual amendment cycle by February of the following year.
 - (b) Applications for Comprehensive Plan amendments shall be submitted to the Zoning Administrator in writing each year by the annual application deadline established in the approved amendment schedule, using a Village provided application form, in order to be considered in that year's amendment cycle. Only complete applications will be processed.

- (c) In addition to such applications, Village staff, the Village Plan Commission or any member thereof, or the Village Board or any member thereof may request amendments to the Comprehensive Plan, by the annual application dateline or another date if established in the approved amendment schedule.
- (d) The Zoning Administrator shall refer all proposed amendments under subsections (a) and (b) to the Plan Commission, within 30 days following the latest required date of submittal.
- (e) The Commission shall advise Village staff as to which proposed amendments should be considered for further review, providing an opportunity for public comment. Depending upon the number and nature of the proposed amendments, the Commission may hold a public hearing before it decides which proposed amendments should be recommended for consideration. Notice of such hearing shall be given by publication of a Class 1 Notice. In the case of a site-specific Future Land Use map amendment, the Zoning Administrator shall also provide written notification to all property owners within 100 feet of the site.
- (f) After consideration of the proposed amendments and no later than January in the annual amendment cycle, the Plan Commission shall recommend the approval of any proposed amendment to the Village Board. The Commission is under no obligation to recommend approval of any requested amendment, and may recommend the amendment with modification. Such Commission action shall be via adoption of a resolution.
- (g) Following the Commission recommendation by resolution, and after a required 30 day public hearing notice period under Wisconsin Statutes, the Village Board shall hold a public hearing for the purpose of receiving public comment regarding the merits of the proposed amendments that have been recommended by resolution of the Plan Commission.
- (h) Following the public hearing, the Village Board may adopt all or some of the recommended Comprehensive Plan amendments by ordinance, either as recommended or with modifications.

(4) Review Criteria for Amendments to Comprehensive Plan.

The Plan Commission and Village Board shall utilize the following criteria when reviewing each application to amend the Comprehensive Plan:

- (a) The change is consistent with the goals and objectives of the Village of Weston Comprehensive Plan.
- (b) The requested amendment was not reviewed and denied during a previous comprehensive plan amendment cycle.
- (c) The amendment or projected development that would result will not create an adverse impact on, unless such impact will be successfully mitigated.
- (d) Projected development that would result from the amendment will not create an undue or adverse impact on surrounding properties, and will be consistent with or upgrade the character of the site and the surrounding neighborhood.
- (e) The amendment or projected development that would result will not create an adverse impact on the following, unless such impact will be successfully mitigated: public facilities; public services; the natural environment including trees, slopes, and groundwater; any landmarks or other historically significant structures or properties.
- (f) The amendment is justified by a change in Village actions or neighborhood characteristics.
- (g) The change corrects an error in the Comprehensive Plan.
- (h) There is a community or regional need identified in the Comprehensive Plan for the proposed land use or service.

- (i) The proposed amendment is consistent with other Village plans, policies, and regulations.
- (j) If the proposed amendment is to the Future Land Use map, the amendment must
 - 1. Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies, or
 - 2. Better implement applicable Comprehensive Plan polices than the current map designation; or
 - 3. Correct a mapping error; or
 - 4. Address a deficiency in the Comprehensive Plan as identified by the Commission or Board.
- (5) **Revocation.** Any approved Comprehensive Plan amendment may be reversed by the Village Board outside the regular amendment period upon the findings of any of the following:
 - (a) The approval was obtained by fraud or other intentional or misleading representations, or
 - (b) The amendment is being implemented contrary to the intended purpose of the amendment or other provisions of the Comprehensive Plan or Village ordinances, or
 - (c) The amendment is being implemented in a manner that is detrimental to the public health or safety.
- (6) **Fee.** The Village may require a fee may for this procedure, per the fee schedule approved by the Village Board.

Section X.16.15: Zoning Administrator

- (1) **Designation.** The Village Board shall designate the Zoning Administrator. As permitted by law, the Zoning Administrator may designate another employee or contractor of the Village to perform the duties of the Zoning Administrator, on a recurring, occasional, or case-by-case basis. Where a duty in this Chapter is assigned to the Zoning Administrator, it shall be assumed that his or her designee may also permit such duty except where otherwise restricted by law.
- (2) **Duties.** The general responsibility of the Zoning Administrator is to interpret and administer this Chapter and to issue permits required by this Chapter, who in addition thereto and in furtherance of said authority shall:
 - (a) Determine that all detailed plans and supporting materials comply with all provisions of this Chapter.
 - (b) Conduct inspections of buildings, structures, waters, and land to determine compliance with all provisions of this Chapter.
 - (c) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Chapter. If, however he or she is refused entry after presentations of his identification, he or she may procure a special inspection warrant in accordance with Section 66.0119(2) of Wisconsin Statutes.
 - (d) Conduct inspections of buildings, structures, waters, and land to determine compliance with all provisions of this Chapter.
 - (e) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefore.
 - (f) Receive, file, and forward all applications for all procedures governed by this Chapter to the designated official bodies.

- (g) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him.
- (h) Institute, in the name of the Village, any appropriate actions or proceedings against a violator of this Chapter, as provided by law.
- (i) Prohibit the use or erection of any structure, land, or water until he or she has inspected and approved such use or erection.
- (j) Where useful, set marks on bridges or buildings or other markers that show the depth of the regional flood, or set marks delineating the boundaries of wetlands.
- (k) Request assistance and cooperation from the Building Inspector, Village Police Department, Village Attorney, Village Engineer, Village Clerk, Village Public Works Director, and other Village staff and consultants as he or she deems necessary, either as a designee or advisor.
- (l) Make available to the public, to the fullest extent possible, all reports and documents concerning the Village's Comprehensive Plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Village Board may set fees necessary to recover the cost of providing such information to the public.
- (m) Make determinations of which land uses that are not listed in Figures 3.04 and 3.05 shall be allowed in a zoning district, per Section X.3.02(5).
- (n) Make interpretations regarding the provisions of this Chapter per Section X.16.12.

Section X.16.16: Village Plan Commission and Extraterritorial Zoning Committee

- (1) **Village Plan Commission Duties.** The Village Plan Commission, together with its other duties under Wisconsin Statutes and Chapter 62 of the Weston Municipal Code [Chapter 14 of the Kronenwetter Municipal Code], shall with reference to this Chapter, have the following duties and responsibilities within the Village limits:
 - (a) Review and consider final site plan approval as provided in this Chapter, or consider appeals to Zoning Administrator action on a site plan, where provided under Section X.16.09.
 - (b) Conduct public hearings for applications to amend the provisions of this Chapter including the Official Zoning Map, conditional use permits, and General Development Plans within an N zoning district.
 - (c) Approve or deny conditional use permit applications.
 - (d) Review and make recommendations to the Village Board regarding approval of any General Development Plan for an N district, and approve or deny Specific Implementation Plans associated with an N district.
 - (e) Review and advise the Village Board on all applications for text amendments to the zoning regulations, and to all amendments to the Official Zoning Map.
 - (f) Assist the Zoning Administrator in the performance of his or her duties as specified in this Chapter.
 - (g) Review and advise on conceptual development plans for potential future applications under this Chapter.
- (2) **Extraterritorial Zoning Committee Duties.** Within the ETZ Area, the Extraterritorial Zoning Committee shall have the same duties under this Chapter as the Village Plan Commission has within the Village limits.

Section X.16.17: Zoning Board of Appeals

- (1) **Membership.** The Zoning Board of Appeals shall be appointed by the Village Board.
- (2) **Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board or its staff may determine. All hearings conducted by the said Board shall be open to the public, except as otherwise required by law. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. The Zoning Board of Appeals may adopt its own rules of procedure not in conflict with this Municipal Code or with the applicable Wisconsin Statutes.
- (3) **Offices.** The Village Board shall provide suitable offices for the Zoning Board of Appeals for holding of hearings and the presentation of records, documents, and accounts.
- (4) **Appropriations.** The Village Board shall appropriate funds to carry out the duties of the Zoning Board of Appeals. The Zoning Board of Appeals shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.
- (5) **Jurisdiction and Authority.** The Zoning Board of Appeals shall have the jurisdiction and authority as specified in Wisconsin Statutes, and shall have the following powers:
 - (a) Hear and decide appeals where it is alleged there is error in any interpretation pertaining to the order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer under this Chapter.
 - (b) Hear and grant requests for variances to this Chapter under Section X.16.11.

In exercising the above mentioned powers, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

Section X.16.18: Fees

- (1) **Payment of Fees for Procedures.** The fees for the procedures and permits established by this Chapter are established per a fee schedule approved by the Village Board, as amended from time to time, or under other related sections of the Municipal Code.
- (2) **Fees for Procedures Requested by the Village.** There shall be no fee in the case of applications filed in the public interest by the Village Board, Plan Commission, Extraterritorial Zoning Committee, or other agency or official of the Village.
- (3) **Payment of Fees.** Fees shall be payable at the time applications are filed with the appropriate officer of the Village (per the requirements of this Chapter) and are not refundable.
- (4) **Reimbursable Costs.** The Zoning Administrator, Village Engineer, Public Works Director, Village Attorney, Village Administrator, Building Inspector, and other Village staff and consultants may expend time in the investigation and processing of procedures regulated by this Chapter. The Village may also retain the services of other professional consultants including but not limited to landscape architects, planners, engineers, architects, environmental specialists, and recreation specialists in the administration, investigation, and processing of such matters. Any person, firm, or corporation requesting action by the Village on matters under this Chapter may be required to reimburse the Village for staff time expended in the administration, investigation, and processing of applications for such permits or amendments and the cost to the Village charged by any professional consultant retained by the Village on any such matter.

Section X.16.19: Violations and Penalties

- (1) **Violations.** It shall be unlawful to construct or use any structure, land, or water anywhere within the Village in violation of any of the provisions of this Chapter or action taken under this Chapter. In case of any violation, the Village Board, Plan Commission, Zoning Administrator, or any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter.
- (2) **Procedure for Notice of Violation.**
 - (a) The Zoning Administrator shall give written notice to the person or persons responsible for all alleged violations of the provisions of this Chapter or action taken under this Chapter. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of and within a reasonable time limit set by the Zoning Administrator.
 - (b) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set in the written notice constitutes admission of violation of the provisions of this Chapter or action taken under this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Village.
- (3) **Penalties.** Any person, firm, or corporation who fails to comply with the provisions of this Chapter or action taken under this Chapter shall forfeit not less than \$100.00, plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
- (4) **Village Promulgated Correction of Violation.** In addition to any other penalty imposed by this Section for a violation of the provisions of this Chapter, the Village reserves and maintains the continued right to abate violations of this Chapter.
 - (a) **Hazardous Condition Caused by Violation of this Chapter.** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.
 - (b) **Non-Hazardous Condition Caused by Violation of this Chapter.** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall serve written notice on the current owner of the property (as indicated by current tax records) on which said violation is occurring to remove said violation within 10 working days. If such violation is not removed within such 10 working days, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.
 - (c) **Cost of Abatement.** In addition to any other penalty imposed by this Section for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and

paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by Section 66.615(5) of Wisconsin Statutes.

- (d) **Chronic Nuisance Abatement.** [WESTON] In addition to or in lieu of a determination of violation of this Chapter or action taken hereunder, the Village may determine that a chronic nuisance exists under Section 50.104 of the Weston Municipal Code, and in such event the procedures and provisions under said Section 50.104 shall apply.

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
FP	FP Farmland Preservation (standard zoning district)
GFA	Gross Floor Area

Abbreviation	Meaning
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-2	RR-2 Rural Residential (standard zoning district)
RR-5	RR-5 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. Except where explicitly allowed under this Chapter, air domes are a prohibited building type. 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.

Business day: Any 24-hour day from Monday to Friday, except for any day on which Village employees are not required to work due to its association with a state or federal holiday.

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. The Comprehensive Plan is intended to promote public health, safety, and welfare of the Village by effectively guiding long-range growth and development within the Village and its extraterritorial area. The Comprehensive Plan provides goals, objectives, policies, and recommendations for future land use, transportation, housing, economic development, utilities, community facilities, agricultural resources, natural resources, cultural resources, intergovernmental relations, and implementation. Implementation of the Comprehensive Plan is accomplished through this Chapter, other chapters of the Municipal Code, more detailed plans, public investments, private development decisions, intergovernmental cooperation, and citizen

involvement. The authority for the Village of Weston to prepare and adopt a Comprehensive Plan is established under Sections 62.23 and 66.1001 of Wisconsin Statutes. The Comprehensive Plan consists of the following components:

- (1) Village of Weston Comprehensive Plan; Conditions and Issues; as adopted by ordinance of the Village Board on April 3, 2006. [WESTON]
- (2) Village of Weston Comprehensive Plan; Goals, Objectives, Policies & Implementation; as amended by ordinance of the Village Board on October 19, 2006. [WESTON]
- (1) Comprehensive Plan, Village of Kronenwetter, Marathon County, Wisconsin, December 10, 2009.

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.

Donation Drop-off box or vending machine (land use): See Section X.4.09.

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.

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 duty trucks: A Federal Highway Administration classification of including all trucks with a gross vehicle weight rating of over 26,000 pounds.

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, or a metal covered open walled structure. Also known as and including a hoop shed, hoop house, hoop barn, hoop shelter, canvas building, tarp shed, arch building, fabric tensioned structure, tent garage, or metal car port. 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, including vegetative roofs meeting the definition in this section.

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.

Lawn ornaments. Decorative, human-made objects placed in the yard area of a property, such as statuary, bird baths, bird feeders, sundials, fountains, and similar features. Yard accessories that serve a more utilitarian or recreational purpose, such as clothes lines and play sets, are not considered lawn ornaments.

Light duty trucks: A Federal Highway Administration classification including all trucks with a gross vehicle weight rating of up to 14,000 pounds.

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.

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

Mobile home: A transportable factory-built structure as defined in Wisconsin Statutes Section 101.91(10), designed for long term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.

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 building: Any building containing a non-residential land 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, not including a sandwich board/pedestal sign.

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.

Rain garden: A specially-designed, depressed garden that collects and infiltrates stormwater from impervious areas such as roofs, driveways, and heavily-compacted lawns. Rain gardens are usually planted with native vegetation, though ornamentals may also be used.

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.

Rural and open space (zoning) district: The FP, AR, RR-2, RR-5, 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.

Vegetative roof: An extension of a typical gravel-ballasted flat roof built on top of a human-made structure that allows vegetation to grow in either a growing medium, and designed by an experienced vegetated roofing

consultant to address gravity loads, slope stability, wind uplift, fire safety, waterproofing, drainage, water retention, vegetative performance, and maintenance in accord with industry standards and state and Village building codes.

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

Vibration standards: See Section X.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 X.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.”